

Staff Correspondence: Ren

July-December 1999

S1832-143-1

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

December 21, 1999

MEMORANDUM

TO: Barbara Samorajczyk
FROM: Ren Serey
SUBJECT: Local Government Projects under COMAR 27.02.02

Valerie said that you had some questions regarding the application of COMAR 27.02.02 to the draft Anne Arundel County Critical Area Bill. I've attached the section.

Almost all development projects undertaken by local governments are relatively minor, i.e, they cause "environmental or economic consequences that are largely confined to the immediate area of the parcel of land on which the development is located." COMAR 27.02.02.01 A. When the Commission staff receives notice of such proposals, our review focuses primarily on whether the project meets the requirements of the local Critical Area program. We look at many factors including the amount of impervious surface proposed, the trees or forested areas to be cut, and any impacts to Habitat Protection Areas. Local governments usually submit this information in the form of a certification that the project is consistent with local Critical Area requirements. See **.02 Criteria A and B** on page 77 of the attachment.

The problem in the Anne Arundel County process which we wanted addressed concerns the initial notice to the Commission. The County (PACE) doesn't send its local projects and maintains that it isn't required to do so. I think PACE is correct due to the provisions of the County program, but hoped to change the process anyway. Anne Arundel County is the only jurisdiction which took the option to include language in its original program exempting it from the notice requirements. See definition (54) (b) on page 74.

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We wanted to know officially what was going on instead of hearing about projects secondhand from County residents. I believe we worked out a process with Tom Andrews and Lynn Robeson (now both out of County service) whereby we will receive notice of the projects and have the opportunity to monitor their compliance with the County's program. This process also will enable us to determine whether a local project fits the definition of "Major Development" and therefore requires approval by the full Commission under COMAR 27.02.04. The initial referral can be accomplished either through language in the County Code or in a separate Memorandum of Understanding, but we have not yet discussed with the panel which is the best method.

Please let me know if you have questions or need additional information. I'll be out of the office from December 22nd until January 3rd, but will check my voice mail for messages. You also can contact Mary Owens at 410-260-7033 or Lisa Hoerger at 410-260-7032.

(45) "Redevelopment" means the process of developing land which is or has been developed.

(46) "Reforestation" means the establishment of a forest through artificial reproduction or natural regeneration.

(47) "Riparian habitat" means a habitat that is strongly influenced by water and which occurs adjacent to streams, shorelines, and wetlands.

(48) "Seasonally flooded water regime" means a condition where surface water is present for extended periods, especially early in the growing season, and when surface water is absent, the water table is often near the land surface.

(49) "Selection" means the removal of single, scattered, mature trees or other trees from uneven-aged stands by frequent and periodic cutting operations.

(50) "Significantly eroding areas" means areas that erode 2 feet or more per year.

(51) "Soil conservation and water quality plans" means land-use plans for farms that show farmers how to make the best possible use of their soil and water resources while protecting and conserving those resources for the future. These plans are documents containing a map and related plans that indicate:

- (a) How the landowner plans to treat a farm unit;
- (b) Which best management practices the landowner plans to install to treat undesirable conditions; and
- (c) The schedule for applying those best management practices.

(52) "Species in need of conservation" means those fish and wildlife whose continued existence as part of the State's resources are in question and which may be designated by regulation by the Secretary of Natural Resources as in need of conservation pursuant to the requirements of Natural Resources Article, §§10-2A-06 and 4-2A-03, Annotated Code of Maryland.

(53) "Spoil pile" means the overburden and reject materials as piled or deposited during surface mining.

(54) State and Local Agency Actions.

- (a) "State and local agency actions" means the following:
 - (i) Any direct action, such as construction, that causes development to occur;

(ii) The issuance of a Certificate of Public Convenience and Necessity by the Maryland Public Service Commission which allows the construction of a power plant;

(iii) The issuance of a Certificate of Public Necessity by the Maryland Hazardous Waste Facilities Siting Board which allows the siting of a hazardous waste disposal facility.

(b) "State and local agency actions" do not include the following:

(i) Actions required or specifically provided for by the Critical Area criteria, including construction or installation of structures or measures pursuant to implementing approved stormwater management, grading, or sediment control plans, and the construction or installation of structures or measures on farms to implement approved soil conservation and water quality plans;

* (ii) Actions causing development which are subject to approval under a Critical Area program by the local agency responsible for implementation of that program;

(iii) Dredging of any waterway in the Critical Area that is conducted pursuant to applicable State and federal laws, rules, and regulations.

(55) "Steep slopes" means slopes of 15 percent or greater incline.

(56) "Thinning" means a forest practice used to accelerate tree growth of quality trees in the shortest interval of time.

(57) "Topography" means the existing configuration of the earth's surface including the relative relief, elevation, and position of land features.

(58) "Transitional habitat" means a plant community whose species are adapted to the diverse and varying environmental conditions that occur along the boundary that separates aquatic and terrestrial areas.

(59) "Transportation facilities" means anything that is built, installed, or established to provide a means of travel from one place to another.

(60) "Tributary streams" means those perennial and intermittent streams in the Critical Area which are so noted on the most recent U.S. Geological Survey 7½ minute topographic quadrangle maps (scale 1:24,000) or on more detailed maps or studies at the discretion of the local jurisdictions.

Title 27
CHESAPEAKE BAY CRITICAL AREA COMMISSION

**Subtitle 02 DEVELOPMENT IN THE CRITICAL AREA
RESULTING FROM STATE AND LOCAL
AGENCY PROGRAMS**

Chapter 02 State and Local Agency Actions Resulting in Development of Local Significance on Private Lands or Lands Owned by Local Jurisdictions

Authority: Natural Resources Article, §8-1814, Annotated Code of Maryland

.01 Definition.

"Local significance" means development of a minor scale which:

A. Causes environmental or economic consequences that are largely confined to the immediate area of the parcel of land on which the development is located;

B. Does not substantially affect the Critical Area program of the local jurisdiction; and

C. Is not considered by the Commission as major development as defined in COMAR 27.02.04.

.02 Criteria.

A. Development of local significance on private land or lands owned by local jurisdictions, which is caused by State or local agency actions, shall be consistent with the provisions and requirements of the Critical Area program of the local jurisdiction within which the development is proposed.

B. Before initiating or approving these actions, the State or local agency shall obtain certification from the appropriate agency within the local jurisdiction that the actions are consistent with the local Critical Area program. A description of the proposed development and the request for local certification shall be submitted to the Commission.

C. If the Commission determines that the proposed development is major development as defined in COMAR 27.02.04, then the Commission will review, and may give approval to, the projects according to the provisions of that chapter. The Commission shall notify a local

27.02.02.02

CRITICAL AREA COMMISSION

jurisdiction within 15 days of receipt of the request for local certification if it determines that the project is a major development.

D. Copies of the local jurisdiction's approval or denial of certification shall be filed with the Commission.

E. If a local jurisdiction denies certification, then the proposed development may not occur. However, State agencies may appeal denials to the Commission according to the procedures set forth in COMAR 27.02.08.

Administrative History

Effective date: June 11, 1988 (15:7 Md. R. 352)

COMAR 14.19.02 recodified to COMAR 27.02.02 in August, 1992

Title 27
CHESAPEAKE BAY CRITICAL AREA COMMISSION

**Subtitle 02 DEVELOPMENT IN THE CRITICAL AREA
RESULTING FROM STATE AND LOCAL
AGENCY PROGRAMS**

**Chapter 04 State or Local Agency Actions Resulting in Major
Development on Private Lands or Lands Owned by
Local Jurisdictions**

Authority: Natural Resources Article, §8-1814, Annotated Code of Maryland

.01 Definition.

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

.02 Criteria.

A. New major development which is caused by State or local agency actions shall, to the extent practical, be located outside the Critical Area.

B. If the siting of this development in the Critical Area is unavoidable because of water dependency or other locational requirements that cannot be satisfied outside the Critical Area, the State or local agency responsible for the development, or the agency proposing a capital project, or the private sponsor, shall seek approval for the development from the Commission.

C. In seeking approval, the agency or the private sponsor shall submit the following information to the Commission:

(1) Findings, supported by adequate documentation, showing the extent to which the project or development is consistent with the provisions and requirements of the Critical Area program of the local jurisdiction within which it is located; and

27.02.04.02

CRITICAL AREA COMMISSION

(2) An evaluation of the effects of the project on the Critical Area program of the local jurisdiction, or jurisdictions, within which it is located, including any effects on the jurisdiction's growth allocation as described in COMAR 27.01.02.06.

D. Upon receipt of a request for approval, the Commission shall seek comments on the proposed development from the affected local jurisdictions and from the general public.

E. The Commission shall approve, deny, or request modifications to, the proposed development based on an assessment of the effects of the development on the criteria described in COMAR 27.01, and on the approved local Critical Area program which may be affected by the development. Appeal of the Commission's decision may be made according to the procedures set forth in COMAR 27.02.08.

F. Commission approval of development in an area that is designated as a resource conservation area by the local jurisdiction does not have the effect of diminishing the acreage of resource conservation area within that jurisdiction or diminishing the acreage of growth allocation as described in COMAR 27.01.02.06.

Administrative History

Effective date: June 11, 1988 (15:7 Md. R. 852)

COMAR 14.19.04 recodified to COMAR 27.02.04 in August, 1992



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Ren Serey
Executive Director

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December 20, 1999

The Honorable George W. Owings, III
P. O. Box 255
Owings, Maryland 20736

Dear Delegate Owings:

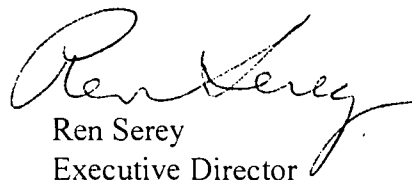
I wanted to get back to you on two issues: subdivision using intrafamily transfer provisions, and your constituent's concerns regarding a house under construction in Chesapeake Beach.

I appreciate your letter regarding the Deer Run Subdivision in Calvert County and the application of the Critical Area Act's intrafamily transfer language. I also talked to Frank Jaklitsch. He helped me better understand the local processes. The Critical Area Commission will not be offering further objections to the subdivision.

I talked also with Bruce Powers about the house under construction on an adjoining lot in Chesapeake Beach, and then with John Hofmann, the Town Engineer. Mr. Hofmann explained the situation to me and emphasized that all issues related strictly to zoning and not the Critical Area regulations. From what I understand of the situation after talking to both parties, I tend to agree. I left a message to that affect on Mr. Powers's answering machine and asked him to call me if he had further questions. I have not heard back from him.

Please contact me if you have questions or need additional information on either of these subjects.

Sincerely,


Ren Serey
Executive Director

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

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December 16, 1999

Mr. Joseph White
Administrator
Department of General Services
Office of Real Estate
Room 601
300 W. Preston Street
Baltimore, Maryland 21201

Re: Chesapeake Bay Critical Area Commission Office Relocation

Dear Mr. White:

I am writing to notify you of the Critical Area Commission's decision to locate all restrooms in our new location on the main floor. We will not need restroom facilities on the second floor. Please contact me if you have questions or need additional information.

Sincerely,

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

Ren Serey
Executive Director

cc: David Laughlin
Veronica Moulis

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December 14, 1999

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

RE: Shannon Farms PUD

Dear Mr. Grimm:

The purpose of this letter is to follow up on a recent telephone conversation between our offices regarding some changes proposed to the Shannon Farms Planned Unit Development. In August, a revised plan for the project was submitted to this office. The plan showed 12 lots along a gravel road which passes through an area of the site that has been determined to be FIDS habitat. In a letter to Ms. Christine Holmberg and to Mr. John Norris, dated August 10, 1999, I wrote that staff could not support the revised plan.

As you may remember, in January 1997, the Critical Area Commission reviewed and approved an amendment to the County's Zoning Ordinance which amended the grandfathering language as shown in italics:

Any Planned Unit Development which received final zoning approval from the County Commissioners prior to December 1, 1985, and which have met the requirements of this ORDINANCE, with the exception of requirements for density. In addition, all conditions at the time of rezoning must be satisfied. Such developments which fail to meet those requirements and conditions shall be counted against the county's growth allocation. *This section does not apply to the Shannon Farms Planned Unit Development if the County determines that overall Critical Area Program requirements are exceeded, and the Critical Area Commission supports the County's determination.*

This amendment was the result of months of coordination between Commission staff, your staff, Mr. Norris, and the developer. The amendment was presented to the Commission with a plan for the project which included the preservation of 131 acres of FIDS habitat. Because the revised plan will significantly impact the FIDS habitat on the site, it appears that the new plan would not comply with the revised grandfathering language.

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September 13, 1999

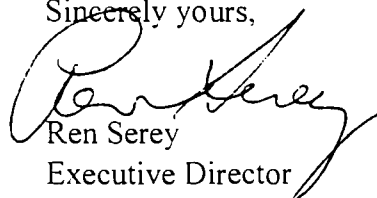
Mr. Grimm

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This project also required a second amendment to the County's Critical Area Program to extend the Critical Area boundary to include the entire project site. The amendment was necessary in order to provide flexibility regarding clearing limits and impervious surface limits within the mapped Critical Area portion of the site and to avoid the need for growth allocation. This amendment was to be included in the County's comprehensive review which was to have been completed later in 1997. Due to delays in the comprehensive review process, this map amendment has not been approved by the County; however, the issue must be addressed prior to final subdivision approval. In order to comply with the Commission's policy for extension of the Critical Area, the Commission is required to make findings relating to the additional resource protection offered by the extension of the Critical Area. When the map amendment was discussed with Commission staff, we believed that the conservation of FIDS habitat outside of the Critical Area could be used to justify the extension. However, the proposed revisions to the plan will impact FIDS habitat both inside and outside of the Critical Area and it seems unlikely that the Commission could justify the needed map amendment to extend the Critical Area boundary under this proposal.

It appears that the revisions to the proposed Planned Unit Development do not comply with the County's Critical Area Ordinance as amended nor will the plan meet the requirements for extension of the Critical Area. Commission staff are available to meet with you, the engineer, and the developer to discuss these issues and some design alternatives that were provided last summer. Please feel free to call me at (410) 260-7212 if you have any questions or would like to schedule a meeting.

Sincerely yours,



Ren Serey
Executive Director

cc: Ms. Sue Veith, Planning and Zoning
Mr. John Norris, NG&O Engineering



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December 2, 1999

Ms. Cheryl S. Thomas
Town Manager
P. O. Box 206
St. Michaels, Maryland 21663-0206

Re: Changes to the St. Michaels Zoning Ordinance

Dear Ms. Thomas:

I am writing in regard to Ordinances 241 and 242, passed by The Commissioners of St. Michaels as changes to the Town's Critical Area and Zoning Ordinances. Critical Area Commission Chairman John C. North, II has determined these ordinances to be refinements to the Town's Critical Area Program and has approved them with the concurrence of the Commission members. Section 8-1809 (p) (4) of the Critical Area Act requires the Town to incorporate these changes into its Critical Area Program within 120 days of the date of this letter.

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

Sincerely,


Ren Serey
Executive Director

cc: H. Michael Hickson, Esq.
Marianne D. Mason, Esq.

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

Chesapeake Bay Critical Area Commission

STAFF REPORT
December 1, 1999

APPLICANT: Town of St. Michaels

PROPOSAL: Refinement: Local Growth Allocation Process

JURISDICTION: St. Michaels (Talbot County)

COMMISSION ACTION: Concurrence with Chairman's Determination of Refinement

STAFF RECOMMENDATION: Approval

STAFF: Ren Serey

APPLICABLE LAW/ REGULATIONS: Natural Resources Article 8-1809 (p)

DISCUSSION:

The Town of St. Michaels has amended its process for consideration of requests for the use of growth allocation. The process contained in the Town's original Critical Area program provided that the Critical Area Commission would receive growth allocation requests after a decision by the Town Planning Commission, but before a final decision by the Town Commissioners.

Chairman North notified the Town that under the Critical Area Act, the Commission must receive program amendments and refinements only from the local body authorized to make such changes. The Town Commissioners are the local legislative body for St. Michaels.

The Town Commissioners have approved the necessary language and forwarded it to the Commission. See attachment. Chairman North has determined this change to the local Critical Area program to be a refinement to that program.

Allocation District ("GA")), Subparagraph 2) (Procedure for Processing GA District Applications), item 1), shall be amended as follows:

- * 1) Within ninety (90) days after the Town Commissioners begin their public hearing as provided in this subsection 11 (Growth Allocation District - GA), paragraph a. (Growth Allocation District ("GA")), subparagraph 2) (Procedure for Processing GA District Applications), part h) hereof, the Town Commissioners shall make the final decision on awarding Growth Allocation, and may grant the request for the award of Growth Allocation as a floating zone, subject to the final review and decision of the Critical Area Commission. In considering an application for award of Growth Allocation the Town Commissioners shall make findings of fact in each application for award of Growth Allocation with regard to the proposed development of the land for which the award of Growth Allocation is sought, including, but not limited to, the following matters: change in the Town's population, availability of public facilities, affect on present and future transportation patterns, compatibility with existing and proposed development for the area, the recommendation of the Planning Commission, and the compatibility with the Town's comprehensive plan; and may award, but shall not be required to award, Growth Allocation based upon a finding that all express criteria of this Zoning Ordinance and the Town's Local Critical Area Program for the award of Growth Allocation will be satisfied. The Town Commissioners may award Growth Allocation based upon their finding that all of the criteria required by law are satisfied, and upon their finding that the award of such Growth Allocation is in the public interest. The Town Commissioners may also establish conditions of approval to accompany the "GA" district classification, including a time limitation for completion of the proposed project. A complete record of the hearing and the votes of all members of the Town Commissioners shall be kept.

e. Section 5 (Zone Regulations), Subsection 11 (Growth Allocation District - GA), Paragraph a. (Growth Allocation District ("GA")), Subparagraph 2) (Procedure for

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MEMORANDUM

November 29, 1999

TO: Gwynne Schultz
FROM: Ren Serey 
SUBJECT: Critical Area Local Implementation Grants

At your request, I am providing background information on the potential impacts to local governments resulting from a loss of funding for implementation of their Critical Area programs. As you know, the Critical Area Commission provided funding to local governments for development of their original programs and has continued to assist ongoing implementation efforts since 1989.

Section 8-1808 (a) of the Critical Area Act specifically requires such funding:

For initial program development:

The Governor shall include in the budget a sum of money to be used for grants to reimburse local jurisdictions for the reasonable costs of developing a program under this section. Each local jurisdiction shall submit to the Governor by October 31, 1984 a detailed request for funds that are equivalent to the additional costs incurred in developing the program under this section.

For ongoing program implementation:

The Governor shall include in the budget annually a sum of money to be used for grants to assist local jurisdictions with the reasonable costs of implementing a program under this section. Each local jurisdiction shall submit to the Governor by May 1 of each year a detailed request for funds to assist in the implementation of a program under this section.

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Gwynne Schultz
November 29, 1999
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Since 1992, Critical Area implementation grants have been funded with a portion of Maryland's Coastal Zone grant from the National Oceanic and Atmospheric Administration. The amount available to the 61 Critical Area jurisdictions has been held steady at \$750,000 per year. Of course, level funding over an eight year period has resulted in proportional reductions in assistance as local personnel costs increased. The Commission has absorbed all administrative costs related to the local grant program.

The Critical Area program remains one of Maryland's most controversial endeavors in the land use arena. As such, the funding provisions of the Critical Area Act were considered necessary to assist local jurisdictions and, more significantly, to back up the State's commitment to an important and continuing partnership. The Act contains no provisions for ending this commitment, no assumption that at some point local governments will assume sole responsibility for implementing the State's Critical Area mandates.

I know that your draft letter to the local governments describes the current situation as brought about by the federal government's policy shift away from planning and toward tangible products and on-the-ground activities. The local governments won't see it that way. They know that the Critical Area program is not federal. They will see only that the State has breached a promise and tried to blame it on the federal government. As the General Assembly stated in its Declaration of Public Policy, at section 8-1801 of the Critical Area Act:

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

Ending the State's Critical Area commitment to the local jurisdictions will have the following impacts:

In Somerset, Wicomico, Dorchester, Talbot, Kent, Cecil, St. Mary's and Charles Counties, meaningful implementation of Critical Area regulations will end abruptly. The annual Critical Area grant is the only funding source for many local planners. It covers their coordination of subdivisions, site plans, variances, special exceptions and growth allocations. Whether the jurisdictions have sufficient local funds to carry out these tasks, is irrelevant. The only support the Critical Area program receives in many jurisdictions is from the local planners we fund. We rely on their influence within the local government structure. Support from local elected officials has never been strong. In these jurisdictions, the Critical Area planning functions will be lost, in some jurisdictions, happily lost.

Only the specific density provisions of local ordinances will be adhered to, i.e., the one-per-twenty density in the Resource Conservation Area, the 100-foot setback from tidal waters, the impervious surface provisions for large-scale projects. These regulations are contained in local zoning ordinances and are relatively easy to enforce. What will be lost, however, is much more important: the State-funded local planner ensures that Buffer plantings are placed in areas most likely to contribute to water quality and habitat improvement, connects wildlife corridors from one subdivision to the next, and works with homeowners to find the best ways to accommodate minor development projects consistent with impervious surfaces limits for grandfathered lots. These planners will be laid off; their duties will not be assumed by others on the small local staffs.

State funded Critical Area planners in most jurisdictions also are responsible for local implementation of the Forest Conservation Act, and coordination of Coastal Zone, Rural Legacy and Smart Growth activities. In short, the Critical Area funded positions are the only environmental positions in these jurisdictions. The opportunity to influence local planning by means of these modest grants will not be taken up by other State agencies. The ability to compete for additional, product-specific Coastal Zone funds is not a substitute for planning. When these local positions are eliminated, the effectiveness of the other programs will be reduced.

In Baltimore City and Calvert, Queen Anne's, Anne Arundel, Baltimore, Harford and Prince George's Counties, the impacts to the Critical Area program will be as severe as described above, but not immediately noticeable. In these jurisdictions, the Critical Area functions will be reduced at first, but the planner positions may not be eliminated. These jurisdictions have more substantial planning staffs than the rural counties. They may be better able to absorb the loss of State support and maintain their staff levels. They will, however, soon begin transferring other duties to the Critical Area planners. In the second year, only the density regulations will be enforced.

More than 40 municipalities receive annual Critical Area implementation grants. They will be affected by the loss of funding in varying ways. Several towns receive substantial grants, in the range of \$8,000 - \$12,000 per year. These are jurisdictions, such as St. Michaels and Indian Head, which are experiencing significant growth pressures. The loss of funding will reduce their ability to plan and prepare efficiently for new development. Yet their decisions, particularly related to growth allocation, have regional impacts beyond the Critical Area. Here, the Critical Area funds are a low-key, positive way for the State to influence local land use decisions. Smart Growth isn't smart if no one understands how it works.

Ms. Gwynne Schultz
November 29, 1999
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Many other municipalities receive small grants in the \$1,000 - \$3,000 range. These funds help provide for a part-time person to review building permits, or to advertise hearings or cover printing costs. The latter activities will continue; permit review will suffer. The primary loss in these towns will be in the State's good will.

Finally, the Critical Area Commission will enter a new and unfortunate phase of confrontation at a time when we and local governments are appreciating the long-term benefits of the State-local partnership. If anything, now is the time to increase local funding assistance. However, when the regulations are unenforced, which is inevitable with the proposed cuts, the Commission will be forced to challenge more local planning decisions. Our court appearances will highlight a new inability to work cooperatively toward common goals. The result will be more legislative activity to narrow the scope of the program. The amount of money involved is minuscule in relation to the harm its loss will cause.

The Commission meets on Wednesday, December 1st. We have scheduled a discussion with the Program Subcommittee on the possible loss of local implementation grants. There is no similar item scheduled for the full Commission agenda in the afternoon, but the Subcommittee may decide to raise the issue under New Business. You certainly are welcome to attend these meetings and participate. The Subcommittee meets at 10:00 a.m., and the full Commission meets at 2:00 p.m., at the Naval Academy Officers Club.

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

cc: Sarah Taylor-Rogers, Ph. D., Secretary
Verna Harrison, Assistant Secretary
Carolyn Watson, Assistant Secretary
David Burke, Director, Chesapeake and Coastal Watershed Division
Judge John C. North, II, Chairman

Judge John C. North, II
Chairman



Ren Serey
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MEMORANDUM

November 23, 1999

TO: Carolyn Watson
FROM: Ren Serey *RS*
SUBJECT: FIDS Guidance Paper

You have asked about the amount of clearing of Forest Interior Dwelling Bird habitat under the Critical Area Commission's draft guidelines for development and under DNR's recent guidelines for commercial timber harvests. We do not have acreage figures for either activity. However, neither set of guidelines will necessarily allow additional clearing of FID habitat.

The Timber Harvest Guidelines present a streamlined process for review of timber harvest plans if minimum protection of FID habitat is provided. We are hopeful that the new guidance paper for development will reduce impacts to FID habitat by more clearly spelling out how to identify habitat, how to conserve it and how to mitigate when there are unavoidable impacts.

Commission Guidelines

The Criteria do not provide specific methodologies to determine when a forest is FID habitat or how to manage development there. Local planners have asked us for more specific guidance so they can reduce the uncertainty in determining when habitat exists and deal more effectively and efficiently with developers. Even when an area has been identified as FID habitat, it has been difficult to assure conservation because our original guidance does not fully explain conservation measures or when conservation has been achieved. The draft paper does a much better job in both areas. In addition, mitigation ratios are included and can be applied consistently, which is a great improvement over the ad hoc method we and the local governments

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Carolyn Watson
November 23, 1999
Page 2

have been using. When impacts cannot be avoided, we will be able to show through mitigation that the overall habitat is not adversely affected. We have not been able to do that previously.

While we assume habitat has been cleared in the past, we have been unable to account for the loss because of the general nature of the Criteria language and the various methods local jurisdictions use to determine threshold impacts. We will continue to work closely with local planners and Planning Commissions, and encourage them to use the suggested methodologies.

What John Surrick should have heard Regina Esslinger say at the Regional Team meeting was that although some documented habitat will be cleared under the new guidance, we expect the options provided will increase and improve FID habitat relative to the current process. This is a significant change, which Regina explained in a previous briefing to the Regional Team. I wish John had talked to her directly about his concerns. She could have answered his questions and provided him with copies of the original and the draft revision for his comparison.

Timber Harvests

In 1997 the General Assembly amended the Critical Area Act to allow more flexibility in the regulation of commercial timber harvesting in the Buffer. Before the amendment, the Criteria prohibited timber harvesting in the Critical Area Buffer, or expanded Buffer, when overlapped with FID habitat or other Habitat Protection Areas (HPAs). If other HPAs did not overlap the Buffer, the Criteria allowed the Department to approve clearcutting of loblolly pine and tulip poplar, and selective cutting of other species, in the landward 50 feet of the Buffer.

For several years, the Department has approved timber harvests under a General Approval from the Commission. The 1997 amendment to the Act specified that timber harvest plans could be written and approved by DNR for the Buffer/HPA overlap area as long as the HPA Criteria were followed. The guidelines provide minimum standards for protection of FID habitat as well as harvesting options based on varying size and quality of habitat. The Timber Harvest Guidelines reflect the Department's support for the amendment, but try to assure that the added flexibility which the General Assembly provided does not unduly affect FID habitat over the long-term.

The Department has not kept figures on the amount of FID habitat affected by timber harvests. However, in assembling information for the FID Task Force's review of the DNR guidelines, Don VanHassent and Claudia Jones reviewed 310 Critical Area timber harvest plans from 1991 - 1996. They found that 90 plans affected FID habitat. Under the new DNR guidelines, there will continue to be impacts to FID habitat resulting from commercial timber

Carolyn Watson
November 23, 1999
Page 3

harvests. These impacts will be minimized to the extent possible through the guidelines. In contrast to the mitigation formula for development activities, these areas will be replanted to allow restoration of the habitat.

I have included a chart of the review of the timber harvest plans.

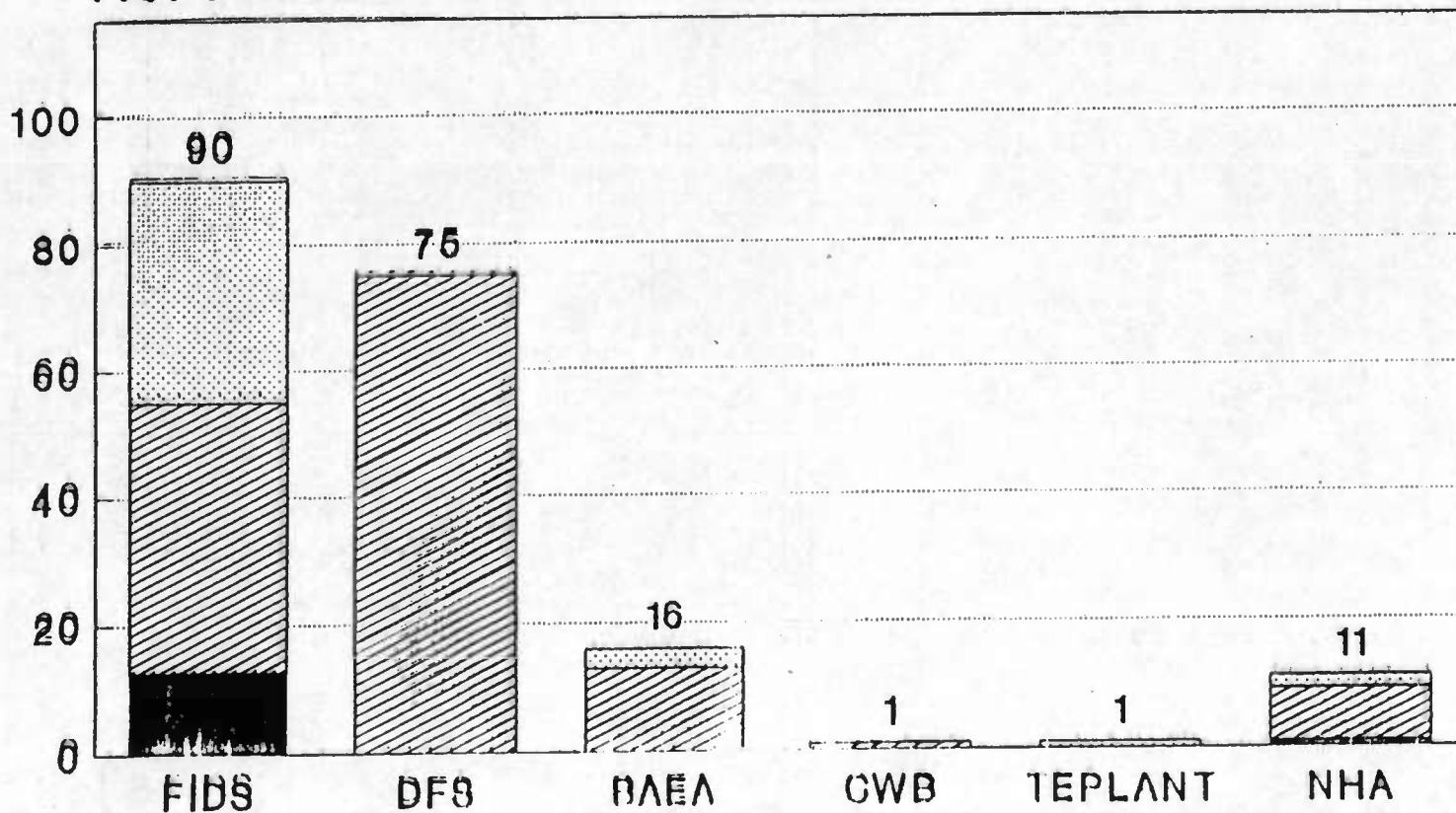
Please let me know if you have questions or need additional information.

No. Timber Harvest Plans w/HPA's

1991 - June 1996

Central 13 Eastern 235 Southern 62

No. Plans





Judge John C. North, II
Chairman

Ren Serey
Executive Director

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

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

November 19, 1999

Mr. William Jenkins
Watershed Management & Analysis Division
Department of Natural Resources
Tawes State Office Building
Annapolis, Maryland 21401

Dear *Bill* Mr. Jenkins:

Thank you for the excellent presentation to the Critical Area Commission on the exciting computer mapping and planning work underway at DNR. The Commission wholeheartedly endorses your efforts to discover ways to help local governments better identify and protect sensitive lands. Our local Commission representatives were especially pleased that you stressed the need for public and private, as well as state and local, partnerships. Your discussion of the many benefits to Critical Area habitats which can be achieved by applying principles of landscape ecology was particularly encouraging.

Obviously, the Department's work in this area is extremely important. The Critical Area Commission greatly appreciates your enthusiasm for it and your willingness to take the time to share it.

Sincerely,

Ren Serey
Executive Director

cc: Verna Harrison
David Burke

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

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

John C. North, II
Chairman



Ren Serey
Executive Director

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

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November 19, 1999

Ms. Julie Nelson
Non-point Source Program
Tawes Building, E-2
Annapolis, Maryland 21401

RE: Draft Nonpoint Source Management Plan

Dear Ms. Nelson:

Commission staff has reviewed the draft nonpoint source management plan. It is our understanding that the document is meant to provide a guide to the State's nonpoint source problems, pollution control programs, and future steps for nonpoint source pollution control or prevention. The document describes the various causes of nonpoint source pollution including agriculture, forestry, and development.

We have noted that the Critical Area Program is mentioned in Chapter 4 under each of the nonpoint sources; i.e., agriculture, forestry, developed lands, etc. While this describes the various controls specific to certain activities within the Critical Area, it does not accurately represent the comprehensive land use management which occurs under locally implemented Critical Area Programs. We strongly suggest that a full description of the Critical Area Program be included in Chapter 3, "Watershed Management Programs and Initiatives." The Critical Area Program sets forth mandatory standards, to be implemented at the local level, for land use control within the Critical Area. It is the only such program in the State. Land use planning and development review results in measurable benefits to water quality. Clearly, the Critical Area Program should be comprehensively described, along with the various voluntary initiatives currently described in Chapter 3. Commission staff is available to prepare or assist in preparing such a section for this document.

Notwithstanding the above, we would like to submit the following comments on the Critical Area sections of Chapter 4:

1. The lead agency for agriculture within the Critical Area should be local soil conservation districts.
2. With regard to forestry within the Critical Area, it should be mentioned that a sediment control plan is required for all harvests of 5,000 square feet or more of disturbed area in the Critical Area. Also, the timber harvest plan must include a description of the mitigation and details regarding afforestation and reforestation. The plans must be prepared by a registered professional forester and approved by the DNR project forester and the local Forestry Board.

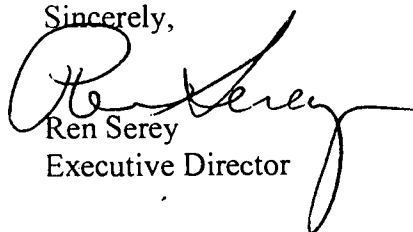
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Ms. Julie Nelson
Page Two
November 19, 1999

3. Under "Developed Lands," the first line under the Critical Area Program should state that "the Critical Area regulations under ... requires that activities ...". The 10% pollutant reduction requirement is known as the 10% rule. The last line of the first paragraph should read, "the 10% rule is required for all new development and redevelopment proposed in IDAs." The last three sentences of the second paragraph should be replaced with the following: "On State land, the 10% rule is required in areas of intense development, including new and expanded marinas, just as it is on private land." As currently written, this section only describes those controls within Intensely Development Areas. The Critical Area Criteria also establish a significant list of standards for development within Limited Development Areas (LDAs) and Resource Conservation Areas (RCAs). The standards include limits on impervious surfaces, limits on clearing, a prohibition on development on steep slopes and also, with regard to RCAs, a strict one (1) dwelling unit per twenty (20) acre density limitation. These standards were established to meet the goals of the Critical Area Program, one of which is "to minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyance or that have run off from surrounding lands." The Lead Agency for Developed Lands should be the local planning offices, along with the Critical Area Commission and the Maryland Department of the Environment.
4. Under "Marinas and Recreational Boating," in the second paragraph, the words "considered to be" should be deleted. Also, all existing marinas on RCA properties were grandfathered; the word "Some" should be deleted. The Lead Agency should be listed as the Maryland Department of the Environment, along with the Critical Area Commission.
5. The information under "Stormwater Management" on page 214 basically repeats what is written under "Developed Lands." Please see comment 3 above. Also, all developers must use the "10% worksheets" to determine consistency with the 10% rule. It is not clear why the issue of marina flushing is listed under stormwater management.
6. Under "Wetlands and Waterways," the Critical Area program is mentioned at the bottom of page 255. Local governments are required to establish regulations for maintenance of a minimum 100-foot Buffer from tidal waters, tidal wetlands and tributary streams within the Critical Area. Control of development within the 100-foot Buffer lies with the local governments.

Thank you for the opportunity to provide comments. If you have any questions, concerns, or would like additional information, please contact LeeAnne Chandler at (410) 260-7035.

Sincerely,


Ren Serey
Executive Director



George John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

November 18, 1999

The Honorable Richard Colburn
P.O. Box 1237
Federalsburg, Maryland 21619

Dear Senator Colburn:

I am writing in regard to an article in the *Star-Democrat* concerning shoreline erosion, the Critical Area regulations, and the State's Shore Erosion Task Force. You were quoted in the article as stating that Critical Area regulations prohibit the removal of trees within the 100-foot Buffer that are in danger of falling and thereby resulting in accelerated shore erosion. I wanted to assure you that the Critical Area regulations do allow such trees to be removed.

Recently, the Critical Area Commission held a workshop for local government staff and consultants. The workshop covered a broad spectrum of topics, and one session focused specifically on shore erosion control. During this session, staff from the Commission and the Department of the Environment presented and discussed in detail a number of slides depicting various shoreline situations. Staff explained that provisions in the Critical Area Criteria allow local governments to determine when it is appropriate to remove a tree because it may contribute to accelerated erosion or increased sedimentation. I think the workshop attendees gained a better understanding of this issue as a result of the slide presentation and discussion, and we expect this misconception will not persist as the word spreads and Commission staff continue to work with local planners, citizens, and elected officials.

As you know, education and technical assistance are important components of effective local land use planning and implementation. Our staff is participating on the Shore Erosion Task Force and will continue to clarify this issue and others relating to effective Buffer management in all of our public education efforts.

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

Sincerely yours,

Ren Serey
Executive Director

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
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November 10, 1999

The Honorable Ronald A. Guns
Chairman, Environmental Matters Committee
Lowe House Office Building, Room 161
Annapolis, Maryland 21401

Dear Chairman Guns:

I am writing in response to your request at the recent Environmental Matters Committee briefing for copies of the Chesapeake Bay Critical Area Commission's policies. I have enclosed policies on the following topics:

Reconsideration

The Commission approved this policy in 1993. We received a request to reconsider an item but had no established method for doing so. The Assistant Attorney General serving as counsel to the Commission recommended that we adopt formal procedures for handling such requests. The Commission's policy tracks Maryland case law and Robert's Rules of Order.

Growth Allocation

As you'll note, this document uses the terms "policy" and "guidelines" in its title. Simply put, it sets out how the Commission determines the amount of growth allocation to be deducted when a local jurisdiction allows more development than the Critical Area designation permits for a given property. The Commission first approved this policy in 1988 as a means to conserve local jurisdictions' growth allocation when it was feared that the 5% allotment could be used up quickly. The policy provides that when new development is contained within a locally-defined area, a development envelope, the jurisdiction can deduct less than the amount of the entire parcel from its growth allocation reserve. If the original parcel is in the Resource Conservation Area (RCA), the development envelope must be sized so that at least 20 acres of RCA land remains, or the entire parcel is deducted. The Commission revised the policy in 1993 and again in 1995, both times streamlining the processes and liberalizing the deduction requirements in order to save growth allocation.

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New Development in the Resource Conservation Area Without Growth Allocation

This policy is titled "Critical Area Guidelines for Evaluation of Local Programs During Comprehensive Reviews Regarding Uses in the Resource Conservation Area." The Commission approved it in 1993 as a means of providing flexibility to local jurisdictions regarding the types of new development uses that could be located in the RCA without deducting growth allocation acreage. The Commission realized that the blanket prohibition in the Criteria of all commercial uses in the RCA unfairly penalized many jurisdictions because of the classification of certain uses as "commercial" in their zoning ordinances. Instead of deducting growth allocation for all commercial uses, such as home occupations or roadside stands, the Commission decided to work individually with the jurisdictions during the required four-year update of local programs, to better understand local definitions and practices. The process which this policy established has resulted in considerable flexibility regarding land use in the RCA and substantial savings of growth allocation acreage for the local jurisdictions.

Administrative Variance

This Commission approved this policy in 1993 as a streamlining measure. The Criteria allow for local variances when a property owner cannot meet the Critical Area provisions of the local program. However, the variance process in many jurisdictions is lengthy and expensive. This policy provides that local governments may choose to establish an administrative process for Critical Area variances, thereby reducing the workload of local Boards of Appeal and the time and cost for applicants.

Buffer Exemption Areas

The Criteria provide that local jurisdictions may propose certain shoreline areas for Buffer Exemption status "where it can be sufficiently demonstrated that the existing pattern of residential, industrial, commercial, or recreational development in the Critical Area prevents the Buffer from fulfilling [its] functions." When local jurisdictions request Buffer Exemptions, the Criteria provide no description or guidance by which the Commission can evaluate the proposals.

The Commission approved this policy in 1993 in order to provide a structure by which local jurisdictions would know if certain areas were likely to qualify as Buffer Exemption areas. The policy also allows the Commission to consider any proposal by a local jurisdiction for alternative methodologies for regulation of development in these areas. For example, the Baltimore County program is radically different from that envisioned in this policy, but works well to ensure that owners of small, developed lots can construct home additions or install accessory structures in certain shoreline areas without obtaining a variance.

The Honorable Ronald A. Guns
November 10, 1999
Page 3

Extension of the Critical Area

The Critical Area Act specifies that a local program submitted to the Commission for approval may contain additional areas outside the 1,000 foot line if these areas are approved by the Commission. This policy, approved in 1989, establishes the standards by which the Commission evaluates such proposals. Generally, the policy states that the inclusion of new Critical Area land must advance the program's water quality and habitat protection goals. If a local jurisdiction can make this showing, the Commission's approval of the new area often provides greater flexibility for new development and also can increase the jurisdiction's growth allocation acreage.

The Calculation of Density in the Resource Conservation Area

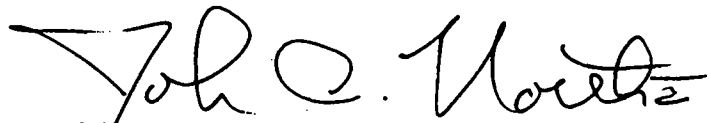
The Criteria limit residential density in the RCA to one dwelling unit per 20 acres. This policy, approved in 1994, establishes for the Commission the definition of "dwelling unit" that is used by all local jurisdictions in Maryland. The definition comes from the Building Officials and Code Administrators International, Inc. (BOCA), and states that a dwelling unit is:

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

I trust you will find these policies reasonable and helpful. As an agency authorized under the Critical Area Act to develop policies, and responsible for assuring consistency in local implementation, the Commission has endeavored to work closely and creatively with local governments. Our policies have helped them conduct their business efficiently and in conformance with the law.

If I can be of further service, please do not hesitate to call.

Very truly yours,


John C. North, II
Chairman

Realer



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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

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

November 9, 1999

The Honorable Robert R. Neall
402B James Senate Office Building
Annapolis, Maryland 21401-1991

Re: Fantasy Island

Dear Senator Neall:

I am writing in response to your questions concerning the proposed Fantasy Island Club on St. Helena Island in Anne Arundel County. The situation, as I am sure you know, is complicated from many standpoints. Issues which have been the subject of formal proceedings to date have not involved Critical Area regulations, but rather have pertained to zoning violations and neighborhood concerns over traffic and noise. At this time, the Critical Area issues are somewhat peripheral, and their resolution could have implications more significant for the County than for the property owner or the community.

St. Helena Island is designated a Resource Conservation Area (RCA) under the Anne Arundel County Critical Area Program. As such, new commercial uses cannot be located there. A local government can overcome this prohibition, if it so chooses, by using a portion of its growth allocation reserve. The Commission staff has informed local decision makers that approval of the proposal may require the County to use growth allocation. I have enclosed our letters to the County on this point.

We have received many calls from local residents regarding clearing of brush and storage of materials in the Critical Area Buffer on this site. The County is aware of these concerns. Commission staff will continue to monitor the situation. In other respects, the proposal appears to be consistent with the County's Critical Area Program.

The Commission has not formally discussed the project because the County has not issued final zoning and occupancy permits for the proposed private club. However, if the

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The Honorable Robert R. Neall
November 9, 1999
Page 2

applicant is successful in obtaining necessary permits, the Commission may vote to notify Anne Arundel County that growth allocation will be required to change the Critical Area designation from RCA to Limited Development Area.

I am available at your convenience to discuss the Fantasy Island proposal and the Commission's role in the review process. Please let me know if you would like to do so.

Sincerely,

A handwritten signature in cursive script that reads "Ren Serey". The signature is fluid and stylized, with a large initial "R" and a long, sweeping tail.

Ren Serey
Executive Director

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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

July 13, 1999

Mr. Anthony Lamartina, Chariman
Anne Arundel County Board of Appeals
44 Calvert Street
Room 307
Annapolis, Maryland 21401

Re: Fantasy Island Holding Corporation
BA 16-99V

Dear Mr. Lamartina:

I am writing to offer comments on behalf of the Chesapeake Bay Critical Area Commission concerning the above-referenced case. Because the property in question on St. Helena's Island is classified as a Resource Conservation Area (RCA) under Anne Arundel County's Critical Area Program, the requested variances may have implications that reach beyond the immediate issues before the Board.

As you know, the Code of Maryland Regulations at 27.01.02.05 describe RCAs as, "... nature-dominated environments (that is, wetlands, forest, abandoned fields) and resource-utilization activities (that is, agriculture, forestry, fisheries activities, or aquaculture)." This characterization of RCAs prevents new commercial uses in the RCA unless the County changes the classification of the property to either a Limited Development Area (LDA) or an Intensely Developed Area (IDA).

A change in the classification requires that the County institute its growth allocation process. 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 to award as growth allocation. Anne Arundel County has approximately 142 acres remaining, of which 57 acres may be converted from an RCA to an LDA or IDA. Growth allocation requires County Council approval and ultimately approval by the Critical Area Commission.

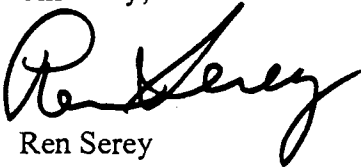
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Board of Appeals
Page Two
July 13, 1999

Our letter to the Administrative Hearing Officer dated February 10, 1999 (enclosed) raised the issue of whether the use of the St. Helena Island property constitutes a commercial use. The decision of the Anne Arundel County Circuit Court of June 21, 1999 in case number C-98-50433.OC, seems to confirm the Commission's concern that the use was commercial. In fact, the Court has enjoined the operation of all commercial business/private club activities on this property. In finding that this use is a commercial operation, the Court noted that it violates the County Code.

Although the Court's decision has temporarily stopped this use, the Commission believes this is a significant issue that will not be resolved by the decision in these variance proceedings. Even if the Board grants these variances, the issue of the use of the property on the island will not be resolved without addressing the required growth allocation for any intended commercial use.

Sincerely,



Ren Serey
Executive Director

Enclosures

cc: 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
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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.

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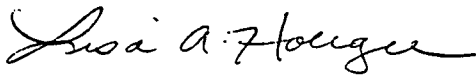
Mr. Dooley
Page Two
December 18, 1998

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
Environmental Specialist

Enclosure

cc: AA 625-98

ge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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November 4, 1999

Eric J. Blitz, Esquire
Webb & Blitz, L.L.C.
Suite 506 Heaver Plaza
1301 York Road
Lutherville, Maryland 21093

Re: Town of Chesapeake Beach, Ordinance 0-97-6

Dear Mr. Blitz:

I am writing to inform you that Ordinance 0-97-6, as enacted by the Town Council of Chesapeake Beach on June 17, 1999, must be submitted to the Chesapeake Bay Critical Area Commission as a proposal to change the Town's adopted Critical Area Program. This ordinance appears to be substantively the same as a 1997 ordinance bearing the same number, which was submitted to and approved by the Commission. However, the Town's addition of supporting findings and conclusions to the 1999 ordinance requires Commission approval in order for the 1999 ordinance, findings, and conclusions to be incorporated into the Town's approved Critical Area Program.

As you know, on May 6, 1998, the Critical Area Commission approved the original version of Ordinance 0-97-6 (enacted by the Town Council on September 18, 1997) as an amendment to the Town's Critical Area Program. Subsequently, the Town Council's passage of this ordinance was the subject of a petition for judicial review in the Circuit Court for Calvert County. By Order of March 25, 1999, the court remanded the matter to the Town Council. After holding a public hearing, the Town Council again enacted Ordinance 0-97-6, but the ordinance included certain additional incorporated "findings and Conclusions on Tidewater Homes, Inc.'s Request for a BEA Designation." These findings supplement the Ordinance. Nevertheless, the findings were not part of the September 18, 1997 version of the ordinance previously approved as a program amendment by the Critical Area Commission.

The 1999 version of Ordinance 0-97-6 appears to contain substantive provisions identical to the 1997 version. Because the substantive effect of Ordinance 0-97-6 remains the same as

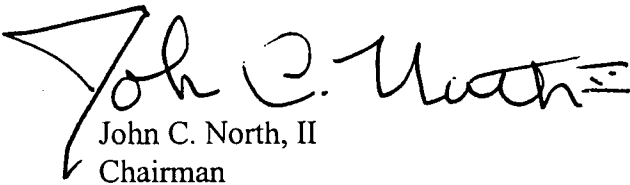
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Mr. Eric J. Blitz
November 4, 1999
Page 2

when the Commission initially approved it, I believe that the 1999 version, with the associated findings, is properly considered a Program Refinement under Code, Natural Resources Article 8-1802 and 8-1809.

Accordingly, please inform your client that the revised Ordinance 0-97-6 with supporting findings and conclusions, must be submitted to the Critical Area Commission at the Town's earliest convenience. I look forward to receiving the Town's submission.

Very truly yours,


John C. North, II
Chairman

cc: Marianne D. Mason, Esq.
Ren Serey

lge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

November 4, 1999

The Honorable Richard F. Colburn
P.O. Box 1237
Cambridge, Maryland 21619

Re: Intrafamily Transfer: Mr. Russell Milligan

Dear Senator Colburn:

I am writing in response to your questions concerning Mr. Russell Milligan's proposal for subdivision through intrafamily transfer. The Critical Area Commission staff has investigated the files at the Dorchester County Office of Planning and Zoning regarding the subdivision history of Mr. Milligan's property. Unfortunately, we were not able to contact Mr. Milligan. The County informed us that he passed away within a day or two following your letter to me about his situation.

The property plat in the County files is not as clear as we hoped, but it does reveal that Mr. Milligan's property within the Critical Area is designated Resource Conservation Area (RCA) and that he created three residential lots by subdivision between 1988-1996. In 1996, Mr. Milligan also proposed a fourth new lot in the RCA. However, this lot was located outside of the Critical Area following a determination by the County that Mr. Milligan had exhausted his RCA development potential. I have enclosed a 1996 letter on this subject to Mr. Milligan from Mr. Steve Dodd, the Dorchester County Planning Director, and a portion of the County-approved plat noting the prior subdivision activity.

As you know, the intrafamily transfer provisions were legislatively created to make it easier to keep agricultural land within the family. The provisions of Natural Resources Article 8-1808.2 allow subdivision of a parcel of seven acres into two lots, and subdivision of a parcel between 12-60 acres into three lots, as long as the conveyances are to family members as defined in the statute. Above 60 acres, RCA land can be subdivided at the ratio of one dwelling unit per 20 acres, and no family restrictions apply.

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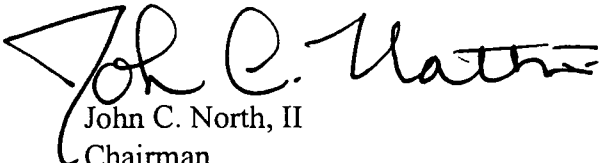
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The Honorable Richard F. Colburn
November 2, 1999
Page 2

The Critical Area Act's intrafamily transfer provisions seem to be working well, and at this time I do not believe the Commission would favor relaxing them. Another possibility for the Milligan family is to use growth allocation. According to our records, in 1990 the County Commissioners granted 8.3 acres of growth allocation to the larger Milligan property for the Huntington Crossing Subdivision. The family may want to look into growth allocation on another part of the property to accommodate an additional lot. Often, the amount of growth allocation needed to create an extra lot is relatively small and many jurisdictions, like Dorchester County, do not place undue restrictions on applicants seeking a minimum allotment.

If I can be of further assistance, please do not hesitate to call.

Very truly yours,


John C. North, II
Chairman

DORCHESTER COUNTY PLANNING & ZONING OFFICE

P. O. Box 107
CAMBRIDGE, MARYLAND 21613
PHONE: 228-3234

DIRECTOR
STEVE DODD, AICP

ASSISTANT PLANNER
KAREN HOUTMAN

PLANNING SECRETARY
SUSAN BRANNOCK



CODES ENFORCEMENT
NICK LYONS
ERIC DRUMMER

ZONING SECRETARY
MERRIS HURLEY

August 19, 1996

Mr. Brad Temple
3969 Five Friars Road
Salisbury, Maryland 21804

RE: Russell Milligan Subdivision - P&Z #618D

Dear Brad,

This letter will confirm the results of our discussion today regarding the above-referenced project.

Based on the information you submitted on your revised plat, it appears that no additional development may occur within the Critical Area portion of the Milligan's property. The creation of a building lot in 1991 and two building lots in 1995 has maximized the available development potential on this property. No additional lots may be created within the Critical Area.

The owner may, however, locate this building outside of the Critical Area, as shown on your revised plat.

Sincerely,

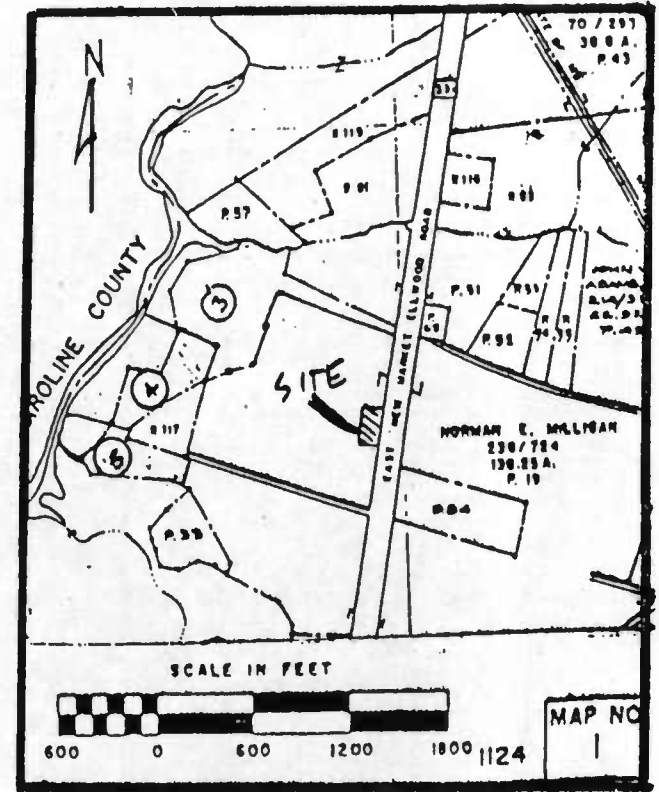
Steve M. Dodd
Director

SMD/sb

cc: M. Russell Milligan
Greg Schaner, Critical Area Commission
✓ File #618D

CONVEYANCES

- LOT 1 - TO M. ROSSER MILLIGAN APRIL 1988
- LOT 2 - RAMOND F. MILLIGAN, ETUX FEB 1991
- LOT 3 - NORMAN MILLIGAN, ETUX FEB 1995
- LOT 4 - CHARLES F. MILLIGAN, ETUX FEB 1995



"Any development or improvement of any lot on this plat may require Federal Nontidal Wetland permits from the Corps of Engineers. Any Wetland delineation on this plat may not comply with Federal Regulations."

NOTES

1. PLANNING + ZONING # G1B-D
2. PROPERTY IS ZONED AR - AGRICULTURAL - RESIDENTIAL
3. PROPERTY IS NOT LOCATED IN THE RESOURCE CONSERVATION AREA (R.C.A.) *Critical Area*
4. DORCHESTER COUNTY WATER AND SEWER PLAN DESIGNATION: NO PLANNED SERVICE AREA
5. A DECLARATION OF INTENT FOR DORCHESTER

MILLIGAN
↓

APPROVALS

1. This plan is hereby approved by the
Dorchester County Planning Commission
in accordance with the Subdivision

George John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

October 29, 1999

Ms. Sandy Zelen
Enforcement Section
U.S. Army Corps of Engineers
P.O. Box 1715
Baltimore, Maryland 21203-1715

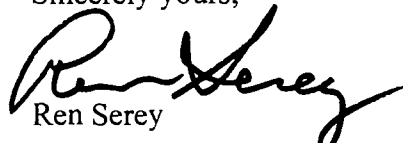
Dear Ms. Zelen:

Thank you for your excellent presentation on streams, wetlands, and aquatic resources at the recent Critical Area Commission workshop on site analysis. Your ideas, insight, and field examples were informative and interesting and emphasized how the protection of streams and wetlands are an important part of the site analysis process. The discussion in the field highlighted the importance of interagency cooperation in implementing the regulations that protect aquatic resources, and I think all the workshop attendees gained a greater understanding of how to distinguish between the different types of streams and wetlands.

As you know, education and technical assistance are important components of effective local planning and implementation and are essential to the success of the Critical Area Program. Your presentation and the ensuing discussion illustrated that assistance to planners and consultants is available, and that there are a wide variety of strategies and techniques that can be used to effectively protect aquatic resources.

The Critical Area Commission staff and I thank you for your time and effort in making the workshop such a success.

Sincerely yours,


Ren Serey
Executive Director

cc: Ms. Linda Morrison

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

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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

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

October 29, 1999

Mr. Rob Schnabel
Environmental Systems Analysis
48 Maryland Avenue
Annapolis, Maryland 21401

Dear Mr. Schnabel:

Thank you for your excellent presentation on innovative approaches to shore erosion control at the recent Critical Area Commission workshop on site analysis. Your ideas, insight, and site specific applications were informative and interesting and emphasized how a creative approach can provide benefits beyond simply controlling erosion. I think all the workshop attendees gained a greater understanding of the diverse options available for shore erosion control and how erosion control measures can also serve to improve shoreline habitats.

As you know, education and technical assistance are important components of effective local planning and implementation and are essential to the success of the Critical Area Program. Your presentation and the ensuing discussion illustrated that there are a wide variety of strategies and techniques that planners and consultants can recommend as effective and environmentally beneficial alternatives to traditional approaches to erosion control.

The Critical Area Commission staff and I thank you for your time and effort in making the workshop such a success.

Sincerely yours,

Ren Serey
Executive Director

cc: Mr. Kevin Kelly

Branch Office: 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

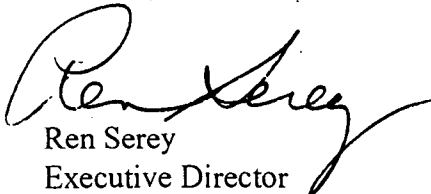
November 2, 1999

Ms. Gail M. Wallace
2011 Horace Ward Road
Owings, Maryland 20736

Dear Ms. Wallace:

I am writing as a follow up to a letter you received from Mr. Ronald Kreitner, Director of the Maryland Office of Planning, concerning development in Chesapeake Beach. The Chesapeake Bay Critical Area Commission has reviewed and participated in several development projects in the town, including Mayor Donovan's proposed hotel. If you would like to discuss the Commission's role or find out more about a particular project, please call me at (410) 260-7212.

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

Oct. 29, 1999

The Honorable Roy Dyson
P.O. Box 5
Great Mills, Maryland 20634

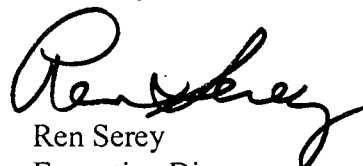
Dear Senator Dyson:

I am writing to follow up on an issue that you raised at the recent Critical Area Commission briefing to the Joint Legislative Oversight Committee. The issue involved the provisions of the Critical Area regulations that allow for the removal of trees within the Buffer that are in danger of falling and resulting in accelerated shore erosion.

Recently, the Critical Area Commission held a workshop for local government staff and consultants. The workshop covered a broad spectrum of topics, and one session focused specifically on shore erosion control. During this session, we presented slides and discussed in detail a number of various shoreline situations with local planners and staff from the Maryland Department of the Environment. The presentation provided an excellent opportunity to cover the issue regarding overhanging trees. Commission staff emphasized that there are situations where it is permissible to remove trees in the Buffer when they are likely to fall and remove a portion of the bank. Staff explained the provisions in the Critical Area Criteria by which local governments determine when it is appropriate to remove a tree because it may contribute to accelerated erosion or increased sedimentation. I think the workshop attendees gained a better understanding of this issue as a result of the slide presentation and discussion.

As you know, education and technical assistance are important components of effective local land use planning and implementation and are essential to the success of the Critical Area Program. I want to thank you for bringing questions about this issue to our attention. Staff will continue to make efforts to clarify this issue and others relating to effective Buffer management in all of our public education efforts.

Sincerely yours,


Ren Serey
Executive Director

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



John C. North, II
Chairman

Ren Serey
Executive Director

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

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

October 20, 1999

Ms. Teri Batchelor
Maryland Forest Service
120 Broadway Avenue
Centreville, Maryland 21617

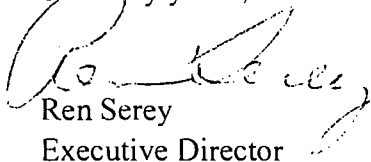
Dear Ms. Batchelor:

Thank you for your excellent presentation on forest composition and diversity at the recent Critical Area Commission workshop on site analysis. Your ideas, insight, and hands-on approach were informative and entertaining, and you handled the varying levels of knowledge and experience of the audience skillfully. I think all the workshop attendees gained a greater understanding of how forests are evaluated and how to improve the habitat value of forests created by the afforestation and reforestation elements of the Critical Area regulations.

As you know, education and State agency support and technical assistance are important components of effective local land use planning and implementation and are essential to the success of the Critical Area Program. Your presentation and the discussion out in the field illustrated that assistance to planners and consultants is available, and that there are a wide variety of strategies and techniques that can be used to protect, conserve, and improve forests within the Critical Area.

The Critical Area Commission staff and I thank you for your time and effort in making the workshop such a success.

Sincerely yours,


Ren Serey
Executive Director

cc: Kip Powers

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





udge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

October 25, 1999

Mr. Jim McCann
Department of Natural Resources
Wye Mills Field Office
P.O. Box 68
Wye Mills, Maryland 21679

Dear Mr. McCann:

Thank you for your excellent presentation on preserving forest interior dwelling bird habitat at the recent Critical Area Commission workshop on site analysis. Your ideas, materials, and unique insight were informative and entertaining and emphasized that preserving FIDS habitat is important not only for the preservation of birds, but for all of the species that make up our complex ecosystem. I think the workshop attendees gained a greater understanding of how FIDS habitat can be preserved and why this effort is an important element of the Critical Area regulations and the State's conservation efforts.

As you know, education and State agency support and technical assistance are important components of effective local planning and implementation and are essential to the success of the Critical Area Program. Your presentation and the discussion out in the field illustrated that assistance to planners and consultants is available, and that there are a wide variety of strategies and techniques that can be used to protect and conserve FIDS habitat.

The Critical Area Commission staff and I thank you for your time and effort in making the workshop such a success.

Sincerely yours,

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

cc: Mr. Glenn Therres

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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

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

October 25, 1999

Mr. Scott Smith
Department of Natural Resources
Wye Mills Field Office
P.O. Box 68
Wye Mills, Maryland 21679

Dear Mr. Smith:

Thank you for your excellent presentation on vernal pools and forest composition and diversity at the recent Critical Area Commission workshop on site analysis. Your ideas, slide presentation, and unique insight were informative and entertaining and emphasized the value and diversity of the many habitats that make up our complex ecosystem. I think the workshop attendees gained a greater understanding of the value of forests relative to the conservation of habitat for a variety of species and why afforestation and reforestation are important elements of the Critical Area regulations.

As you know, education and State agency support and technical assistance are important components of effective local planning and implementation and are essential to the success of the Critical Area Program. Your presentation and the discussion out in the field illustrated that assistance to planners and consultants is available, and that there are a wide variety of strategies and techniques that can be used to protect and conserve important habitats within the Critical Area.

The Critical Area Commission staff and I thank you for your time and effort in making the workshop such a success.

Sincerely yours,

Ren Serey
Executive Director

cc: Mr. Jonathan McKnight

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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

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

October 21, 1999

Mr. Rocco Ragano, President
Windward Key Homeowners Association
8096 Windward Key Drive
Chesapeake Beach, Maryland 20732

Dear Mr. Ragano:

I am writing in regard to your letter to John C. North, II, Chairman of the Chesapeake Bay Critical Area Commission, concerning development activities in the Town of Chesapeake Beach. You have raised several issues which probably can be better discussed if we meet. Please call me and we can set up a time and place to get together. My number in Annapolis is (410) 260-7212. Thank you.

Sincerely,

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

Ren Serey
Executive Director

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

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





John C. North, II
Chairman

Ren Serey
Executive Director

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

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

October 20, 1999

Ms. Teri Batchelor
Maryland Forest Service
120 Broadway Avenue
Centreville, Maryland 21617

Dear Ms. Batchelor:

Thank you for your excellent presentation on forest composition and diversity at the recent Critical Area Commission workshop on site analysis. Your ideas, insight, and hands-on approach were informative and entertaining, and you handled the varying levels of knowledge and experience of the audience skillfully. I think all the workshop attendees gained a greater understanding of how forests are evaluated and how to improve the habitat value of forests created by the afforestation and reforestation elements of the Critical Area regulations.

As you know, education and State agency support and technical assistance are important components of effective local land use planning and implementation and are essential to the success of the Critical Area Program. Your presentation and the discussion out in the field illustrated that assistance to planners and consultants is available, and that there are a wide variety of strategies and techniques that can be used to protect, conserve, and improve forests within the Critical Area.

The Critical Area Commission staff and I thank you for your time and effort in making the workshop such a success.

Sincerely yours,

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

cc: Kip Powers

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



Judge John C. North, II
Chairman

Ren Surey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

October 20, 1999

The Honorable Walter M. Baker
153 E. Main Street
Elkton, Maryland 21921

Dear ~~Senator Baker~~ *Walter*:


I am writing to provide you with an update on the Wapiti Farms golf course in Cecil County. After meeting last month with you and the developers representatives, the Critical Area Commission continued to negotiate toward a compromise acceptable to all, as you encouraged us to do. I believe we successfully accomplished that task as it pertains to the first and most problematic aspect of the course. The County Board of Appeals granted the requested variances, which will allow the project to move forward.

It is my understanding that the Wapiti developers are preparing a more detailed site plan and are coordinating their efforts with the County Planning office. I remain optimistic that further consultations with the developers and the County will result in a challenging course that meets all Critical Area and other environmental requirements.

If I can be of any further service to you, please do not hesitate to call.

With kindest personal regards.

Very truly yours,


John C. North, II
Chairman

bcc: Alan H. Fleischmann, Chief of Staff
Office of the Lieutenant Governor

Branch Office: 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

October 1, 1999

Mr. Robert Smith, Chairman
Severn River Commission
P.O. Box 6675
Heritage Complex
Annapolis, Maryland 21401

Dear Mr. Smith:

I am writing in response to your request for information concerning the Chesapeake Bay Critical Area Commission's review of the Anne Arundel County Critical Area program. The Commission's Program Subcommittee has been reviewing the County Zoning Ordinance to determine which land uses permitted in underlying zones are consistent with the overlay Resource Conservation Area (RCA) provisions of the Critical Area Criteria. The Commission Chairman, Judge John C. North, II, recently reassigned this task to a panel of five Commission members who will review a package of proposed changes to the County's Critical Area program, including RCA uses.

I have enclosed a working draft table of RCA uses which the panel will review. The first column of the table sets out the Commission staff recommendation as to whether certain uses should be permitted in the RCA or whether such uses would require a portion of Anne Arundel County's growth allocation reserve. The full Critical Area Commission has not taken up these matters, so I must emphasize the draft status of the table. The Staff recommendation regarding private clubs, which you mentioned in your letter, is that these uses would require growth allocation. If this recommendation is approved by the full Critical Area Commission, it would not prohibit Anne Arundel County from approving private clubs in the Critical Area. Such an approval, however, would require the County to use a portion of its growth allocation to convert a property designated RCA to Limited Development Area or Intensely Developed Area.

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

Sincerely,

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

Ren Serey
Executive Director

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

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

ANNE ARUNDEL COUNTY - PROPOSED RCA USES

STAFF REC.	PROPOSED USE	MODIFICATIONS
Okay	ANIMAL HUSBANDRY	
Okay	BED AND BREAKFAST HOMES IF FOOD SERVICE IS LIMITED TO ROOM GUESTS	Add, "...in an existing, grandfathered structure."
Okay	BED AND BREAKFAST INNS	Add, "... in an existing, grandfathered structure."
Okay	BLACKSMITH IF ACCESSORY TO A FARM	
Okay	BULK STORAGE FOR AGRICULTURAL PRODUCTS AS AN ACCESSORY USE TO A FARM	
Okay	CEMETERIES	Must be associated with an existing, grandfathered church and cannot have impervious areas (i.e. roads, parking) in excess of 15% of the site or 20,000 square feet, whichever is less.
Okay	CHURCHES AND ANCILLARY USES ON A MINIMUM SITE OF TWO ACRES PROVIDED IMPERVIOUS SURFACES ARE LIMITED TO 15% OF THE SITE OR 20,000 SQUARE FEET, WHICHEVER IS LESS.	
Okay	CLAY AND BORROW PITS OR SAND AND GRAVEL OPERATIONS	
Okay	COMMERCIAL TELECOMMUNICATIONS FACILITIES	
Okay	COMMERCIAL WATERMAN USES, NOT INCLUDING PROCESSING OR PACKING	
Okay	COMMUNITY BEACHES	
Okay	COMMUNITY PIERS AND WATER ORIENTED RECREATIONAL USES	
NO	COMMUNITY NONPROFIT SWIMMING POOLS IF IMPERVIOUS SURFACES ARE LIMITED TO 15% OF THE SITE OR 20,000 SQUARE FEET, WHICHEVER IS LESS	Add, "Must be associated with residential development within the RCA."

	CONSERVATION USES, PRACTICES, AND STRUCTURES FOR THE MAINTENANCE OF THE NATURAL ENVIRONMENT	Add " Excludes stormwater management measures associated with non-RCA development. " ADD, "MUST BE ASSOCIATED WITH A RESOURCE UTILIZATION ACTIVITY."
Okay	DAIRIES	
Okay	EXHIBITS SHOWING HISTORICAL SHORELINE ACTIVITIES OR DEVELOPMENT	
Okay	EXISTING MARINAS	Add "grandfathered"
Okay	EXISTING YACHT CLUBS	Add "grandfathered"
Okay	FARM TENANT HOUSING, ON A SITE OF AT LEAST 20 ACRES AT A DENSITY NOT TO EXCEED MORE THAN ONE HOME FOR EACH 50 ACRES OF EACH FARMING OPERATION	CLARIFY THAT IT CANNOT EXCEED ONE DWELLING UNIT PER TWENTY ACRES.
Okay	FARMING	
Okay	FISH HATCHERIES	
Okay	FORESTRY	
Okay	FUR FARMING	
OKAY	GAME AND WILDLIFE PRESERVES NOT INCLUDING HUNTING OR SHOOTING. CLUBHOUSES, SALES, MAINTENANCE BUILDINGS AND PARKING ARE SHALL OR MUST BE LOCATED OUTSIDE THE RCA AND SUBJECT TO AN APPROVED SOIL CONSERVATION PLAN	
Okay	GOLF COURSES NOT INCLUDING CLUBHOUSES, SALES, MAINTENANCE BUILDINGS AND PARKING AREAS	
	GOVERNMENT BUILDINGS, STRUCTURES, FACILITIES AND USES THAT CANNOT BE LOCATED OUTSIDE THE RESOURCE CONSERVATION AREA	May be permitted provided they are subject to the provisions in COMAR 27.02.02.
Okay	GREENHOUSES IF ACCESSORY TO A FARM	
Okay	GROUP HOMES IN CLASSIFICATION ONE AND TWO	
Okay	HOME OCCUPATIONS	

Okay	HORSES AND PONIES ON SITES LESS THAN 40,000 SQUARE FEET	
Okay	KENNELS ON PROPERTIES OF AT LEAST 6 ACRES	
Okay	LEGITIMATE THEATER, OUTDOOR OR SHELTERED, IF THEY ARE TEMPORARY AND WITHOUT PERMANENT IMPROVEMENTS	Add, "... or involving development activities."
Okay	LIVESTOCK	
Okay	NURSERY FARM	
Okay	OUTSIDE STORAGE, ACCESSORY AND INCIDENTAL TO USES PERMITTED IN THE RCA, NOT TO EXCEED 10% OF THE LOT AREA OR 500 SQUARE FEET, WHICHEVER IS LESS	
Okay	PRIVATE AIRSTRIP OR HELIPAD	
Okay	PRIVATE CLUBS, COUNTRY CLUBS, SERVICE ORGANIZATIONS, AND NONPROFIT CHARITABLE AND PHILANTHROPIC ORGANIZATIONS OR INSTITUTIONS PROVIDED IMPERVIOUS SURFACES ARE LIMITED TO 15% OF THE SITE OR 20,000 SQUARE FEET, WHICHEVER IS LESS	Private clubs - out Country Clubs - out
Okay	PRIVATE EDUCATIONAL INSTITUTIONS PROVIDED THAT IMPERVIOUS SURFACES ARE LIMITED TO 15% OF THE SITE OR 20,000 SQUARE FEET, WHICHEVER IS LESS	Limit to PRESCHOOL , elementary and secondary education, no college or beyond
Okay	PRIVATE RESOURCE UTILIZATION OR OUTDOOR EXPERIENCE CAMPS NOT INCLUDING RECREATIONAL VEHICLES	DOES NOT INCLUDE DINING HALLS, OFFICES, POOLS, ETC. AREAS OF INTENSE ACTIVITIES SHOULD BE LOCATED OUTSIDE OF THE RCA.
Okay	PRIVATE RESIDENTIAL PIERS	
Okay	PRIVATE SWIMMING POOLS	
Okay	PUBLIC BEACHES	May be allowed if they meet the provisions in COMAR 27.02.02
Okay	PUBLIC PARKS, PLAYGROUNDS, AND OTHER RECREATIONAL USES	May be allowed if they meet the provisions in COMAR 27.02.02

Okay	PUBLIC UTILITY USES	May be allowed if they meet the provisions in COMAR 27.02.02
Okay	RECREATIONAL PIERS	
Okay	RIFLE, PISTOL, SKEET OR ARCHERY RANGES. CLUBHOUSES, SALES, MAINTENANCE BUILDINGS AND PARKING ARE LOCATED OUTSIDE THE RCA	
Okay	ROADSIDE STANDS WITH TEMPORARY SEASONAL STRUCTURES THAT SELL ONLY LOCAL PRODUCE, NOT TO EXCEED 500 SQUARE FEET	
Okay	SALE OF CHRISTMAS TREES BETWEEN DECEMBER 5 AND 25, NOT TO EXCEED ONE-HALF ACRE	
	SANATORIUMS , NURSING HOMES AND ASSISTED LIVING FACILITIES LIMITED TO 9 PATIENTS	Sanitoriums - out Nursing Homes - out DISCUSS Assisted Living limited to 9 patients conflicts with the proposed limitation on group homes in classes 1 and 2 which allows 7 patients. DISCUSS
Okay	SIGNS IN ACCORDANCE WITH TITLE 8 OF THIS ARTICLE	
Okay	SINGLE FAMILY DETACHED DWELLINGS	
OKAY	STABLES, COMMERCIAL OR COMMUNITY AND RIDING CLUBS SUBJECT TO AN APPROVED SOIL CONSERVATION AND WATER QUALITY PLAN NOT INCLUDING CLUBHOUSES, SALES, MAINTENANCE BUILDINGS AND PARKING AREAS	Need to discuss
Okay	TEMPORARY (NOT TO EXCEED 30 DAYS) NONPROFIT EVENTS INCLUDING FAIRS, CARNIVALS OR BAZAAR THAT DO NOT REQUIRE PERMANENT STRUCTURES	Add, "... or development activities."
Okay	UNENCLOSED STORAGE OF MANURE OR ODOR OR DUST PRODUCING SUBSTANCES OR USES, ON A MINIMUM SITE OF 10 ACRES, AS AN ACCESSORY USE TO A FARM	
OKAY	VETERINARY OFFICE AS AN ACCESSORY USES TO A FARM	Need to discuss
Okay	WINERY IF ACCESSORY USE TO A FARM	

the
Severn River
Commission

RS N/F



September 9, 1999

Mr. Tom Andrews
Land Use and Environment Officer
Anne Arundel County
2664 Riva Road
Annapolis, MD 21401

Mr. Ren Serey, Director
Maryland State Critical Area Commission
45 Calvert Street, 2nd Floor
Annapolis, MD 21401

Dear Mr. Andrews and Mr. Serey:

Subject: Board of Appeals Hearing St. Helena's Island

The Severn River Commission recently held its meeting for the month of September. During the time set aside for Public Input we were addressed by Ms. Kathleen Winters about recent activity concerning the St. Helena's Island property. After her presentation and a lengthy discussion about a wide range of issues concerning the Critical Area, in particular Resource Conservation Areas, the Commission unanimously moved to pursue our concerns with the County Land Use and Environment Office, and the State Critical Area Commission. The following are the issues we would like you to address:

- The Severn River Commission would like to be provided with copies of the documents that have been created to outline what uses are allowed within the Resource Conservation Area. If these documents are not complete, we would welcome the opportunity to review and comment on proposed uses in RCA areas.
- The Severn River Commission is opposed to allowing the use of "Growth Allocations" for the project referred to as St. Helena's Island.
- The Severn River Commission would like to see "Private Clubs" prohibited from being an allowed use in Resource Conservation Areas.

The SRC will continue to monitor this project. We look forward to receiving the requested information from your offices and we are eager to review and comment on RCA use designations if you deem appropriate.

Thank you for your time and cooperation in the matter.

Respectfully,

Robert Smith, Chairman
Severn River Commission

RECEIVED

SEP 14 1999

CHESAPEAKE BAY
CRITICAL AREA COMMISSION

John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

September 29, 1999

Mr. Frank Ward, Director
Permit Application Center
Planning and Code Enforcement
2664 Riva Road, MS 6001
Annapolis, Maryland 21401

Re: Impervious Surfaces

Dear Mr. Ward:

I am writing at your request to provide assistance regarding the use of paving materials related to the impervious surface regulations of the Anne Arundel County Critical Area Program. Our office has sought advice in this matter from the Maryland Department of the Environment and from other professionals familiar with paving materials and the impervious surface provisions of the Critical Area Criteria, upon which the County regulations are based.

In the Limited Development Area (LDA) and Resource Conservation Area (RCA), the Critical Area Act restricts impervious surfaces to 15% of a development site, or 25% in the case of small, grandfathered, residential lots. These provisions of the Act exist to reduce the impacts on water quality and wildlife habitat which result when stormwater is not infiltrated into the soil and runs off into nearby water bodies.

The Chesapeake Bay Critical Area Commission has issued guidance regarding the use of paving products in order to assist local governments with implementation of the Act's impervious surface provisions. The Commission's guidance paper is attached for your reference. It states that a local determination of whether, or the degree to which, paving materials should be considered pervious involves analysis of the following factors: 1) alteration of natural drainage patterns; 2) impeded infiltration; 3) treatment to remove silt, sediment or nutrients; 4) vegetation; and 5) groundwater discharge.

In the LDA and RCA, the use of pavers or other similar materials can help increase the infiltration of stormwater runoff and the Commission encourages their use for that purpose. However, designating these materials as pervious for regulatory purposes is a different question.

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

Mr. Frank Ward
September 29, 1999
Page 2

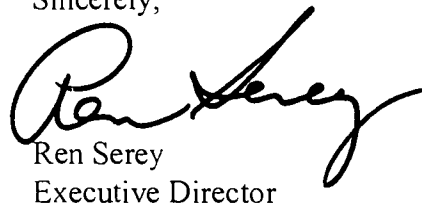
When a local government approves paving materials as pervious or partially pervious on grandfathered LDA and RCA lots, it recognizes the site constraints in these settings. Such approvals are consistent with the legislature's intent to provide flexibility on grandfathered lots where needed. In many cases such flexibility can avoid the need for a variance or significantly reduce the requested variance. In contrast, it is not consistent with the Critical Area Act to consider these materials as pervious on non-grandfathered lots larger than one acre; in areas where they would receive heavy use, such as on commercial, industrial or multi-family properties; or in the development of newly created lots. In those situations, property owners or developers should be expected to accommodate their plans to a particular site and within the existing impervious surface limits.

In the Intensely Developed Area (IDA), developers and lot owners may find that pavers or other similar materials are useful as Best Management Practices to increase stormwater infiltration and improve the quality of runoff. As you know, the Critical Area Criteria do not limit impervious surfaces in the IDA. Water quality is addressed instead by the requirements to reduce pollutant loads in runoff 10% below existing levels, and to plant vegetation in permeable areas whenever practicable. There are many opportunities to use new paving technologies beneficially in the IDA, and Commission staff are available to provide assistance in this regard.

If the County decides to assign a percentage of perviousness to paving products as outlined above, County staff will need to ensure that the products are installed according to the manufacturer's specifications and located only in areas where the soils and slopes are acceptable. The County should make such determinations on a case-by-case basis which, I would caution, could require significant staff time and resources.

Please contact me if you would like to discuss these issues further. I am available at your convenience.

Sincerely,



Ren Serey
Executive Director

udge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

September 15, 1999

Mr. N. Singh Dhillon
Dace Consultants
1254 Clarendon Court
Annapolis, Maryland 21403

Re: Gantt Property

Dear Mr. Dhillon:

I am writing in response to your letter concerning the Chesapeake Bay Critical Area Commission's review of the above referenced property. When we met with you and your clients to discuss the issues involving subdivision of the site, I told you that we would consult with Anne Arundel County staff concerning their initial determination that a variance would be needed in order to locate additional dwellings on the property.

Commission staff visited the site on August 6, 1999, following our meeting with you earlier in the week. Although we observed that the site has many sensitive features, we were unable to determine clearly whether the Buffer should be expanded to include highly erodible soils. Therefore, we believe that it would be more appropriate for staff of the Department of Planning and Code Enforcement to conduct the proper soil analysis and locate the Buffer accordingly. This office will support the County's position. If the County determines that a variance is necessary to construct additional dwellings, this office will oppose the variance.

If you would like to discuss the issues further, or if you have additional questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Ren Serey".

Ren Serey
Executive Director

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

September 15, 1999

Mr. Mitch Tarnowski
Department of Natural Resources
Fisheries Service
Tawes State Office Building, B2
Annapolis, Maryland 21401

Mitch
Dear Mr. Tarnowski:

Thank you for the excellent presentation on the Bay Scallops Restoration Project. The Critical Area Commission members and staff greatly appreciated your insights and perspectives. The more we are exposed to the intricacies of resource management, the better we understand how our land-based program needs to operate in order to play its part in the greater effort. You made the necessity to seek information real and the challenges clear.

Sincerely,

Ren Serey
Executive Director

cc: Eric Schwaab

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

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Judge John C. North, II
Chairman

Ren Serey
Executive Director

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

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

(410) 260-7516

Fax: (410) 974-5338

August 10, 1999

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

**RE: CDSP 99-1769, Shannon Farms
CBCAC # 610-98**

Dear Ms. Holmberg:

Thank you for providing information on the proposed amendment to the concept development site plan for the referenced project. Staff have reviewed the proposed adjustments to the Shannon Farms Planned Unit Development. As discussed previously with John Norris, Project Engineer with NG&O Engineering, Inc., we still are not able to support the twelve lots proposed along the gravel road. Instead, we continue to support additional lots within the higher density area. Mary Owens has prepared a revised sketch plan showing nine additional lots for your consideration (see enclosure).

Please contact me or Mary if you have any questions or would like to discuss the proposal further.

Sincerely yours,

Ren Serey
Executive Director

Enclosure

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

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George John C. North, II
Chairman

Ren Serey
Executive Director

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

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

(410) 260-7516

Fax: (410) 974-5338

August 10, 1999

Mr. John B. Norris, Jr., P.E.
NG&O Engineering
P.O. Box 643
Leonardtown, MD 20650

RE: Shannon Farms

Dear Mr. Norris:

We have reviewed the adjustments you proposed to the Shannon Farms Planned Unit Development. As we discussed previously, we still are not able to support the twelve lots proposed along the gravel road. Instead, we continue to support additional lots within the higher density area. Mary Owens has prepared a revised sketch plan showing nine additional lots for your consideration (see enclosure).

Please contact me or Mary if you have any questions or would like to discuss the proposal further.

Sincerely yours,

Ren Serey
Executive Director

Enclosure

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

John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

August 6, 1999

Mr. Steve Magoon
Director
Department of Planning and Growth Management
P.O. Box B
La Plata, Maryland 20646

Dear Mr. Magoon:

I contacted you recently about Charles County's representation on the Chesapeake Bay Critical Area Commission. I thought I should follow up that conversation with some information about the statutory process for filling Commission vacancies.

The Chesapeake Bay Protection Act sets out the requirements for Commission membership at Natural Resources Article, Section 8-1802. Paragraph (a) (2) states that 11 of the Commission's 27 members must be residents and either an elected or appointed official of a local jurisdiction. Eight other members must represent "diverse interests." These interests are undefined, but generally these members have some expertise in the development, environmental or business fields.

Charles County is paired with St. Mary's and Calvert Counties for purposes of filling vacancies on the Commission. The statute specifies that two of the three Southern Maryland members must be elected or appointed officials. Mr. David Bourdon is an appointed official and represents Calvert County. Mr. Jack Witten represents St. Mary's County. He was recently appointed under the diverse interest category. Therefore, the Charles County member must be either an elected or appointed official.

Mr. David Cooksey has represented Charles County on the Commission since 1995. At the time of his appointment he was a member of the Charles Soil Conservation District and was eligible for membership as an appointed official. The first of Mr. Cooksey's two possible terms has ended. However, he no longer holds a qualifying position (one which is authorized to act for the County) as an elected or appointed official, and therefore is not eligible for reappointment at this time.

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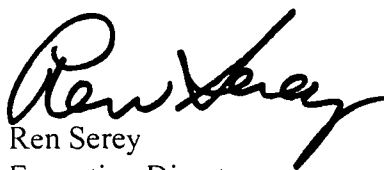


Mr. Steve Magoon
August 6, 1999
Page 2

Please be assured that Charles County does not lose its representation on the Commission while a new member is being selected. The statute specifies that "at the end of a term, a member continues to serve until a successor is appointed and qualifies" by being sworn in. Mr. Cooksey continues to serve under this provision.

I am available to meet with you at your convenience if you would like additional information about the nomination and appointment process, or about the Commission in general.

Sincerely,

A handwritten signature in black ink, appearing to read "Ren Serey". The signature is written in a cursive style with a large initial "R" and a long, sweeping underline.

Ren Serey
Executive Director

George John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

August 5, 1999

Ms. Nita Settina
Chief, Office of Nature Tourism
Department of Natural Resources
Tawes State Office Building
Annapolis, Maryland 21401

Dear Nita:

Thank you for the excellent presentation at yesterday's Critical Area Commission meeting. I don't think many of the Commission members knew much about Maryland's nature tourism efforts or ever thought about the idea of water trails. You opened up a whole new world for them. Your enthusiasm for the program is quite obvious. DNR is lucky to have you.

If there is anything I can do to help promote the program, please let me know. Again, thank you and good luck.

Sincerely,

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

cc: Sarah J. Taylor-Rogers, Ph.D.

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John C. North, II
Chairman

Ren Serey
Executive Director

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

July 28, 1999

Mr. Alan H. Fleischmann
Chief of Staff
Office of the Lieutenant Governor
State House
Annapolis, Maryland 21401

Re: Wapiti Farm Golf Course
Cecil County

Dear Mr. Fleischmann:

A couple of months ago, you called me in regard to the proposed Wapiti Farm golf course in Cecil County. You said that a friend of the Lieutenant Governor's brother had briefed you on the proposal and mentioned concerns raised by the Chesapeake Bay Critical Area Commission. I said that I would keep you up to date on the Commission's review.

The developers, Messrs. Dirk Ziff and Max Chapman, have not submitted an application to Cecil County for a full site plan review. As an interim step, they have submitted a variance application to locate two golf greens within the Critical Area Buffer. The Commission has submitted a letter to the Cecil County Board of Appeals which recommends denial of the variance. The Board's hearing was scheduled for last night, but was postponed at the request of the developers' attorney. Unfortunately, he told the Board that the development group was surprised by the Commission's position and needed more time to prepare. Our position could not have been a surprise, as it was set out clearly in previous correspondence to the County and one of the attorneys.

I have attached our letter to the Board. As you may know, it is difficult for applicants to make a sufficient showing to a local Board of Appeals that enforcement of the Critical Area regulations will result in unwarranted hardship. The difficulty is there by design. The most significant factor working against the requested variance is that with almost 450 acres to work with, the golf course easily can be constructed in line with all regulations. There is no need for part of the course to be in the most sensitive portion of the Critical Area and this is what we recommended to the Board.

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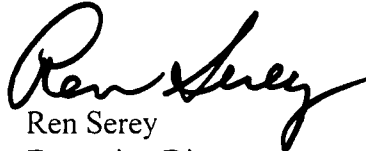
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Mr. Alan H. Fleischmann
July 28, 1999
Page 2

We will continue to make ourselves available to the developers and to the County planning staff. If you would like more information about our assessment of the golf course or about the Critical Area Program in general, please contact me.

Sincerely,



Ren Serey
Executive Director

John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

July 21, 1999

Mr. Eric Sennstrom
Cecil County Office of Planning and Zoning
County Office Building, Room 3000
Elkton, MD 21921-5935

Re: Wapiti Farm - Buffer variance request

Thank you for the opportunity to comment on the Buffer variance request on the Max C. Chapman, Wapiti Farms, LLC property. This letter sets forth the evaluation, comments, and recommendations of the Chesapeake Bay Critical Area Commission (the Commission) on the Chapman variance application. It is offered to provide assistance to the Board of Appeals regarding consistency of the proposed development with the Cecil County Critical Area Program and the Criticla Area Act (NRA 58-1801 et seq.). As you are aware, I have served as Natural Resources Planner with the Commission responsible for project and program review in Cecil County since April of 1996. Along with other administrative tasks, my primary duty is to provide technical assistance to nine jurisdictions, including Cecil County. In addition to working with the County Planning and Zoning staff on programmatic issues, I am responsible for providing comments and recommendations to staff on project applications, including but not limited to subdivisions, site plans, special exceptions, rezonings and variances. Needless to say, I review several hundred projects per calendar year.

The variance case before the Board involves an application to construct golfing greens and to place fill within the 110-foot Buffer to the Elk River. The variance is required because the County prohibits the placement of new, non water-dependent development, including grading and filling, within the Buffer. According to the County's Zoning Ordinance, Section 196 Buffer requirements,

where a tract of land bordering tidal water, tidal wetlands, or tributary streams in the Critical Area is proposed for development or redevelopment and a Buffer Exemption Area has not been mapped and designated by the County Commissioners and approved by the Critical Area Commission, a Buffer of at least one hundred and ten (110) feet shall be established in natural vegetation.

A golfing green that is constructed and intensively managed to maintain turfgrass through the use of herbicides, insecticides, fertilizers and mowing, as described in the environmental impact assessment report, does not meet the County's definition of natural vegetation. A golfing green is not a water-dependent facility as defined in the Critical Area Criteria and therefore need not be

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Mr. Eric Sennstrom
July 21, 1999
Page two

located in the Buffer to function as such. In addition, the County's Critical Area program and State criteria require that the Buffer be established and that forest vegetation shall be used in those areas of the Buffer where agricultural activities cease and the land is converted to other uses (Cecil County Critical Area Program, Section 9. Habitat Protection Program Elements and COMAR 27.01.09.02 C(7)).

The 443 acre property known as the Wapiti Farm is located off of Turkey Point Road at 307 Wapiti Lane, North East. The portion of the property that is located in the Critical Area is designated as a Resource Conservation Area (RCA). According to the environmental impact assessment, the property has been in agricultural use throughout the century with a limited number of structures located both inside and outside of the Critical Area. The land in the 64 acre drainage area defined under this variance application consists of 85% in agricultural use, 9% in forest and 6% in buildings or roads. The full 110-foot Buffer remains undeveloped except for a boathouse and one dwelling and shed that are proposed to be removed as described in the environmental assessment included with this variance application. It appears from the "Proposed Conditions Plan" that in addition to holes #15 and #17, the green for hole #14 is proposed in the Buffer in the location of the existing dwelling. As previously noted, the County Code states that a variance is required for *redevelopment* in the Buffer. A variance has not been requested under this application for the proposed redevelopment in the Buffer for hole #14. A variance is required to permit this proposed redevelopment in the Buffer.

A portion of the shoreline has been protected with a series of shore erosion control structures. Protection of the shoreline from erosion with appropriate shore erosion control measures, structural or vegetative, is encouraged in the Critical Area and does not conflict with the Buffer protection requirements in the County program and state criteria. This office would like to offer comments as to why we cannot support a variance to allow the proposed development in the 110-foot Buffer.

The Variance Standards

Any person who applies for a variance to the Critical Area Criteria must meet five variance standards that are specifically listed in COMAR 27.01.1, and in the Cecil County Zoning Ordinance, Section 306. (Cecil County's Ordinance addresses one additional standard regarding greater profitability.) All five of the variance standards must be met in order for a variance to be granted. It is the opinion of this office that all five of the variance standards have **not** been met in this case. The application for variance fails on the first standard. Nothing in the application for the variance presents any indication of hardship. We recommend that the Board of Appeals deny the variance because of the applicant's failure to meet the variance standards. We recommend that the applicant move the proposed greens and placement of fill as well as the associated limits of disturbance for their construction outside of the Buffer. There appears to be ample room on the 443 acre site to do so. We will be happy to offer assistance in suggesting alternative locations for the proposed greens.

Below is an outline of the required variance standards as applied in this case.

1. The first standard addresses conditions that are unique to the subject property involved and the unwarranted hardship resulting from denial of the variance. The legal standard of "unwarranted hardship" in the context of the variances to Critical Area standards is set forth clearly by the Court of Special Appeals in White v. North, 121 Md. App. 196 (1998) and North v. St. Mary's County, 99 Md. App. 502 (1994). Unwarranted hardship results only when denial of an applicant's request would result in denial of reasonable use of the site. Based on our review of the application, this property is typical of many parcels on the Elk River with land in the Critical Area designated as Resource Conservation Areas (RCA) in Cecil County. As described in the variance application, the property is currently developed with several out buildings clustered at the top of the knoll and one house with associated sheds and boat house in or just outside of the Buffer. This office firmly believes that a denial of the proposed new development activities in the 110-foot Buffer would not deny the applicant reasonable use of the property or result in an unwarranted hardship to the applicant. [Section 306-2(e.1) of the Cecil County Z.O.].
2. The second standard addresses the rights of the variance applicant with respect to the rights commonly shared by other owners of property in the same management area within the Critical Area District. Denial of this variance will not deprive the property owner of rights shared by other property owners in the RCA. All property owners in the Critical Area are similarly limited by the Critical Area Law and the County's Program concerning new development in the Buffer. Commission staff and the County have consistently required that all development be located outside of the Buffer unless the proposed development activities meet the definition or criteria for water dependent uses, grandfathering, or Buffer exemption. Clearly on this property, the applicant has the acreage to create a golf course without introducing new disturbance in the Buffer. Therefore this standard is not met. [Section 306-2(e.2) of the Cecil County Zoning Ordinance]
3. The third standard addresses special privileges that may be conferred upon an applicant with the granting of a variance when such privileges would be denied other owners of like properties and/or structures within the Critical Area. The granting of this variance would confer upon this property owner a special privilege because all similar properties are restricted from grading, filling, and new development in the Buffer. [Section 306-2(e.3) of the Cecil County Zoning Ordinance]

Mr. Eric Sennstrom
July 21, 1999
Page four

4. The fourth standard requires that a variance is not based upon conditions or circumstances which are the result of actions by the applicant, nor does the request arise from any condition relating to land or building use, either permitted or non-conforming, on any neighboring property. The variance is not based on conditions or circumstances which are the result of the applicant's actions. Therefore this standard is met. [Section 306-2(e.4) of the Cecil County Zoning Ordinance]

5. The fifth standard addresses adverse impacts to water quality and fish, wildlife, or plant habitat that may result from the granting of the variance and the consistency of the variance approval with the spirit and intent of the Critical Area Program. The construction of the greens in the Buffer and their use adversely impacts water quality and habitat both by removing the existing natural vegetation in the Buffer and by creating an area that will be intensively managed with herbicides, insecticides and fertilizers and will introduce new ongoing activities in the Buffer. The approval of the proposed variance will contribute to the cumulative and long term impacts of such development activity and therefore is not consistent with the general spirit and intent of the Critical Area Program. [Section 306-2(e.5) of the Cecil County Zoning Ordinance]

When reviewing golf course development, this office has consistently opposed the placement of greens, tees and fairways in the Buffer or expanded Buffer. The Buffer is a designated Habitat Protection Area designed to act as both a natural filter for runoff and provide habitat to both terrestrial and aquatic species. The Buffer's ability to achieve these functions is reduced by such disturbance and development activities as those proposed in this case. This permanent removal of natural vegetation and ongoing intensive management and activity in the Buffer by itself may seem inconsequential to the health and welfare of the Bay and ecosystems it supports, but allowing these development activities would be to allow thousands that would have a detrimental effect on the Bay. As the General Assembly in §8-1801 of the Critical Area Act declared:

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

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

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

Mr. Eric Sennstrom
July 21, 1999
Page five

Commission staff recommend denial of the variance based on failure to meet all of the five variance standards. We recommend that all development related to the construction of the proposed golf course be constructed outside of the of the Buffer.

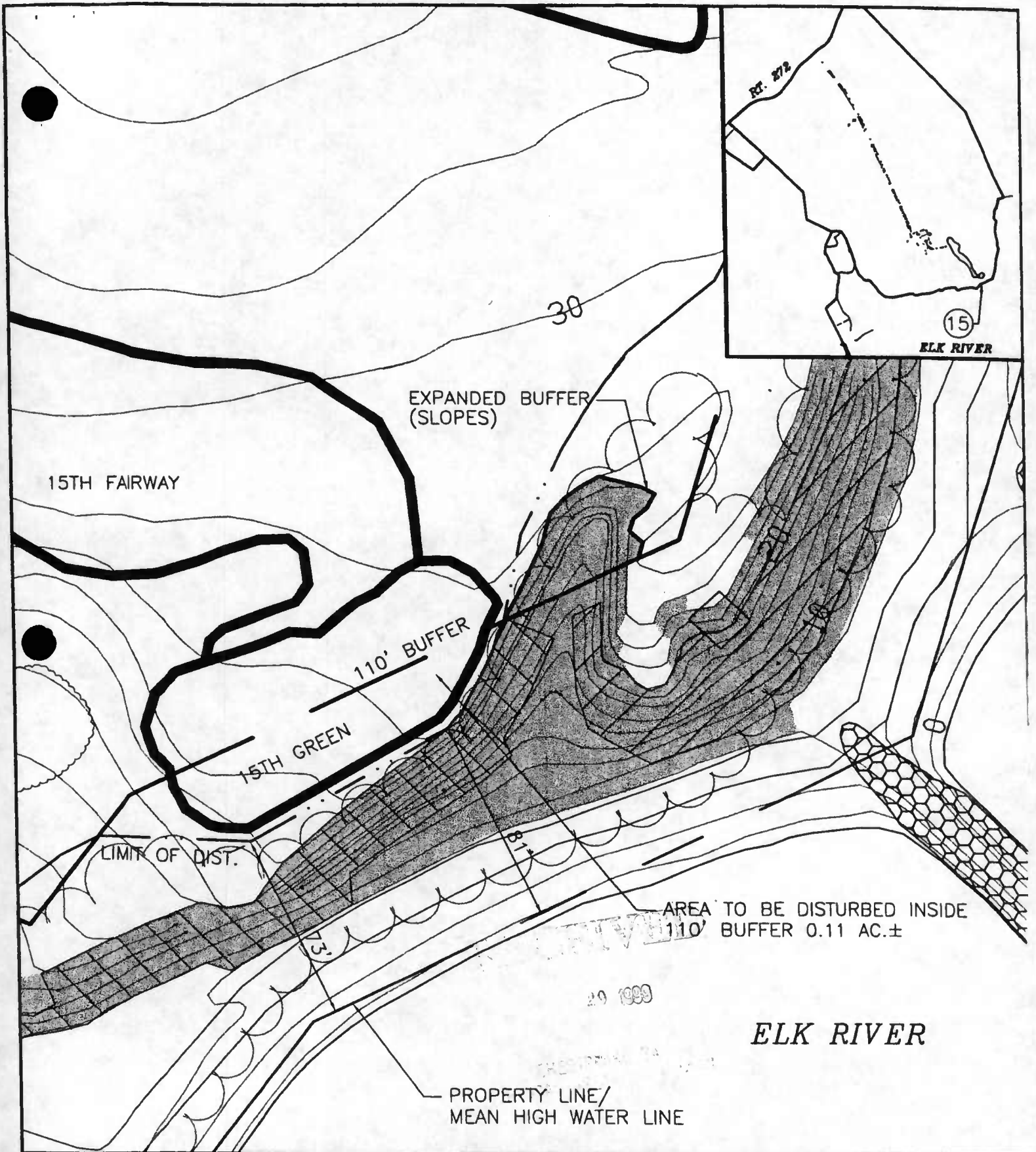
Thank you for the opportunity to comment on this application. Please include this letter as part of the record for the variance request. Please notify the Commission in writing of the decision made in this application. Please call me at (410)260-7019 if you have any questions concerning these comments.

Sincerely,



Susan McConville Zankel
Natural Resources Planner

cc: Marianne D. Mason, Assistant Attorney General
Ren Serey, Exectutive Director
CE 346-99



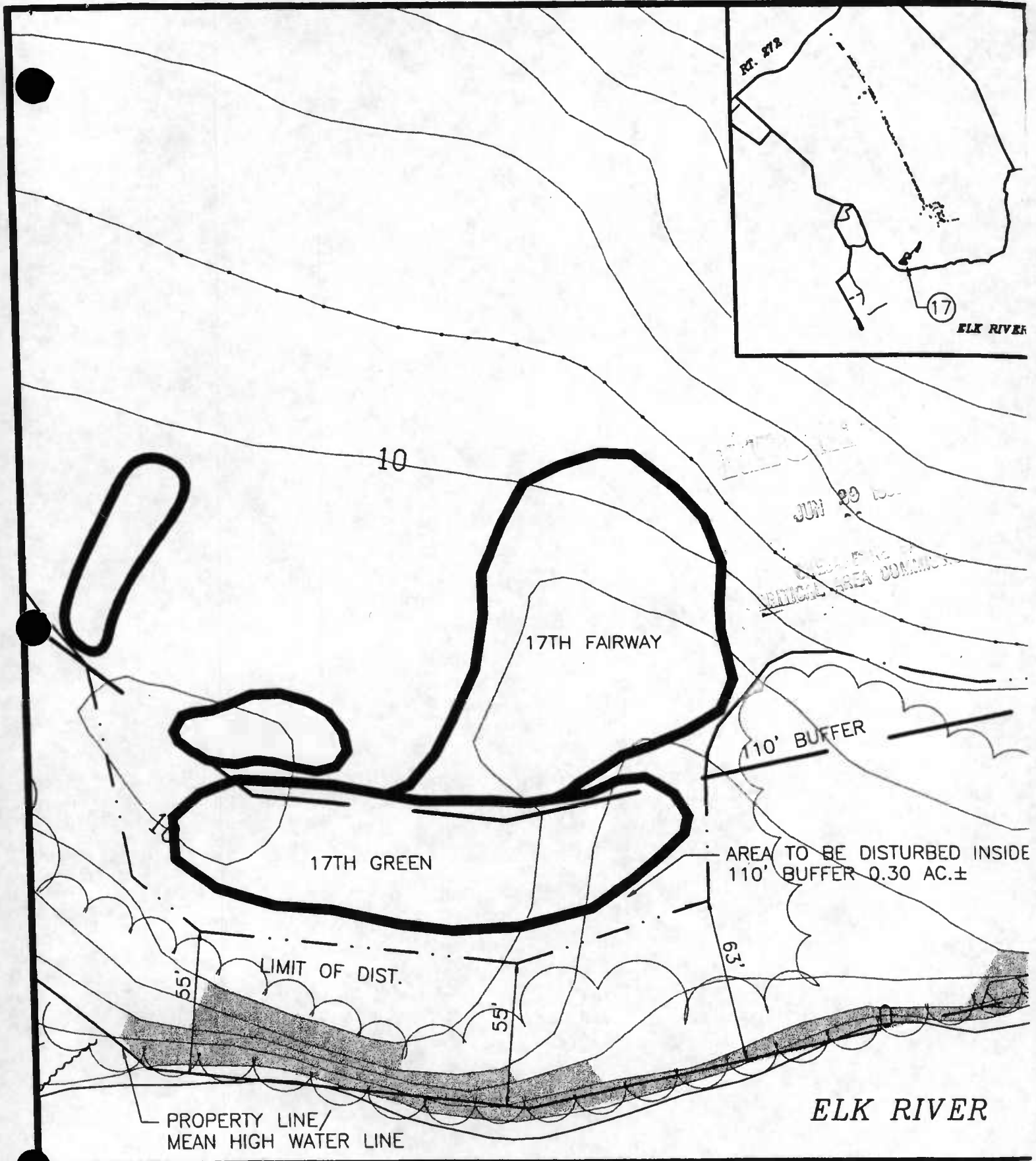
HOLE 15

WAPITI FARM GOLF

FIFTH ELECTION DISTRICT, CECIL COUNTY, MARYLAND

McCRONE
 ENGINEERING □ ENVIRONMENTAL SCIENCES
 LAND PLANNING & SURVEYING □ CONSTRUCTION SERVICES
 CLAYTON PROFESSIONAL BUILDING
 118 NORTH STREET
 ELKTON, MARYLAND
 (410) 398-1500
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 SCALE: 1" = 50'
 DATE: JUNE 1999
 JOB NO. 03960155
 FOLDER: 2406-A
 CADD FILE: CHPMNWAP11



HOLE 17

WAPITI FARM GOLF

FIFTH ELECTION DISTRICT, CECIL COUNTY, MARYLAND

McCRONE

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SCALE: 1" = 50'

DATE: JUNE 1999

JOB NO. 0396015E

FOLDER: 2406-A

CADD FILE: CHPMNWAP!

ge John C. North, II
Chairman



Ren Serey
Executive Director

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

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

July 23, 1999

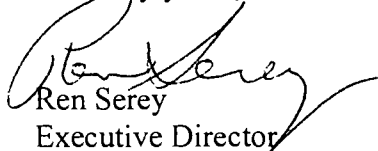
The Honorable Russell Brinsfield
Town of Vienna
P O Box 86
Vienna, Maryland 21869

RE: Chesapeake Bay Critical Area Circuit Rider Program

Dear Mayor Brinsfield:

Thank you for your letter expressing interest in the Maryland Office of Planning Circuit Rider Program. As you know, the Town has participated in the Program before, and the staff of the Office of Planning are uniquely capable of meeting the needs of the Town relative to the Critical Area regulations, the Governor's Smart Growth initiatives, and the enhancement of public access to the water. I have discussed the matter with Mr. Larry Duket and Ms. Tracey Greene of the Maryland Office of Planning, and they are willing to work with the Town. Ms. Tracey Greene will be the staff planner who will be assigned to work with the Town. I would be happy to meet with you and Ms. Greene, at your convenience, to discuss the Circuit Rider Program and the needs of Vienna in more detail. I will contact you next week to schedule a date and time. If you have any questions, please feel free to contact me at (410) 260-7516.

Sincerely yours,


Ren Serey
Executive Director

RS/jjd

cc: Ms. Tracey Greene, OP
Mr. Larry Duket, OP
Ms. Lisa Hoerger, CBCAC

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(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

July 23, 1999

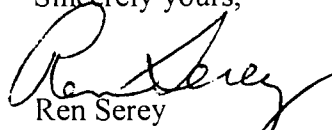
Ms. Cheril Thomas
Commissioners of St. Michaels
P O Box 206
St. Michaels, Maryland 21663-0206

RE: Chesapeake Bay Critical Area Circuit Rider Program

Dear Ms. Thomas:

I am writing in response to your letter regarding additional assistance with the implementation of the Town's Critical Area Program from Mr. Roby Hurley. Ms. Mary Owens of my staff spoke with Ms. Jean Wiesman, and she explained that the Town has recently hired a new zoning inspector and that the Town seeks Mr. Hurley's assistance with some training and oversight for this staff person. Based on their conversation, it is my understanding that this additional assistance will involve approximately five to ten hours a month for the next several months. I have discussed this additional responsibility with Mr. Hurley, and he is willing to provide the additional assistance. At this time, the Town's Coastal Zone Management Grant funds will not be adjusted; however, if additional assistance from Mr. Hurley will be needed beyond the first quarter of FY2000 (December 31, 1999), then some adjustment to the grant may be necessary. If you have any questions, please feel free to contact me at (410) 260-7516.

Sincerely yours,


Ren Serey
Executive Director

RS/jjd

cc: Mr. Roby Hurley, OP
Ms. Lisa Hoerger, 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

ge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

July 14, 1999

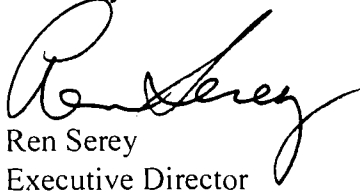
Mr. Jon Arason, AICP
Planning Director
Department of Planning and Zoning
Municipal Building
160 Duke of Gloucester Street
Annapolis, Maryland 21401

RE: Steffan Point Site Plan

Dear Mr. Arason:

Thank you for the explanation of the resubdivision of the Steffan Point property. Based on the grandfathered status of the three lots and the extent of the Critical Area Buffer, I concur with your determination concerning location of the driveway to Lot A. Given the sensitive nature of the site, I am certain that your office will pay particular attention to grading and the construction of the driveway. If I can be of any further assistance in this matter, please contact me.

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

John C. North, II
Chairman



Ren Serey
Executive Director

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

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

July 13, 1999

Mr. Anthony Lamartina, Chariman
Anne Arundel County Board of Appeals
44 Calvert Street
Room 307
Annapolis, Maryland 21401

Re: Fantasy Island Holding Corporation
BA 16-99V

Dear Mr. Lamartina:

I am writing to offer comments on behalf of the Chesapeake Bay Critical Area Commission concerning the above-referenced case. Because the property in question on St. Helena's Island is classified as a Resource Conservation Area (RCA) under Anne Arundel County's Critical Area Program, the requested variances may have implications that reach beyond the immediate issues before the Board.

As you know, the Code of Maryland Regulations at 27.01.02.05 describe RCAs as, "... nature-dominated environments (that is, wetlands, forest, abandoned fields) and resource-utilization activities (that is, agriculture, forestry, fisheries activities, or aquaculture)." This characterization of RCAs prevents new commercial uses in the RCA unless the County changes the classification of the property to either a Limited Development Area (LDA) or an Intensely Developed Area (IDA).

A change in the classification requires that the County institute its growth allocation process. 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 to award as growth allocation. Anne Arundel County has approximately 142 acres remaining, of which 57 acres may be converted from an RCA to an LDA or IDA. Growth allocation requires County Council approval and ultimately approval by the Critical Area Commission.

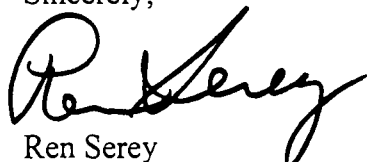
Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Board of Appeals
Page Two
July 13, 1999

Our letter to the Administrative Hearing Officer dated February 10, 1999 (enclosed) raised the issue of whether the use of the St. Helena Island property constitutes a commercial use. The decision of the Anne Arundel County Circuit Court of June 21, 1999 in case number C-98-50433.OC, seems to confirm the Commission's concern that the use was commercial. In fact, the Court has enjoined the operation of all commercial business/private club activities on this property. In finding that this use is a commercial operation, the Court noted that it violates the County Code.

Although the Court's decision has temporarily stopped this use, the Commission believes this is a significant issue that will not be resolved by the decision in these variance proceedings. Even if the Board grants these variances, the issue of the use of the property on the island will not be resolved without addressing the required growth allocation for any intended commercial use.

Sincerely,



Ren Serey
Executive Director

Enclosures

cc: Mr. Kevin Dooley, PACE

John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

July 8, 1999

Mr. Rudy Espinoza
Worcester Co. Planning, Permits & Inspections
Court House, Room 116
One West Market Street
Snow Hill, Maryland 21863-1070

RE: YMCA Growth Allocation Request

Dear Mr. Espinoza:

As you are aware, the Chesapeake Bay Critical Area Commission's Program Subcommittee reviewed the proposed growth allocation for the YMCA at its meeting on July 7, 1999. The project meets the adjacency requirements of the Worcester County Critical Area Program for location of new Intensely Developed Areas (IDAs) and it appears that growth allocation could be granted for this site.

However, the amount of growth allocation that should be deducted was discussed at length. The proposal to grant growth allocation to 3.42 acres of the total 4.77 acres within the Critical Area does not appear to be consistent with the Commission's policy for the Counting of Growth Allocation. Specifically, the policy states, "...The density criterion for the Resource Conservation Area and the development standards for the Limited Development Area were based on water quality considerations, the protection of extensive habitat areas of regional significance and the retention of farm and forest land. The subdivision and development of RCA lands beyond the density permitted by the criteria, and the intensification of development on lightly or moderately occupied LDA lands, were considered by the Commission to result in a significant reduction in these values. Thus, the Commission provided that the total acreage of land so developed should be counted against Growth Allocation."

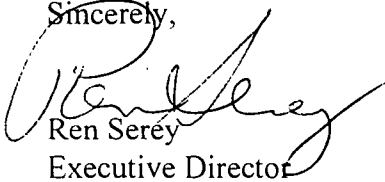
With regard to this specific project, the area proposed to remain as Limited Development Area totals 1.35 acres, divided between two separate locations. The first location on the northern side of the site (upper left corner of site plan) will be partially cleared for the sewage reserve area. The second location on the southwestern corner of the site (bottom center of the plan) contains a portion of the stormwater management pond. Both of these areas will be affected by the development on the proposed IDA designated area. For this reason, the Subcommittee concluded that the entire 4.77 acres should be deducted for this project. The full Critical Area Commission was briefed on the project and concurred with the Subcommittee's analysis.

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

Mr. Rudy Espinoza
Page 2

Provided the County approves the request for growth allocation, the Critical Area Commission will officially review the growth allocation request at its next meeting on August 4, 1999. If you have any questions or would like additional information, please contact me or LeeAnne Chandler at (410) 260-7516.

Sincerely,



Ren Seré
Executive Director

cc: Joseph A. Jackson, III
LeeAnne Chandler
WO216-99

Staff Correspondence: Dawn

July-December 1977

SI832-143-2



headen 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

December 20, 1999

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

**RE: Donahower Residence
6 Cheston Ave**

Dear Mr. Torney:

This office understands that the applicant is proposing to replace the existing house with a larger house within the 100-foot Buffer. All development within the 100-foot Buffer will require a variance. Please provide the following information:

1. Amount of existing and proposed impervious surfaces on site;
2. Clarification on the footprint of the proposed house. The current site plan does not match the previous Donahower variance application submitted in June 1999 for a walkway in the 100-foot Buffer; and,
3. A site plan showing the 100-foot Buffer.

We will provide additional comments once we received this information. If there are any questions, please feel free to call me at (410) 260-7072.

Sincerely,

Dawn McCleary
Dawn McCleary
Natural Resources Planner

cc: Regina Esslinger
AN 633-99

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

CLEARINGHOUSE REVIEW

December 7, 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 ^{H.G.D.}Dehart, Director, Program Open Space

SUBJ: DNR Clearinghouse Review of Local POS Project # 3648-12-170
Churchville Recreation Complex-Parking Lot, Harford County

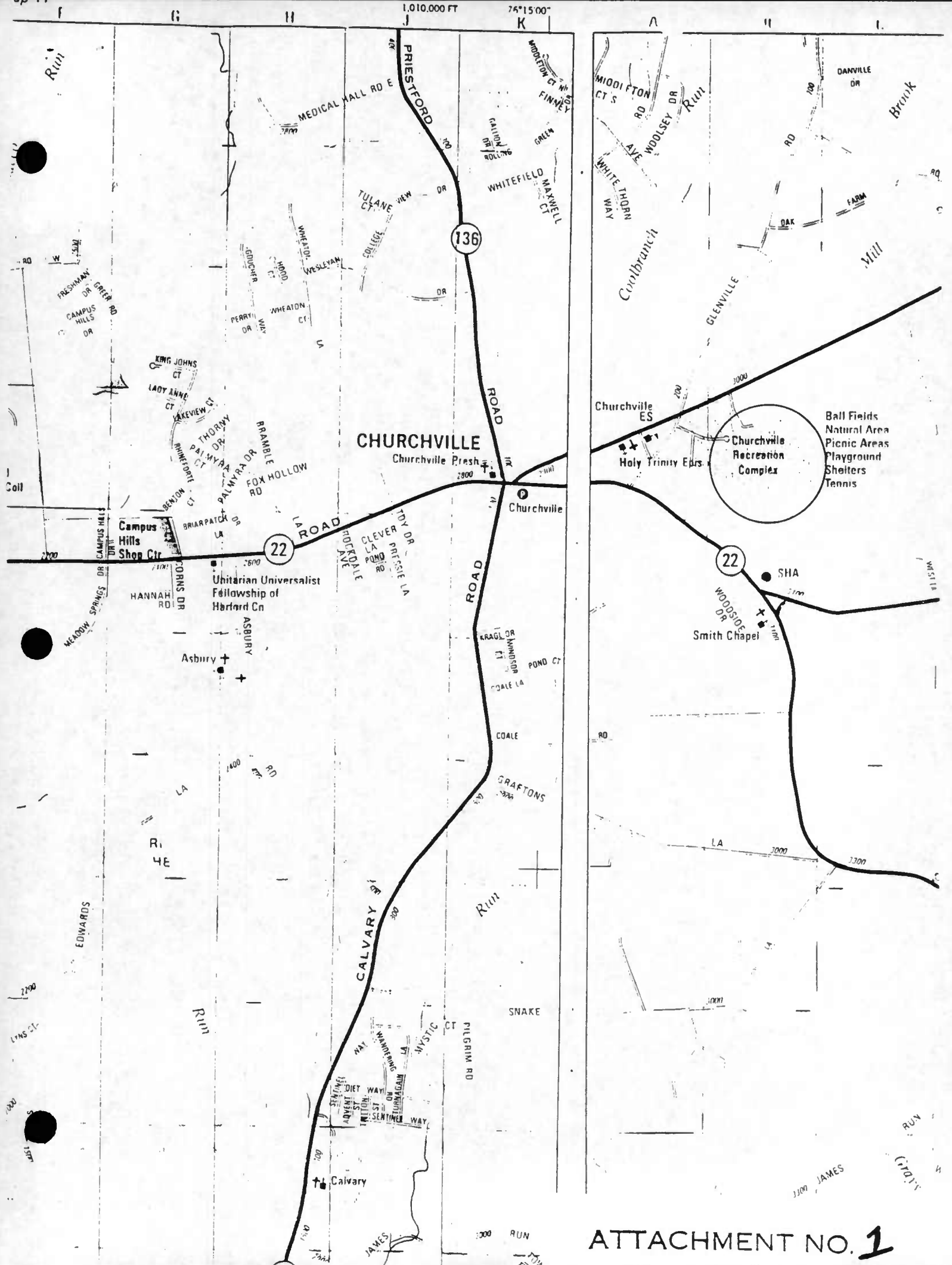
This project proposes the expansion of the existing parking area. This new parking area will be 60 feet by 210 feet and will provide an additional 40 parking spaces. This additional parking is needed because of the large number of activities conducted at the Churchville Recreation Complex.

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 within two weeks of the date of this letter. If no comments are received by the date indicated, it will be assumed that this project does not conflict with the programs, plans, or objectives of your Agency. If you require additional information before you can complete your review, please contact the undersigned.

CHECK ONE AND INITIAL

	<u>CHECK</u>	<u>INITIAL</u>
1. The project does not conflict with the plans, programs or objectives of this Agency.	<input checked="" type="checkbox"/>	12/20/99 DM
2. The project does not conflict with this Agency's plans, programs or objectives, but the attached comments are submitted for consideration.	<input type="checkbox"/>	
3. The project conflicts with this Agency's plans, programs or objectives for the reasons indicated on the attachment.	<input type="checkbox"/>	

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



ROAD

AcB

Storm Water Management Pond
to control surface water from the
parking lot expansion

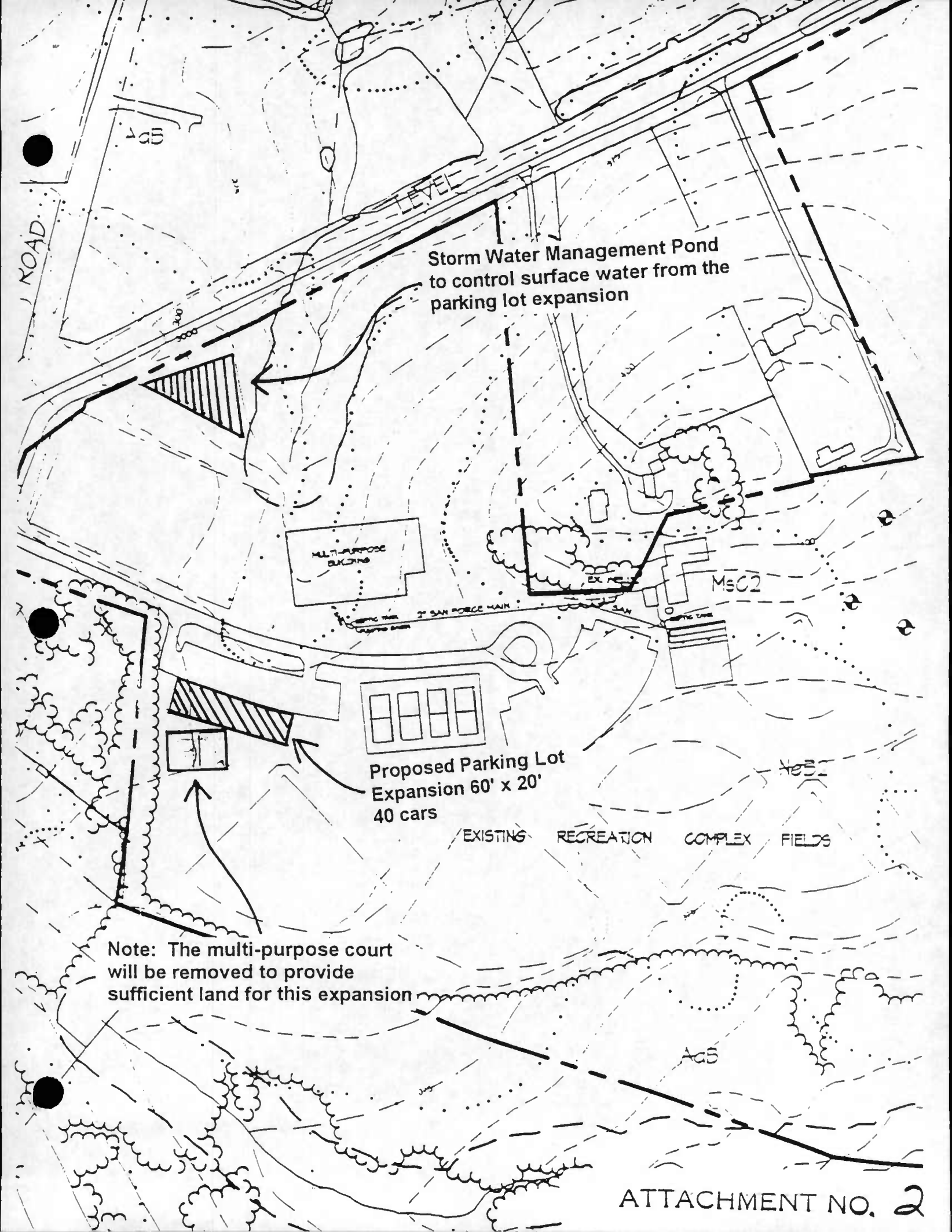
MULTI-PURPOSE
BUILDING

MSC2

Proposed Parking Lot
Expansion 60' x 20'
40 cars

EXISTING RECREATION COMPLEX FIELDS

Note: The multi-purpose court
will be removed to provide
sufficient land for this expansion



CLEARINGHOUSE REVIEW

December 7, 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, ^{HGD} Director, Program Open Space

SUBJ: DNR Clearinghouse Review of Local POS Project # 3644-12-169
Playground Equipment, Harford County

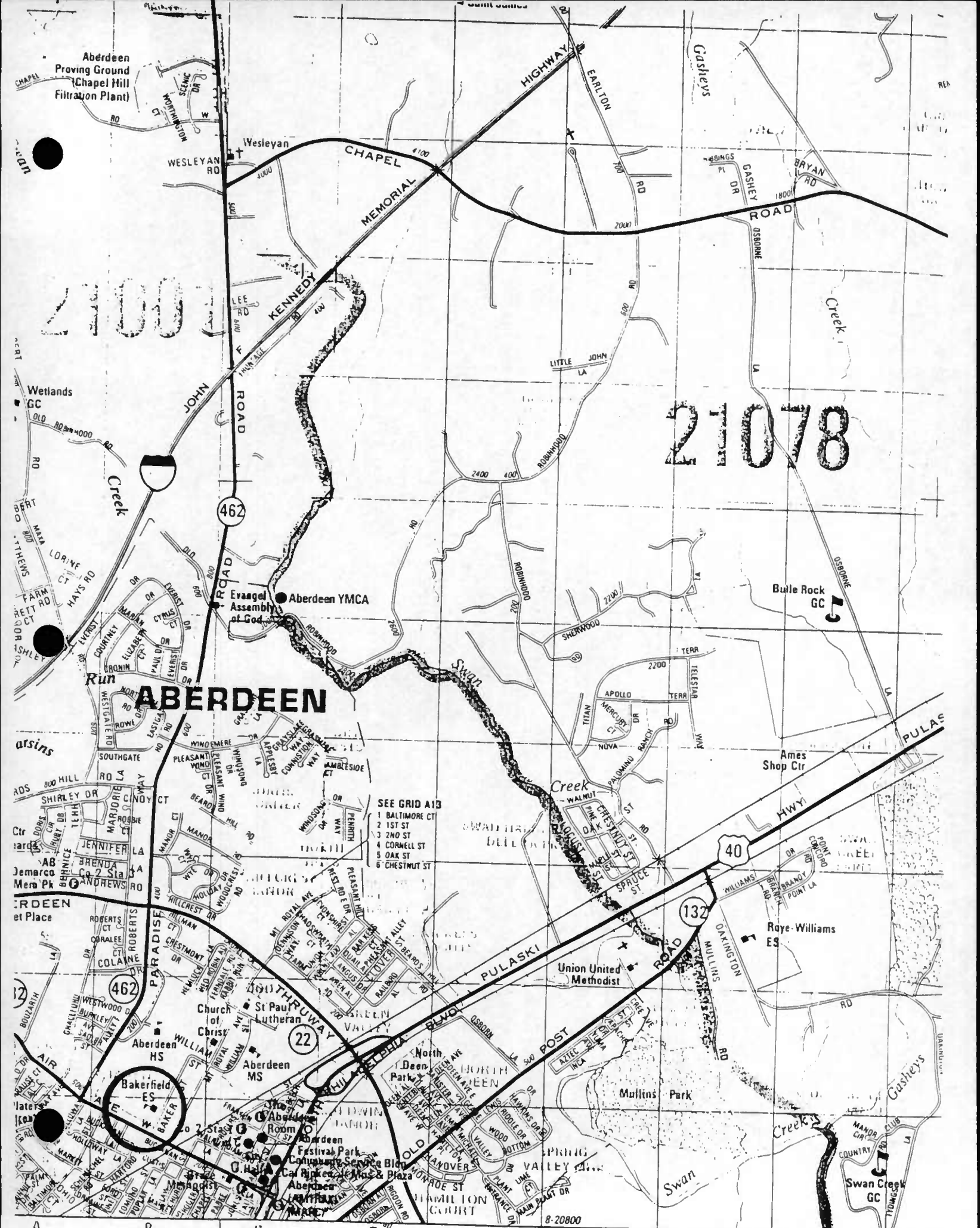
This project proposes the purchase and installation of playground equipment meeting ADA requirements at various school sites, i.e., Bakerfield Elementary School, Darlington Elementary School, Hickory Elementary School, Youth's Benefit Elementary School, John Archer School, and Edgewater Village Park.

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 within two weeks of the date of this letter. If no comments are received within two weeks, it will be assumed that this project does not conflict with the programs, plans, or objectives of your Agency. If you require additional information before you can complete your review, please contact the undersigned.

CHECK ONE AND INITIAL

<u>CHECK ONE AND INITIAL</u>	<u>CHECK</u>	<u>INITIAL</u>	RECEIVED
1. The project does not conflict with the plans, programs or objectives of this Agency.	<input checked="" type="checkbox"/>	12/20/99 Dm	DEC 13 1999
2. The project does not conflict with this Agency's plans, programs or objectives, but the attached comments are submitted for consideration.	<input type="checkbox"/>	_____	CHESAPEAKE BAY CRITICAL AREA COMMISSION
3. The project conflicts with this Agency's plans, programs or objectives for the reasons indicated on the attachment.	<input type="checkbox"/>	_____	

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

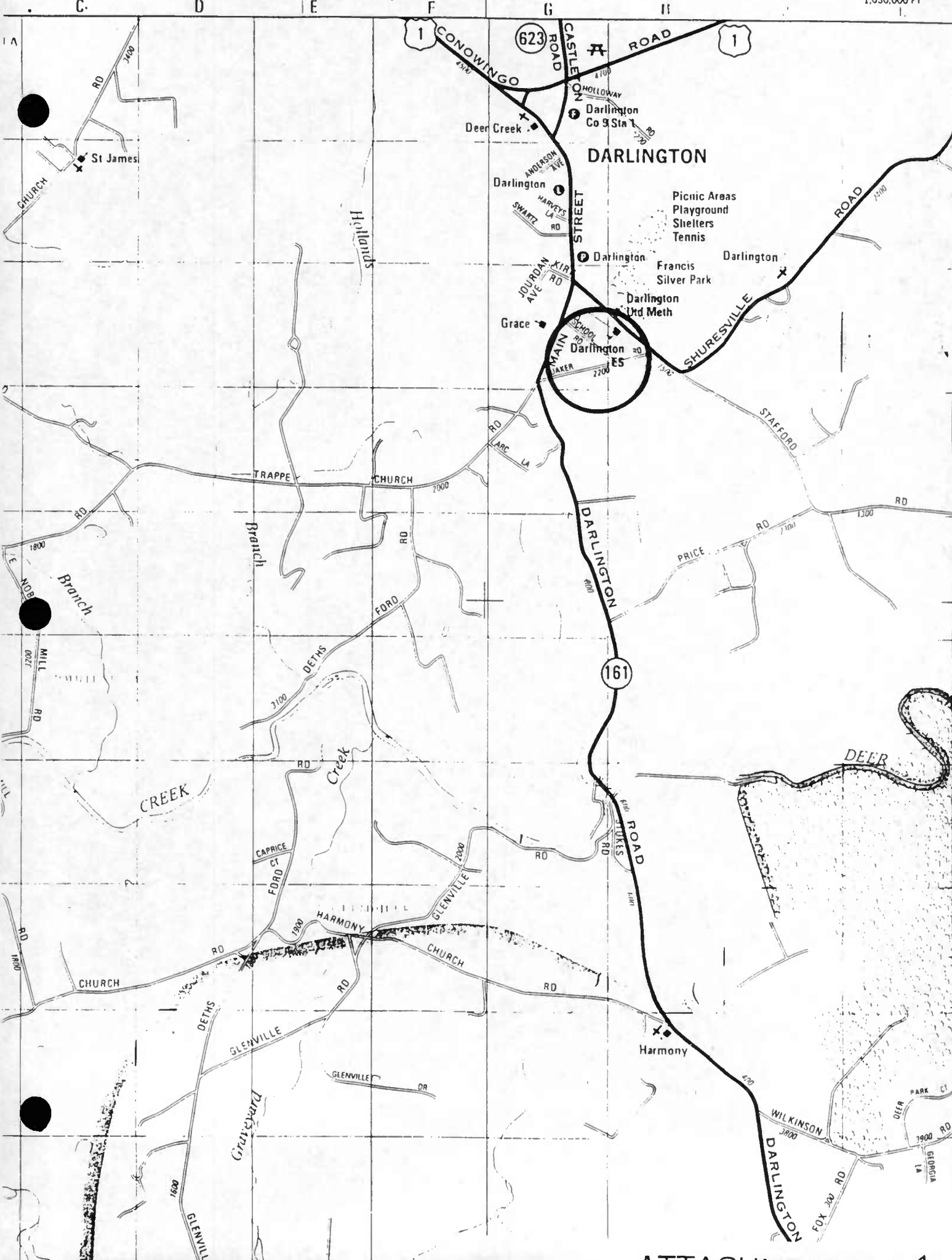


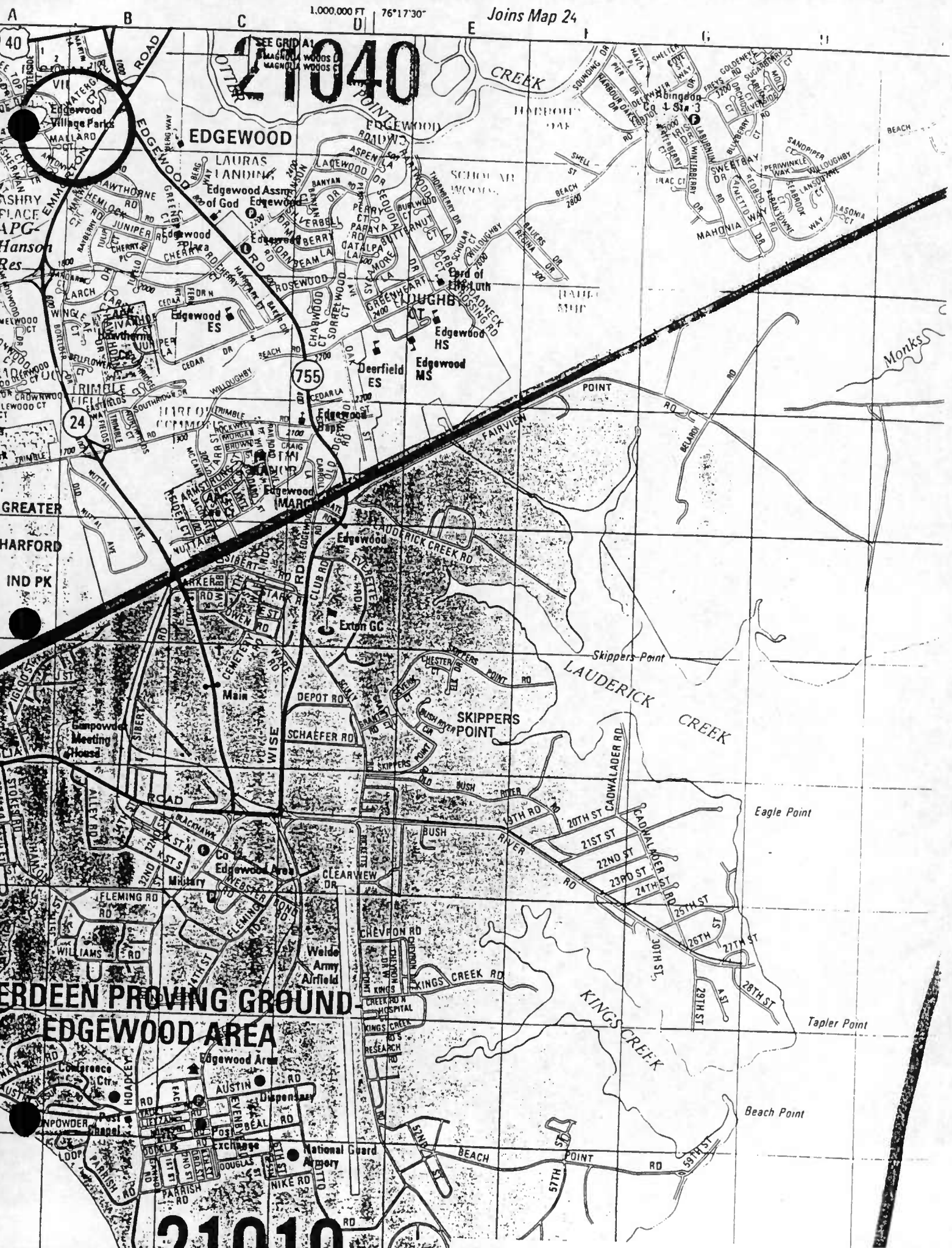
2100

21078

ABERDEEN

- SEE GRID A13
- 1 BALTIMORE CT
 - 2 1ST ST
 - 3 2ND ST
 - 4 CORNELL ST
 - 5 OAK ST
 - 6 CHESTNUT ST





40

21040

Hanson Res

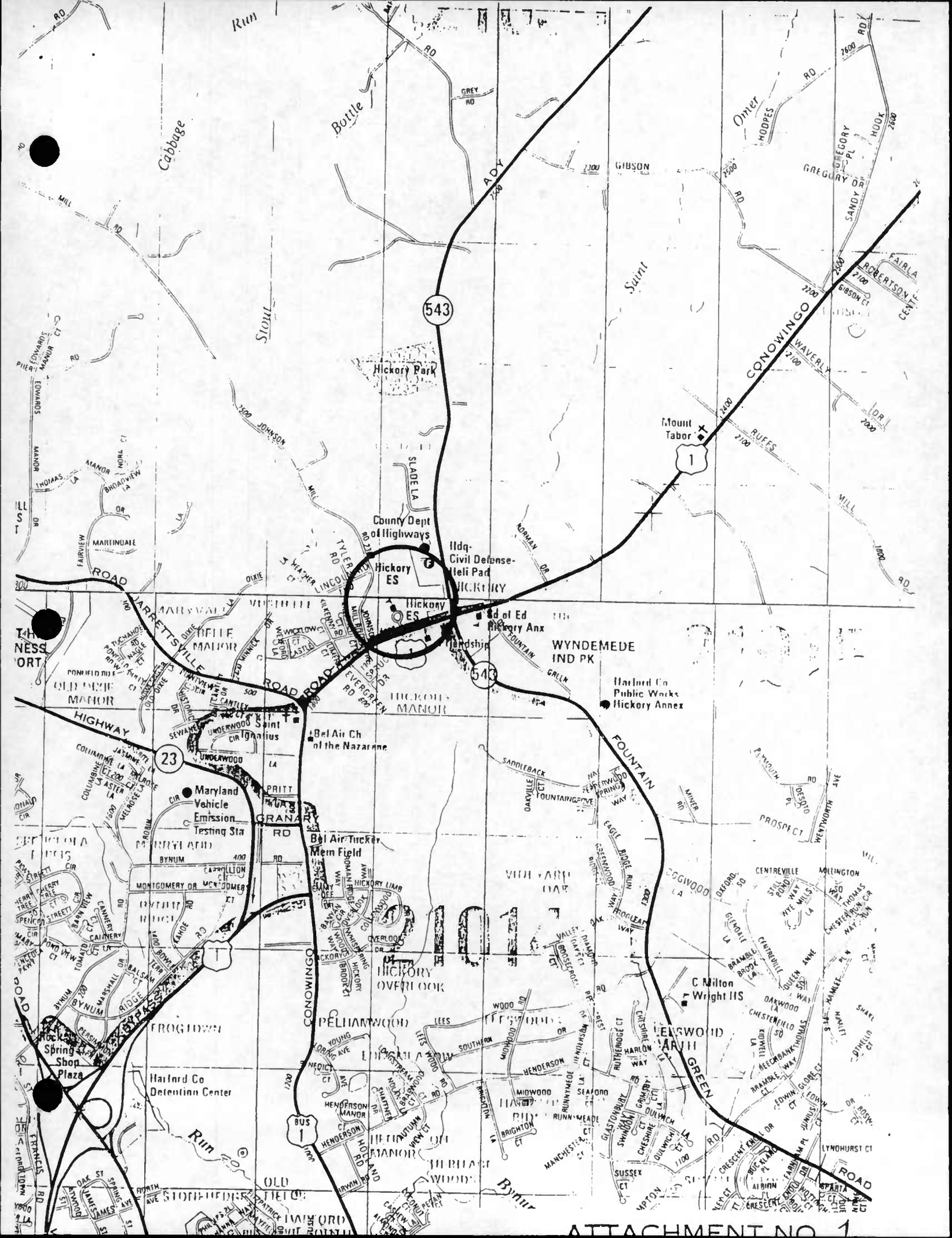
HARFORD

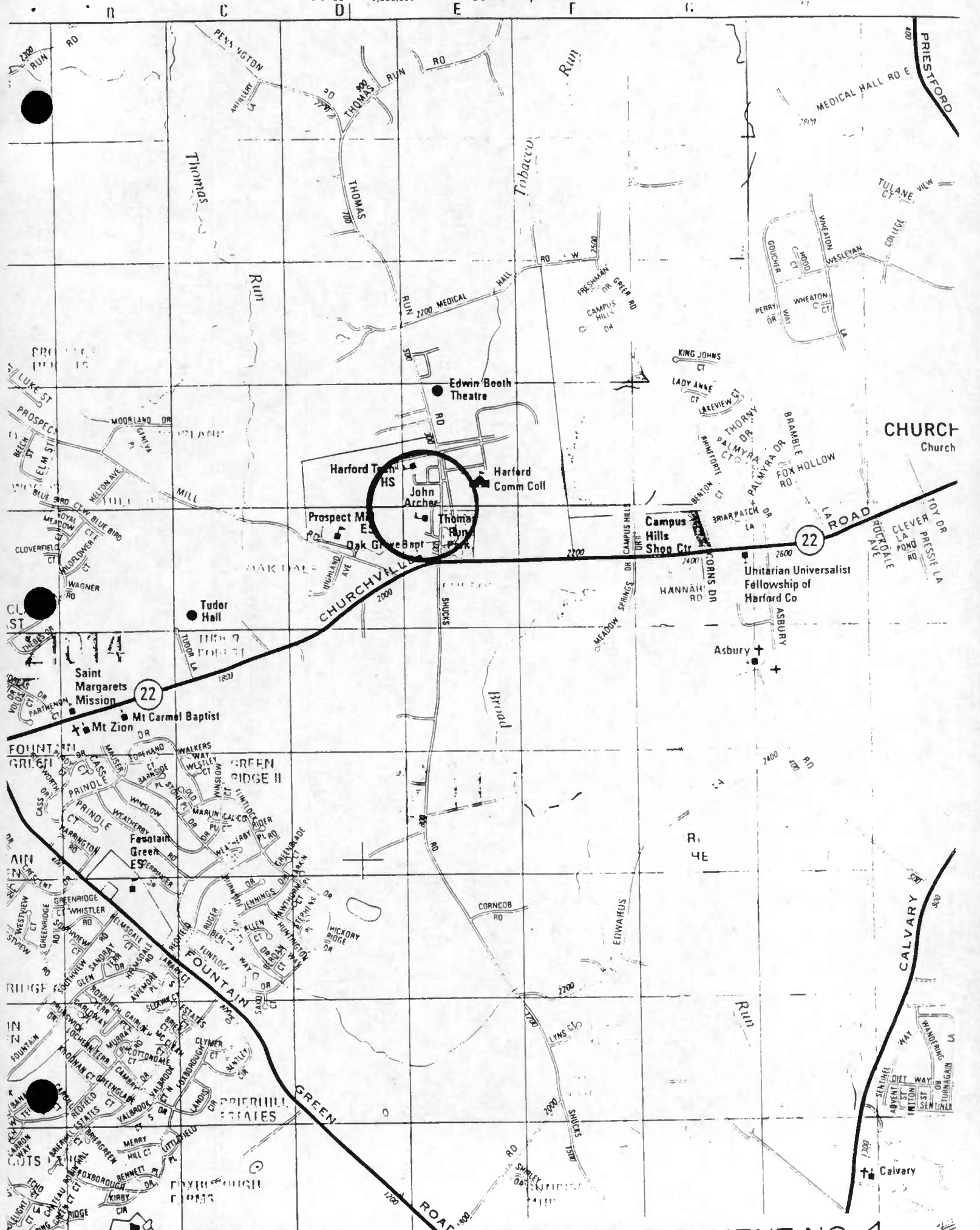
ERDEEN PROVING GROUND

EDGEWOOD AREA

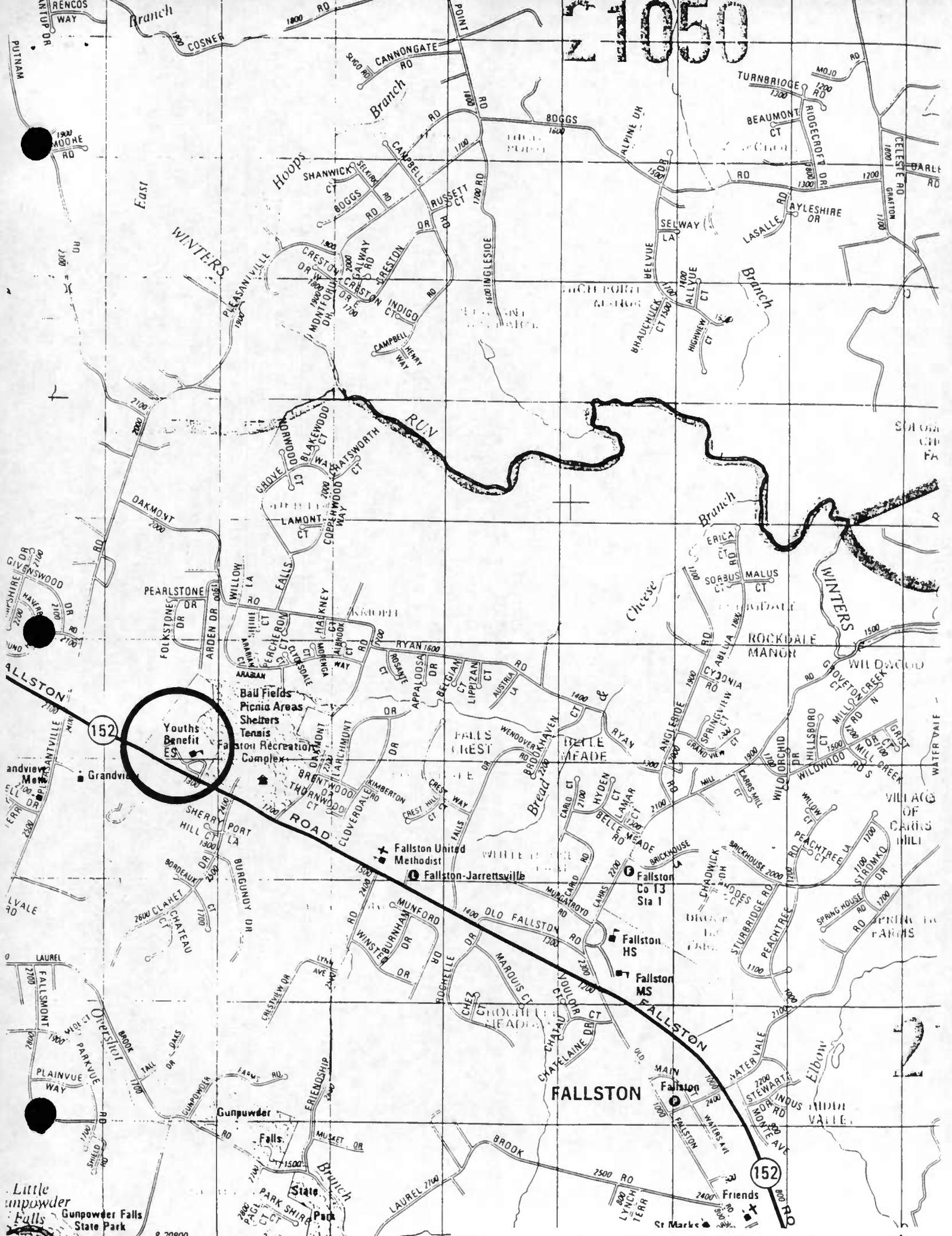
21010

ATTACHMENT NO. 1





21050



152

Youths Benefit ES

Ball Fields
Picnic Areas
Shelters
Tennis
Fallston Recreation Complex

Fallston United Methodist

Fallston-Jarrettsville

Fallston Co 13 Sta 1

Fallston HS

Fallston MS

FALLSTON

152

Little Gunpowder Falls State Park

8-20800

ATTACHMENT NO 1

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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

December 16, 1999

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


**RE: Rolf Schou
605 Creek Drive**

Dear Mr. Torney:

The applicant is proposing to build a house within the 100-foot Buffer in the Intensely Developed Area. After reviewing the application, this office has determined that the applicant needs a variance to build within the 100-foot Buffer. This office will not oppose a variance provided that the property is properly grandfathered. This office recommends mitigation for the Buffer at a 3:1 ratio with native plantings. (*See list of native plantings of Maryland*).

Also, since the project is in the Intensely Developed Area, the applicant must meet the 10% calculations. Please forward the 10% calculations and 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
AN 487-99

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

CLEARINGHOUSE REVIEW

December 7, 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 Honecny, Forestry (E-1)
Bill Hodges, Resource Assessment Services (B-3)
Regina Esslinger, Crit. Area Cmsn. (45 Calvert St., 2nd Flr)*

FROM: H. Grant Dehart, ^{KGD} Director, Program Open Space

SUBJ: DNR Clearinghouse Review of Local POS Project # 3665-12-172
Forest Hill Development - Blake 's Venture, Harford County

This project proposes the construction of two (2) baseball / softball diamonds, one (1) soccer field and one (1) parking lot for 50 cars. These facilities will help to relieve the need created by the new residents moving into the community. Additionally, a restroom / storage building with a parking lot for 20 cars will be constructed. These facilities will be used by citizens using the Ma & Pa Heritage Corridor.

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 within two weeks of the date of this letter. If no comments are received by the date indicated, it will be assumed that this project does not conflict with the programs, plans, or objectives of your Agency. If you require additional information before you can complete your review, please contact the undersigned.

CHECK ONE AND INITIAL

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

CHECK

INITIAL

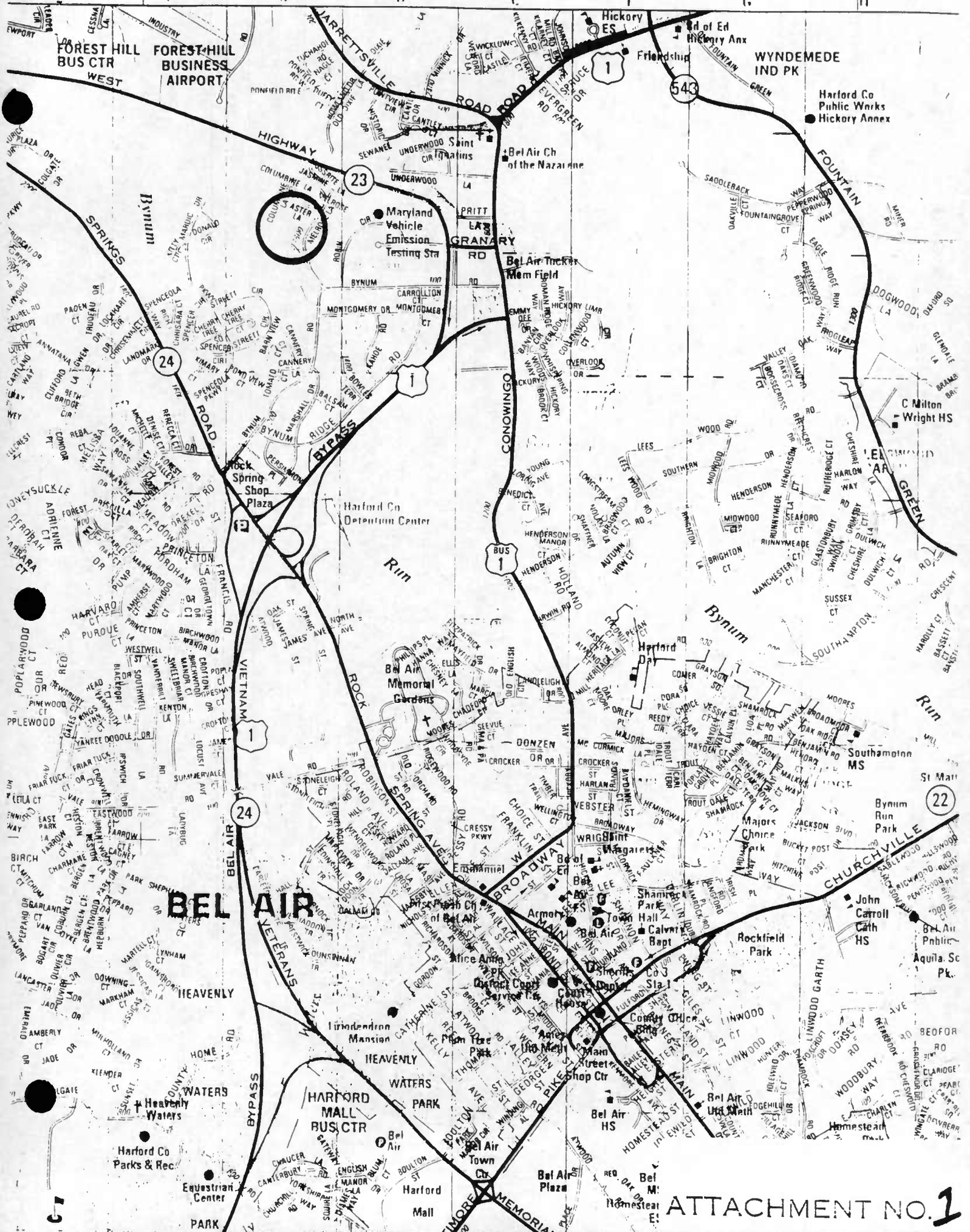
12/20/99
Dm

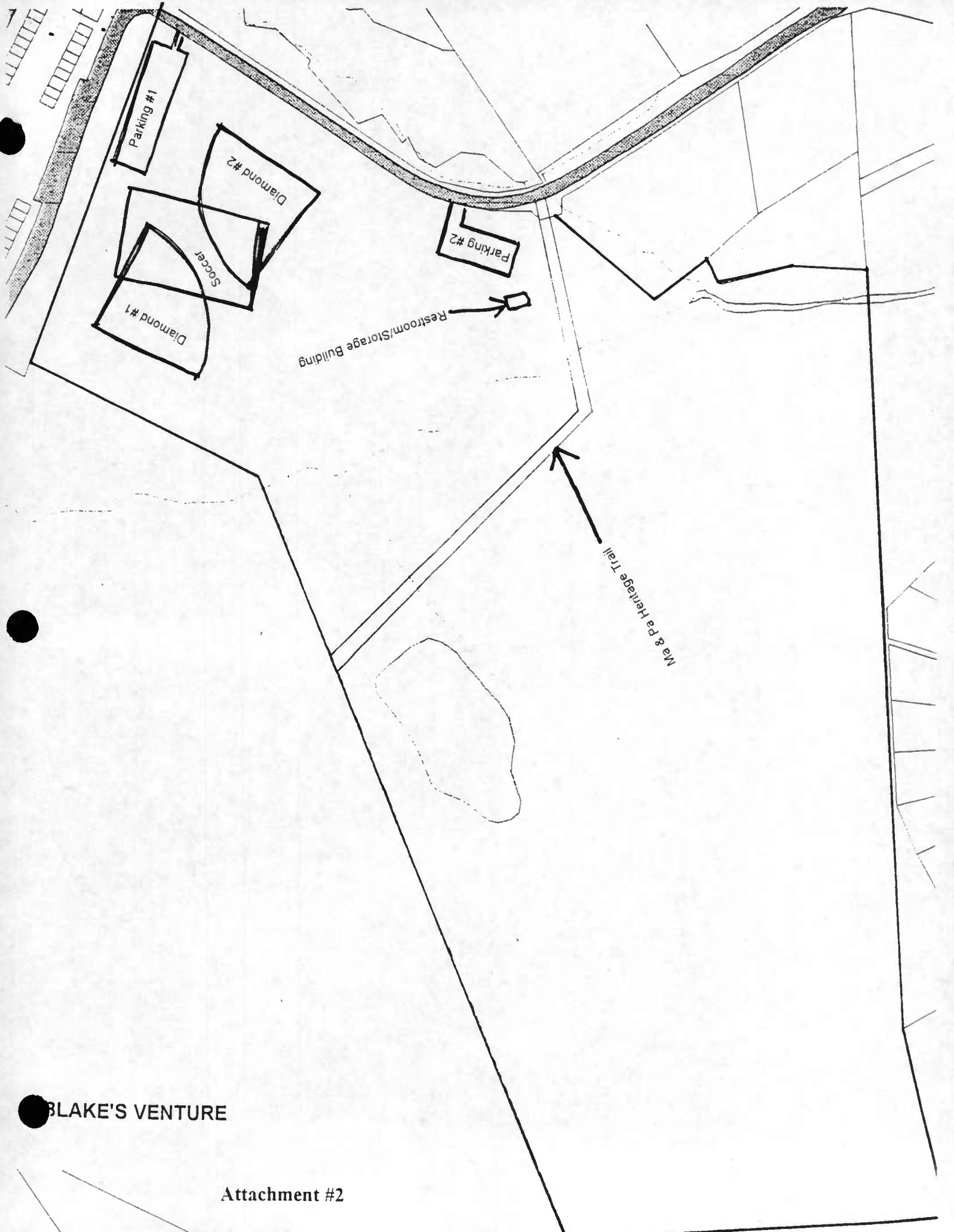
RECEIVED

DEC 14 1999

CHESAPEAKE BAY
CRITICAL AREA COMMISSION

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





BLAKE'S VENTURE

Attachment #2

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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

December 14, 1999

Mr. Michael Hild
Chief Engineer
Maryland Port Administration
2310 Broening Highway
Baltimore, Maryland 21224- 6621

***RE: CSX Intemodal, Inc. ("CSXI")
Additional Rail Line at the Seagirt Marine Terminal***

Dear Mr. Hild:

Thank you for submitting CSXI's proposed additional rail line at the Seagirt Marine Terminal. This office understands that CSXI (the lessee) maintains and operates four unloading tracks, two storage tracks and one run-around track at Seagirt. CSXI proposes to build an additional storage track to be located between the current run-around track # 5 and storage track # 6, which are approximately 28 feet apart. Currently, this office understands that an area in the Critical Area was excavated for the ballast and ties were laid for the rail before you put a stop work order on CSXI. Because demolition and excavation of asphalt and concrete paving will be performed at the existing roadway crossing, these railroad crossings will be replaced in kind at the completion of the track installation.

Also, there will be no other land disturbance, increase in impervious surface or impacts on stormwater or sediment in connection with the project. CSXI also anticipates that no increase in stormwater run-off or change in land configuration will result from its construction. Critical Area Commission staff has determined that this project is consistent with Appendix A, No. 6 of the Maryland Department of Transportation and the Chesapeake Bay Critical Area Commission's Memorandum of Understanding. Therefore, formal approval of the above project by the Commission is not necessary.

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


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



Continued, Page Two
CSXI, Inc.
December 14, 1999

If there are any changes in development activity, this office would like to be notified immediately. Thank you for the opportunity to comment. If there are any questions, please feel free to call me at (410) 260-7072.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Tony Carey
Mark Kreffle
Ren Serey
Regina Esslinger
MPA (State) 35-99



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

December 10, 1999

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

RE: Revised Hanover Street DHR Building
Local Case Number: 358-01

Dear Mr. Stuart:

As per our phone conversation, this office received the additional information showing the revised acreage, existing and proposed impervious surface, 10% calculations and site plans. After reviewing the revised information, Critical Area staff has determined that the above project is consistent with the City's Critical Area program.

Thank you for the opportunity to comment. 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 489-99

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

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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

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

November 30, 1999

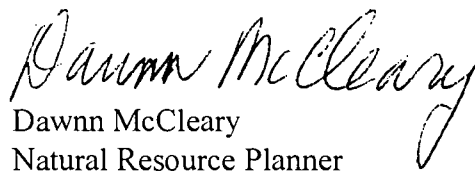
Mr. Duncan Stuart
Environmental Planner
Baltimore City Dept. of Planning
417 East Fayette Street
Baltimore, Maryland 21201

***RE: Bresco Yard
Local Case Number: 001057***

Dear Mr. Stuart:

As per our phone conversation yesterday, the purpose of this letter is to comment on the 10 % calculations and the site plan showing the 100-foot Buffer and Critical Area line. After reviewing the 10% calculations and the site plan, Critical Area staff has determined that Worksheet A and the site plan are consistent with the City's Critical Area Program. If there are any questions, please feel free to call at (410) 260-7072.

Sincerely,


Dawnn McCleary
Natural Resource Planner

cc: Regina Esslinger
BA 235-99

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

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

November 28, 1999

Mr. Duncan Stuart
Environmental Planner
Baltimore Department of Planning
417 East Fayette Street , 8th Floor
Baltimore, MD 212102

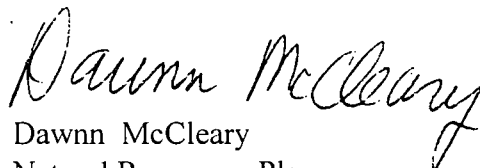
RE: 1210 Bouldin Street Canton Gables
Local Case Number: 000600-01

Dear Mr. Stuart:

This office understands that the applicant is proposing to build 27 townhouses on an old parking lot\industrial site. After reviewing the above project, this office has determined that the proposed development and 10 % calculations are consistent with the local Critical Area Program.

Critical Area staff is also pleased that the applicant has been able to reduce the amount of impervious surfaces on site by using lawn and landscaping. Thank you for the opportunity to comment on this project. If there are any questions or comments, please feel free to call me at (410) 260-7072.

Sincerely,



Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
BA 582-99

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

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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

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

November 24, 1999

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

*RE: Harborview Subdivision
Stormwater Management/Impervious Surface*

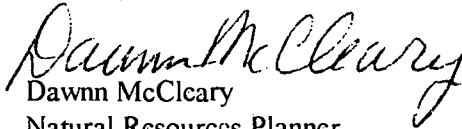
Dear Mr. Torney:

Thank you for submitting the Harborview subdivision plans for the above project. This office has reviewed the site plan for stormwater management and impervious surface. This office has determined that the proposed stormwater management for the five lots are consistent with the City's Critical Area program.

In reference to the impervious surface calculations for the five lots, this office has determined that the proposed impervious surface limitations on the five lots are consistent with the City's Critical Area program. The Critical Area Commission staff understands that the applicant will follow Section 8-1808.3 of the Natural Resources Article for Impervious Surface Limitation which states that "if an individual lot 1 acre or less in size is part of a subdivision approved after December 1, 1985, than man-made impervious surfaces of the lot may not exceed 25 % of the lot. However, the total of the impervious surfaces over the entire subdivision may not exceed 15 %."

Thank you for the opportunity to comment. If there are any questions, please feel free to call me at (410) 260-7072.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Jon Arason
Terry Schuman
Regina Esslinger
AN 578-99

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: Terry Schuman FAX: (410) 267-9932

COMPANY: McCraw, Inc

FROM: DAnn McCleary NUMBER OF PAGES SENT: 2

DATE: 1/24/99 TIME: _____

REMARKS:

TRANSACTION REPORT

P.01

NOV-24-99 WED 01:54 PM

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
NOV-24	01:53 PM	94102679932	37"	2	SEND	OK	842	

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 PT 2

FROM: DAWN MCCLEARY NUMBER OF PAGES SENT: 2

DATE: 11/24/99 TIME: _____

REMARKS:

TRANSACTION REPORT

P. 01

NOV-24-99 WED 01:52 PM

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
NOV-24	01:51 PM	94102631129	44"	2	SEND	OK	841	



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

November 15, 1999

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

RE: Old Harford Town Maritime Center, Inc.
Local Case Number: 99-30V

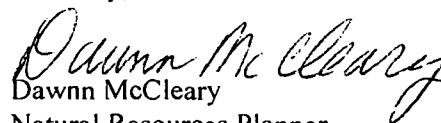
Dear Ms. Schmick:

This letter is in reference to the applicant's variance request to build a wharf, a passenger terminal (20' x 60'), a visitor's center (12' x 30'), and an accessory building (15' x 20') within the 100-foot Buffer. This office understands that this is a Transportation Enhancement Project that involves reconstructing portions of a former steamboat land wharf and freight/passenger terminal buildings to serve as a transportation museum and visitors center. This project also involves the preservation of an historic skipjack as an exhibit within the wharf setting as well as related exhibits and educational programs that promote heritage tourism.

After reviewing the above project, this office does not oppose the variance within the 100-foot because of the lot's unusual configuration plus its main function as a waterfront historical transportation site for public education within County's Critical Area. This office also recommends mitigation for the area of the proposed buildings at a 3:1 ratio with native plantings. If on-site mitigation is not possible, than mitigation with native plantings somewhere within the Critical Area off-site. (*See list of native plantings of Maryland*)

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

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Crystal Porter
Regina Esslinger
CR 573-99

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: Crystal Porter / ^{Lori}Schmick FAX: (410) 479-4187
COMPANY: Caroline Co. P + Z
FROM: DAnn McCleary NUMBER OF PAGES SENT: 2
DATE: 11/16/99 TIME: _____

REMARKS:

* P.01 *
* TRANSACTION REPORT *
* NOV-16-99 TUE 05:09 PM *
* DATE START RECEIVER TX TIME PAGES TIME NOTE M# DP *
* NOV-16 05:04 PM 914104794187 49" 2 SEND OK 790 *

P.01

TRANSACTION REPORT

NOV-16-99 TUE 05:09 PM

DATE	START	RECEIVER	TX TIME	PAGES	TIME	NOTE	M#	DP
NOV-16	05:04 PM	914104794187	49"	2	SEND	OK	790	

790

CLEARINGHOUSE REVIEW

November 2, 1999

RECEIVED

NOV 9 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 Honecny, Forestry (E-1)
Bill Hodges, Resource Assessment Services (B-3)
Regina Esslinger, Crit. Area Cmsn. (45 Calvert St., 2nd Flr)

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

SUBJ: DNR Clearinghouse Review of Local POS Project # 3640-12-168
Heavenly Waters Park - Tollgate Road, Harford County

This project proposes the construction of a 600 s.f. ADA accessible restroom/
storage/concession building on approximately one-fourth of an acre of the existing 500 acre
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 within two weeks of the date of this letter. If no
comments are received within two weeks, 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

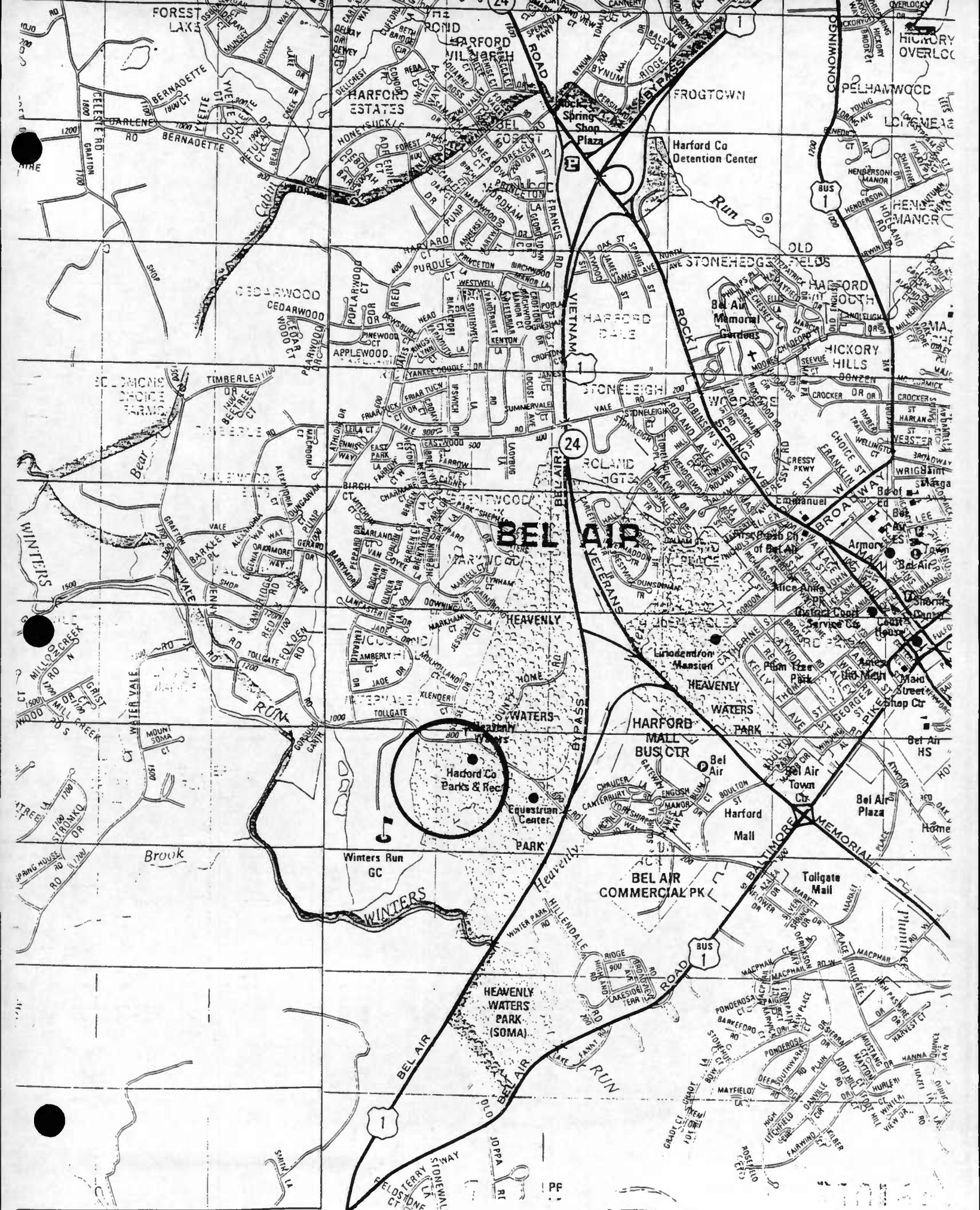
1. The project does not conflict with the
plans, programs or objectives of this Agency.

DM 11/10/99

2. The project does not conflict with this
Agency's plans, programs or objectives, but
the attached comments are submitted for
consideration.

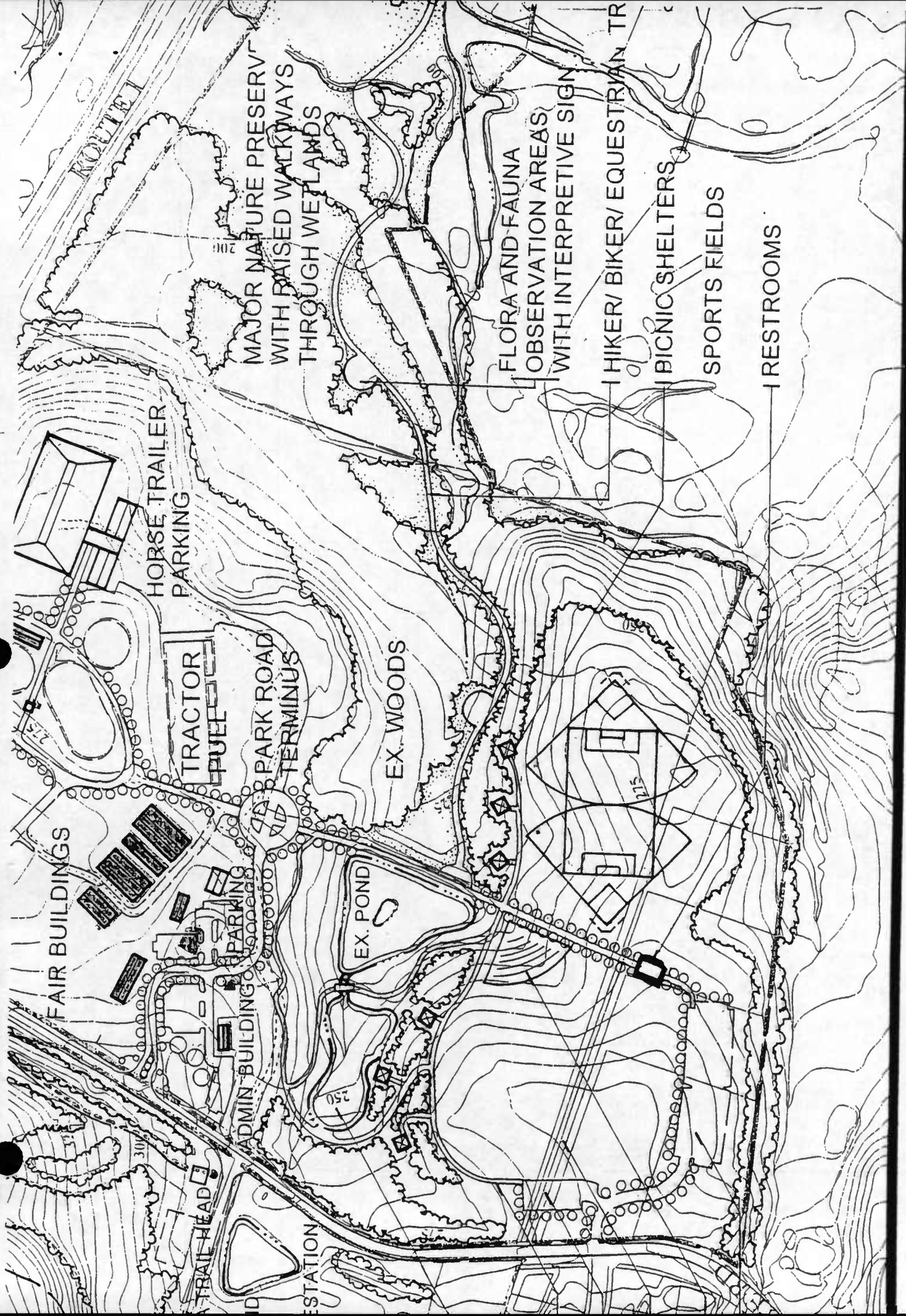
3. The project conflicts with this Agency's
plans, programs or objectives for the
reasons indicated on the attachment.

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



ATTACHMENT NO. 1

970,000 FT

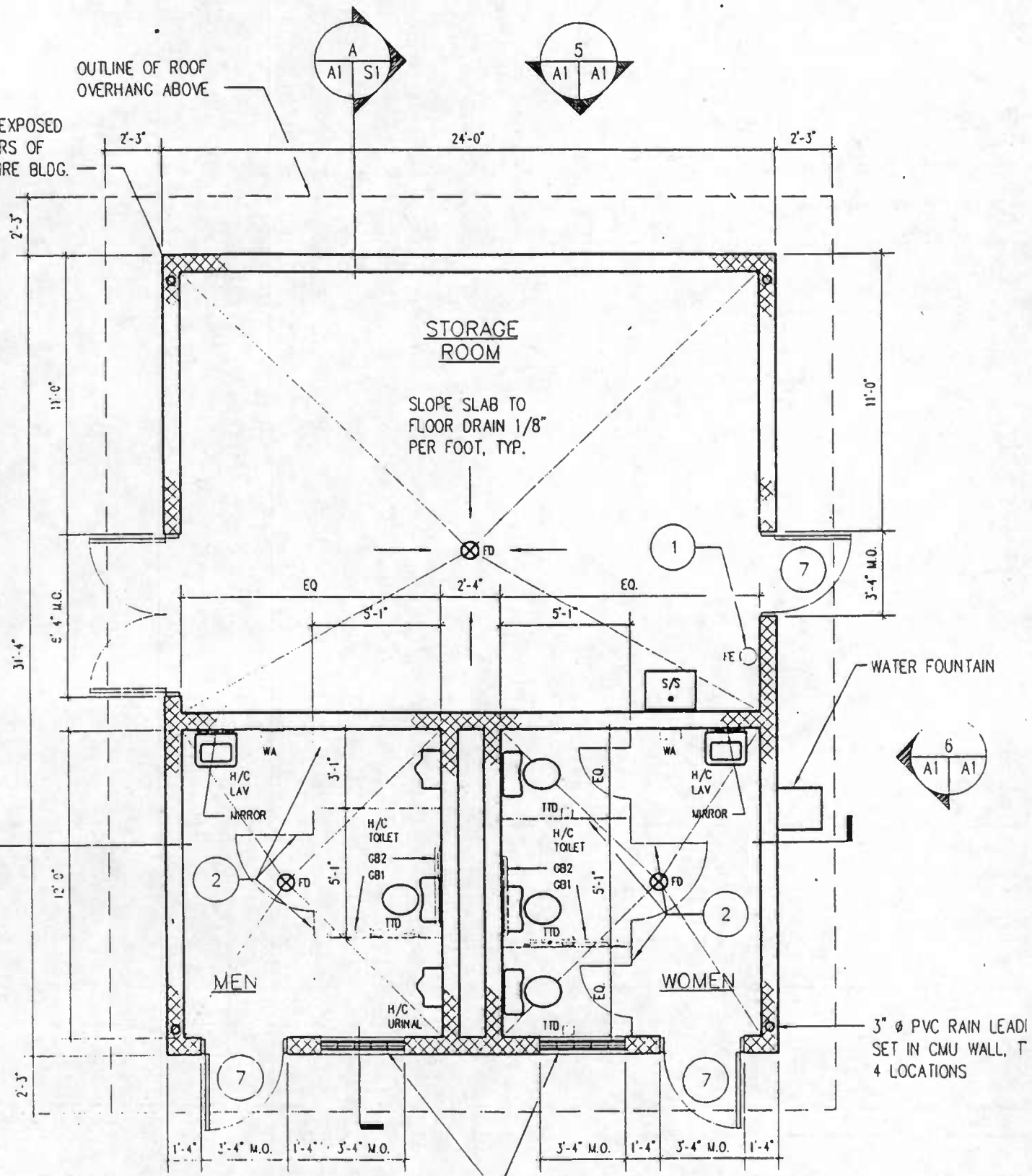


Existing

OUTLINE OF ROOF OVERHANG ABOVE

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F 4
 ARD, TYP.
 R, TYP.



FLOOR PLAN



Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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

October 28, 1999

Ms. Diane Radcliffe
Mass Transit Administration
William Donald Schaefer Tower
6 Saint Paul Street
Baltimore, Maryland 21202-1614

**RE: Light Rail Double Track: Baltimore County and
Baltimore City Sections in the Critical Area**

Dear Ms. *Diane* Radcliffe:

Thank you for arranging for our site visit to the two double track areas in the Critical Area on October 8th, 1999. I am writing to follow up on some of the issues that we discussed. In case you are still interested, the next Commission meeting will be on Wednesday, November 3, 1999. The project review subcommittee will meet in the morning and the full Commission will meet in the afternoon. I can give you more details on the meeting if you wish. Please let me know if you would like to attend.

We need additional information regarding the following issues:

- ◆ We would like to have a site plan detailing the proposed Traction Power Substations and road at the Baltimore County site and the Traction Power Substations and any new impacts to the 100-foot Buffer in the Critical Area in the Baltimore City portion. We did not discuss this during our site visit, but it appears from the plans submitted to our office that there is a new pier piling proposed under the Middle Branch bridge. If this is still being proposed, please submit plans detailing any disturbance to the 100-foot Buffer and/or to tidal or non-tidal wetlands.
- ◆ We would like a locational map showing where mitigation for the first track took place. Also, we would like documentation of any fee-in lieu paid previously for the single track. If there was mitigation performed beyond what was required at that time, we need specific documentation explaining what was done so that we can apply it towards these additional developments for the double track if necessary.

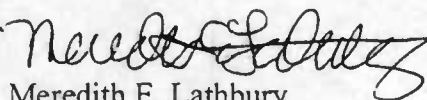
Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Ms. Radcliffe
October 28, 1999
Page Two

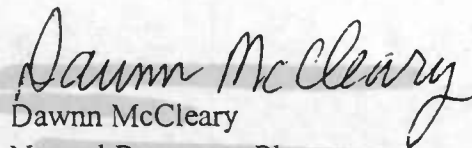
- ◆ Please submit 10% calculations for the Traction Power Substations in both Baltimore City and Baltimore County.

Thank you for your cooperation in this process. Please notify us of any changes in the plans. I look forward to speaking with you soon.

Sincerely,



Meredith E. Lathbury
Natural Resources Planner



Dawnn McCleary
Natural Resources Planner

MEL/jjd

cc: Ms. Pat Farr, Baltimore County DEPRM
Mr. Duncan Stuart
Ms. Betsy Weinkan, Coastal Resources, Inc.
Ms. Regina Esslinger, CBCAC

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

October 21, 1999

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

RE: Isaac Myers Maritime Park

Dear Mr. Stuart:

Thank you for submitting information concerning the Isaac Myers Maritime Park in which the applicants are proposing to repoint and replace brick on the existing brick structure and to construct a permanent truss system on which a temporary roof will rest. The current permits are to stabilize the building. This office understands that your office is requesting a deferral from: 1) the Critical Area regulations, 2) the temporary 6,000 square foot tent-type building which will be moved to the site for eighteen (18) months, and 3) offset fees. The current site plan shows that part of the temporary tent building will fall within the 100-foot Buffer. It currently is located entirely within the Buffer. The deferral of the Critical Area regulations and fees are until December 11, 2000.

After reviewing the above information, this office does not oppose the City's request for deferral of the Critical Area regulations. This office understands that once the building is stabilized, your office will submit a Notification of Project Application form to this office for final Critical Area review. I will provide comment at that time. If there are any questions, feel free to call me at (410) 260-7072.

Sincerely,

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

cc: Jame Piper Bond
Bill Cunningham
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: Duncan Stuart FAX: (410) 244-7358

COMPANY: Balto. City Dept. of Planning

FROM: Dawn McLeary NUMBER OF PAGES SENT: 2

DATE: 10/21/99 TIME: _____

REMARKS:

TRANSACTION REPORT

P. 01

OCT-21-99 THU 05:13 PM

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
OCT-21	05:12 PM	94102247358	**' **"	0	SEND	BUSY	674	

TOTAL : OS PAGES: 0

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WRMS NO.

CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor
Annapolis, MD 21401

TEL: (410) 260-7516

FAX: (410) 974-5338

FACSIMILE TRANSMITTAL

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

COMPANY: Balto. City Dept. of Planning

FROM: Dawn McLeary NUMBER OF PAGES SENT: 2

DATE: 10/21/99 TIME: _____

REMARKS:



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

October 18, 1999

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

RE: Richard Breeding
Variance 99-29

Dear Ms. Porter:

The Critical Area Commission staff has reviewed the applicant's variance to construct steps within the 100 foot Critical Area Buffer in order to gain access to the pier. After reviewing the above project, this office does not oppose the variance for stairs to provide shoreline access, but this office does oppose the use of rip rap under the proposed stairs.

It is our understanding that some vegetation currently exists in the area of the stairs. We recommend that this vegetation be allowed to remain in order to protect the soil from erosion and to help with the uptake of nutrients and other pollutants from stormwater. If no vegetation exist, the area surrounding the steps should be planted. The placement of rip rap in this area will preclude vegetation from growing. This recommendation is consistent with the Critical Area Criteria and the Caroline County Critical Area Program to maintain and enhance natural vegetation in the Buffer. Since the Buffer will be disturbed for shoreline access, this office recommends mitigation for the area of the wooden steps at a 2:1 ratio with native plantings, on site in the Buffer. (See list of native plantings of Maryland).

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

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc:Lori Schmick
Regina Esslinger
CR 528-99

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

TRANSACTION REPORT

P.01

OCT-19-99 TUE 04:00 PM

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DATE	START	SENDER	RX TIME	PAGES	TYPE	NOTE	M#	DP
OCT-19	02:41	PM	1'42"	2	RECEIVE	OK		

CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor
Annapolis, MD 21401

PH: (410) 260-7516

FAX: (410) 974-5338

FACSIMILE TRANSMITTAL

TO: Cristal Porter FAX: (410) 479-4187
COMPANY: Caroline Co. P+Z / Board of Appeals
FROM: Dawn McCleary NUMBER OF PAGES SENT: 2
DATE: Oct, 19, 1999 TIME: _____

REMARKS:

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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

October 4, 1999

Mr. David A. Decker
Central Regional Engineer
Engineering and Construction
Department of Natural Resources
580 Taylor Ave
Annapolis, Maryland 21401

***RE: Lapidum Boating Facility Dredging
Susquehanna State Park in Harford County***

Dear Mr. Decker:

Thank you for submitting a letter informing this office of a proposed placement of dredge material within the Critical Area. This office understands that the Lapidum Boating Facility channel is slated to be maintenance dredged this fall. The dredging project includes the mechanical dredging of approximately 850 cubic yards of material from the channel in front of the facility boat ramps, and the placement of that material within the Critical Area in an approved upland dredge material placement site. This office also understands that the proposed dredge material placement site is located on an agricultural field that is approximately two acres in size. The location of the site is along Stafford Road approximately 2.2 miles north of the Lapidum Boating Facility.

After reviewing the above project, this office has determined: 1) that the dredging will be conducted in a manner which causes the least disturbance to water quality and aquatic and terrestrial habitats in the area surrounding the dredging, and 2) that the dredged spoil will not be placed within the Buffer or within a habitat protection area. Because this dredging project is consistent with the Criteria, approval by the Commission is not necessary.

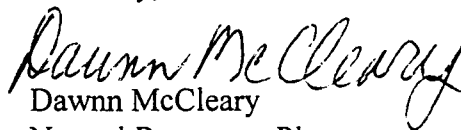
Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

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

*Continued, Page Two
Susquehanna State Park
Lapidum Boating Facility
Dredging Project
October 4, 1999*

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

Sincerely,



Dawnn McCleary
Natural Resources Planner

cc: Janet Gleisner
Regina Esslinger
State file 29-99

CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor
Annapolis, MD 21401

PH: (410) 260-7516

FAX: (410) 974-5338

FACSIMILE TRANSMITTAL

TO: David Decker FAX: (410) 260-8894

COMPANY: DNR Engineering and Construction

FROM: Dawn McClary NUMBER OF PAGES SENT: 3

DATE: 10/4/99 TIME: _____

REMARKS:

* P. 01 *
* TRANSACTION REPORT *
* OCT-04-99 MON 01:38 PM *
* DATE START RECEIVER TX TIME PAGES TYPE NOTE M# DP *
* OCT-04 01:37 PM 94102608894 46" 3 SEND OK 552 *

George John C. North, II
Chairman



Ren Serey
Executive Director

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

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

September 22, 1999

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

RE: Whetstone Point (Subdivision Consolidation)
Local Case Number: 000129

Dear Mr. Stuart:

I apologize for the mix up and delay in responding to this project. This office understands that the applicant is proposing to redevelop the old Proctor and Gamble site and consolidate the subdivision into a Planned Unit Development site. This office has reviewed the above project and has determined that the above project is consistent with the local Critical Area Program.

Critical Area staff is also pleased that the applicant will reduce the amount of impervious surface on the industrial site from 97.72 % to 83.93 %. Integrating vegetative landscaped islands into the existing and proposed parking lots and the promenade is an excellent urban Best Management Practice to meet the 10% pollutant reduction on site.

Thank you for the opportunity to comment on this project. If there are any questions or comments, please feel free to call me at (410) 260-7072.

Sincerely,

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

cc: Regina Esslinger
BA 349-99

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



TRANSACTION REPORT

P:01

SEP-23-99 THU 03:18 PM

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
SEP-23	03:12 PM	94102447358	43"	2	SEND	OK	486	

CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor
Annapolis, MD 21401

PH: (410) 260-7516

FAX: (410) 974-5338

FACSIMILE TRANSMITTAL

TO: Duncom Stuart FAX: (410) ~~244~~ 244-7358

COMPANY: Balto. City Dept. of Planning

FROM: DAnn McCleary NUMBER OF PAGES SENT: 2

DATE: 9/23/99 TIME: _____

REMARKS:

*Ren Serey
6/6*

George John C. North, II
Chairman



Ren Serey
Executive Director

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

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

September 20, 1999

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

***RE: Robert E. Howe
Variance 99-25***

Dear Ms. Porter:

The Critical Area Commission staff has reviewed the applicant's variance request to construct wooden steps within the 100-foot Buffer in order to gain access to the pier. After reviewing the above project, this office does not oppose the variance for shoreline access, but recommends mitigation for the area of the wooden steps at a 2:1 ratio with native plantings, on site. (See list of native plantings of Maryland)

Thank you for the opportunity to comment. 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 489-99

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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

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

September 20, 1999

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

**RE: John and Kelly Allen
Variance 99-23**

Dear Ms. Porter:

The Critical Area Commission staff has reviewed the applicant's variance request to construct wooden steps within the 100-foot Buffer in order to gain access to the water. After reviewing the above project, this office does not oppose the variance for shoreline access, but recommends mitigation for the area of the wooden steps at a 2:1 ratio, with native plantings, on site if possible. *(See list of native plants of Maryland)*

Thank you for the opportunity to comment. If there are any questions, please feel free to call me at (410) 260-7072.

Sincerely,

Dawnn McCleary
Natural Resources Planner

cc: Lori Schmick
Regina Esslinger
CR 484-99

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

TRANSACTION REPORT

P. 01

SEP-20-99 MON 04:02 PM

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
SEP-20	03:40 PM	914104794187	4' 39"	8	SEND	OK	465	

CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor
Annapolis, MD 21401

PH: (410) 260-7516

FAX: (410) 974-5338

FACSIMILE TRANSMITTAL

TO: Crystal Porter FAX (410) 479-4187

COMPANY: Caroline G. Pt Z

FROM: Dawn McCleary NUMBER OF PAGES SENT: 8

DATE: 9/20/99 TIME: _____

REMARKS:

Readable



John C. North, II
Chairman

Ren Serey
Executive Director

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

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

September 14, 1999

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

RE: Revised Additional Annapolis Comprehensive Comments

Dear Mr. Torney:

Thank you for providing the latest draft of the Critical Area Overlay Ordinances for the City of Annapolis. The following comments still need to be addressed:

Section 21.67.060 - Development requirements

1. In paragraph 2, page 3, line 18, take out "land lying outside of the Buffer shall be used to the greatest extent practicable before encroachment into the Buffer will be allowed" and replace with "if the Buffer is impacted, the applicant shall obtain a variance in accordance with Section 21.67.150".
2. In paragraph 3, page 3, line 24, there is a typographical error. The word "streets" should be replaced with "streams."

Section 21.67.080 - Development requirement Limited development areas

1. In paragraph H (5), page 5, line 17, there is a typographical error. The word "of" should be replaced with "if."
2. In paragraph H (6), page 6, line 6, there is a typographical error. The word "previous" should be replaced with "pervious."

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

Continued, Page Two
Revised Annapolis Comprehensive Comments
Septbmer 14, 1999

Section 21.67.150 - Variances

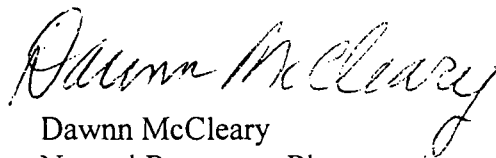
1. This section should include a reference to the section for appeals procedures for variances and Planning Commission decisions.

Section 21.67.160 - Administrative variances

1. In paragraph A (1), page 14, line 35, it is unclear what you mean by a tolerance of up to 20%. The prior draft included language pertaining to yard setbacks. This language has been replaced with the impervious surface requirements. This language could be interpreted to exempt an applicant from the requirements to obtain a variance. Because the new impervious surface language has been incorporated into Section 21.67.065 H, this tolerance provision is confusing and not necessary.

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
Natural Resources Planner

cc: Jon Arason
Ren Serey
Mary Owens

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

September 8, 1999

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

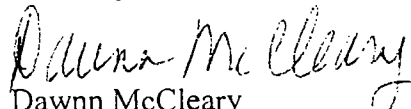
***RE: Finnerty Property
914 Creek Drive***

Dear Mr. Torney:

Please withdraw the August 30, 1999 letter I sent you and replace it with this letter. This office understands that the applicant is proposing to build an addition to the existing house within the 100-foot Buffer. After obtaining additional information, this office has determined that the above project must go through a regular variance and not an administrative variance. This office does not oppose the variance, but recommends mitigation for the area of the addition at a 3:1 ratio, in native plantings, on site if possible. (See lists of native plants of Maryland)

Thank you for the opportunity to comment. 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: Jon Arason
Regina Esslinger
AN 453-99

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

udge John C. North, II
Chairman



Ren Serey
Executive Director

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

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

August 30, 1999

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

**RE: Finnerty Property
914 Creek Drive**

Dear Mr. Torney:

The applicant is proposing to build an addition to the existing house within the 100-foot Buffer. This office does not oppose the administrative variance. This office recommends mitigation for the area of the addition at a 3:1 ratio, in native plantings, on site if possible. (See lists of native plants of Maryland)

Thank you for the opportunity to comment. 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
AN 453 -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 P+Z
FROM: Dawn McCleary NUMBER OF PAGES SENT: 2
DATE: 9/8/99 TIME: _____

REMARKS:

Revised letter. Please toss the
Aug. 30, 1999 letter. Thanks

 * P. 01 *
 * TRANSACTION REPORT *
 * SEP-09-99 THU 01:25 PM *
 *
 * DATE START RECEIVER TX TIME PAGES TYPE NOTE M# DP *
 * SEP-09 01:20 PM 94102631129 42" 2 SEND OK 415 *
 *

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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

(410) 260-7516

Fax: (410) 974-5338

September 7, 1999

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

***RE: 6 Cheston Avenue
Donahower Variance***

Dear Mr. Torney:

This office understands that the applicant is requesting an after-the-fact variance for the wooden walkway within the 100-foot Buffer without a permit. This office considers the wooden walkway a new accessory structure within the 100-foot Buffer. Since the walkway is not needed to provide access to the pier nor is it part of the bulkhead, this office will not support the after-the-fact variance. This office recommends that the applicant remove the walkway.

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

Sincerely,

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

Dawnn McCleary
Natural Resources Planner

cc: Jon Arason
Frank Biba
Ren Serey
Regina Esslinger
AN 103-49

Branch Office: 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 Pt 2
FROM: Dawn McClary NUMBER OF PAGES SENT: 2
DATE: 9/7/99 TIME: 8

REMARKS:

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

September 3, 1999

Ms. Janet Gleisner
Environmental Planner
Harford County P & Z
220 South Main Street
Bel Air, MD 21014

***RE: Hellman 10% Calculations
Local Case Number 4950***

Dear Ms. Gleisner:

Thank you for submitting the 10% calculations for the above project. This office has determined that Worksheet A is correct and consistent with the County'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: Regina Esslinger
HC 386-99

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



* P. 01 *
* TRANSACTION REPORT *
* SEP-03-99 FRI 02:17 PM *
* DATE START RECEIVER TX TIME PAGES TYPE NOTE M# DP *
* SEP-03 02:15 PM 914108798239 33" 2 SEND OK 389 *

P. 01

TRANSACTION REPORT

SEP-03-99 FRI 02:17 PM

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
SEP-03	02:15 PM	914108798239	33"	2	SEND	OK	389	

389

CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor
Annapolis, MD 21401

PH: (410) 260-7516

FAX: (410) 974-5338

FACSIMILE TRANSMITTAL

TO: Janet Gleisner FAX: (410) 879-8239

COMPANY: Harford Co. P+2

FROM: DAnn McCleary NUMBER OF PAGES SENT: 2

DATE: 9/3/95 TIME: _____

REMARKS:

Reader file

George John C. North, II
Chairman



Ren Serey
Executive Director

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

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

August 30, 1999

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

**RE: Finnerty Property
914 Creek Drive**

Dear Mr. Torney:

The applicant is proposing to build an addition to the existing house within the 100-foot Buffer. This office does not oppose the administrative variance. This office recommends mitigation for the area of the addition at a 3:1 ratio, in native plantings, on site if possible. (See lists of native plants of Maryland)

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

Sincerely,

Dawn McCleary

Dawn McCleary
Natural Resources Planner

cc: Regina Esslinger
AN 453 -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: 641 263-1129

COMPANY: City of Annapolis

FROM: Danna McClean NUMBER OF PAGES SENT: 2

DATE: 9/3/95 TIME: _____

REMARKS:

* P. 01 *
* TRANSACTION REPORT *
* SEP-03-99 FRI 02:19 PM *
* DATE START RECEIVER TX TIME PAGES TYPE NOTE M# DP *
* SEP-03 02:18 PM 94102631129 38" 2 SEND OK 390 *

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

August 30, 1999

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

RE: Landcaster Mews Subdivision\Site Plan

Dear Mr. Stuart:

This office understands that the applicant is proposing to subdivide the existing lot into five individual new lots for a proposed townhouse development. This office has reviewed the above project and has determined that the above 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 438-99

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: Duncan Stuart FAX: 410 244-7358

COMPANY: Balto. City Pt 2

FROM: Dawn McCleary NUMBER OF PAGES SENT: 2

DATE: 9/3/95 TIME: _____

REMARKS:

 * P. 01 *
 * TRANSACTION REPORT *
 * SEP-03-99 FRI 02:20 PM *
 * DATE START RECEIVER TX TIME PAGES TYPE NOTE M# DP *

 * SEP-03 02:19 PM 94102447358 37" 2 SEND OK 391 *

Reader file



John C. North, II
Chairman

Ren Serey
Executive Director

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

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

August 23, 1999

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

RE: Crab Creek Subdivision

Dear Mr. Torney:

This office understands that the applicant is proposing to subdivide the existing parcel into 172 individual lots. The preliminary site plan currently shows that two lots will be created in the Resource Conservation Area (RCA) and approximately forty lots will be created in the Limited Developed Area (LDA). The remaining newly created lots will fall outside the Critical Area. After reviewing the above subdivision proposal, this office would like to provide the following comments:

1. The number of lots that will be created in the LDA and RCA should be shown on the plat;
2. The amount of impervious surfaces proposed for lots and all roads in the Critical Area should be provided. Impervious surface calculations include roads and stormwater management facilities. Keep in mind that the impervious surfaces must be consistent with State law. Natural Resources Article §8-1808.3(d) of the Annotated Code of Maryland states in part: "Except as otherwise provided in this subsection for stormwater runoff, man-made impervious surfaces are limited to 15% of a parcel or lot." §8-1808.3 (d)(4) states: that "if an individual lot 1 acre or less in size is part of a subdivision approved after December 1, 1985, then man-made impervious surfaces of the lot may not exceed 25% of the lot. However, the total of the impervious surface over the entire subdivision may not exceed 15%";
3. The size of each lot created must be specified;
4. The applicant needs to show on the plat the existing woodland and forest as well as the amount to be removed and mitigated on site with native species;

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

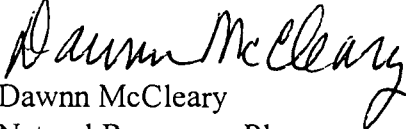
*Continued, Page Two
Crab Creek Subdivision
August 23, 1999*

5. The total acreage in the Critical Area must be shown on the plat;
6. The plat should show the location of any open space areas in the Critical Area and whether the proposed pier will be a community pier;
7. The plat should show the 1,000 foot Critical Area line, the 100- foot Buffer and the expanded Buffer to include 15% or greater steep slopes;
8. The location of any non-tidal wetlands should be shown on the plat; and,
9. The location of steep slopes in the Critical Area should be shown on the plat.

Finally, this office will not support the proposed ballfield, swimming pool, parking lot and two stormwater management ponds in the Resource Conservation Area shown on the site plan. These uses should not be in the RCA if they are associated with development in the LDA or outside the Critical Area. This office recommends that the applicant locate the stormwater management pond and the other recreational facilities within the LDA or outside the Critical Area.

Please forward all additional information to this office for review. I will provide comment 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
Ren Serey
Regina Esslinger
AN 565-99

CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor
Annapolis, MD 21401

PH: (410) 260-7516

FAX: (410) 974-5338

FACSIMILE TRANSMITTAL

TO: JON Arason FAX: (410) 263-1129

COMPANY: City of Annapolis P-2

FROM: Dawn McCleary NUMBER OF PAGES SENT: 6

DATE: 8/23/99 TIME: _____

REMARKS:

TRANSACTION REPORT

P. 01

AUG-23-99 MON 05:21 PM

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
AUG-23	05:17 PM	94102631129	1'57"	6	SEND	OK	341	

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 Pt 2

FROM: DANNY McCreary NUMBER OF PAGES SENT: _____

DATE: 8/23/99 TIME: _____

REMARKS:



John C. North, II
Chairman

Ren Serey
Executive Director

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

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

August 20, 1999

Dr. Gregory Conway
Grants Administrator
Town of Federalsburg
118 North Main Street
Federalsburg, Maryland 21632

***RE: Riparian Restoration Project Amendment
Marshyhope Creek Greenway Wetland Inlet Bridge***

Dear Dr. Conway:

Thank you for submitting a "Notification of Certification" amendment to Federalsburg Riparian Restoration Project. As you are aware, this above project was approved for Notification of Certification back in April 1998. Critical Area Commission staff understands that this amendment involves installation of a prefabricated steel bridge and connector trail from the existing nature trail. The project will be limited to the northern shoreline located inside the Federalsburg Riparian Restoration Project Area. The project area is located just south of the State Highway 313\318 Bridge on the west side of the Marshyhope Creek.

According to your August 13, 1999 letter, the purpose of this amendment project is to construct two bridge abutments and install a 100 linear feet prefabricated steel bridge over an inlet that allows for water to flow from the Marshyhope Creek into the newly created wetland area. The installation of the prefabricated steel bridge will allow for the nature trail portion of the Marshyhope Creek Greenway to be continuous. The construction of a steel bridge over the inlet and connector trail will complete the southern portion of the Marshyhope Creek Greenway.

The project evaluation staff understands:

1. That bridge abutments will be constructed of concrete able to support pedestrian traffic over the bridge;

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

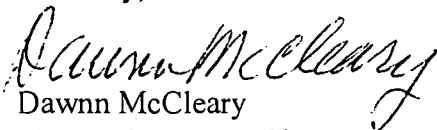
Continued, Page Two
Marshyhope Greenway Inlet Bridge
August 20, 1999

2. That the proposed connector trail that will connect the bridge with the existing trail and the boardwalk underneath the State Highway 313\318 Bridge will be located outside the 100-foot Buffer;
3. That the steel bridge will be within the 100 feet Buffer. The trail connecting the bridge with the existing trail will be composed of small gravel and stones that are Americans With Disability Act (ADA) acceptable;
4. That there will be no impact to the Habitat Protection Area except the Buffer. Due to spawning of perch, there will be temporary restrictions in Marshyhope Creek between February 15 and June 15; and,
5. That the town will mitigate for the impact of the development in the Buffer at the tree planting ratio of three to one. They will replant five to ten trees along the connector trail from the bridge to the existing trail. No tree clearing will take place as a result of this project.

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

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

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Roby Hurley
Regina Esslinger
FE 158-98

CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor
Annapolis, MD 21401

PH: (410) 260-7516

FAX: (410) 974-5338

FACSIMILE TRANSMITTAL

TO: Dr. Conway Gregory FAX: 410/974-9269
COMPANY: Town of Federalburg
FROM: Dawn McLeary-Evan NUMBER OF PAGES SENT: 3
DATE: 8/23/99 TIME: _____

REMARKS:

Let me know if more phases /
Amendments may need to be done for
this long Choptank consistency project.
Still would like to see the area. Did not
get to see it last week.

Thanks

Dawn

*Continued, Page Two
Crab Creek Subdivision
August 20, 1999*

7. The plat should show the 1,000 foot Critical Area line, the 100- foot Buffer and the expanded Buffer to include 15% or greater steep slopes;
8. The location of any non-tidal wetlands should be shown on the plat; and,
9. The location of steep slopes in the Critical Area should be shown on the plat.

Finally, this office will not support the proposed ballfield, swimming pool, parking lot and two stormwater management ponds in the Resource Conservation Area shown on the site plan. These uses should not be in the RCA if they are associated with development in the LDA or outside the Critical Area. This office recommends that the applicant locate the stormwater management pond and the other recreational facilities within the LDA or outside the Critical Area.

Please forward all additional information to this office for review. I will provide comment 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
Ren Serey
Regina Esslinger
AN 565-99

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

August 13, 1999


Mr. Frank Biba
City of Annapolis Dept. of Public Works
160 Duke of Gloucester Street
Annapolis, Maryland 21401

***RE: College Creek Wetland Restoration
Clay Street***

Dear Mr. Biba:

This letter is in reference to the wetland restoration project at College Creek off of Clay Street. This office has determined that the City's proposal for *Phragmites* eradication, including the area above mean high water, is consistent with the City's Critical Area Program. Also, this office understands that the area disturbed will be replanted with native wetland species. If there are any questions, please feel free to call me at (410) 260-7072.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Jon Arason
Jeff Torney
Claudia Jones
Regina Esslinger
General File

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

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

CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

FACSIMILE TRANSMITTAL

TO: Frank Biba FAX: (410) ~~299~~ -263-1129
COMPANY: City of Annapolis Public Works NO. PAGES: 2
FROM: Dawn Mc Cleary
DATE: Aug. 13, 1995 TIME: _____ a.m. p.m.
(circle one)

COMMENTS:



John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

August 5, 1999

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

RE: Chart house Redevelopment
Local Case Number 000230

Dear Ms. Stuart:

This office has reviewed the proposal to tear down the old Chart house Restaurant within the Intensely Developed Area and to rebuild a nine (9) to ten (10) story building tower. This office has determined that the proposed redevelopment and the 10% calculations for the above project are correct and consistent with the local Critical Area Program. If there are any questions, please feel free to call me at (410) 260-7072.

Sincerely,

Dawn McCleary
Dawn McCleary
Natural Resources Planner

cc: Regina Esslinger
BA 406-99

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: City of Baltimore Planning NO. PAGES: 2
FROM: Dawn McCleary
DATE: Aug. 5, 1995 TIME: _____ a.m. p.m.
(circle one)

COMMENTS:

TRANSACTION REPORT

AUG-05-99 THU 04:58 PM

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
AUG-05	04:56 PM	94102447358	40"	2	SEND	OK	265	

George John C. North, II
Chairman



Ren Serey
Executive Director

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

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

August 5, 1999

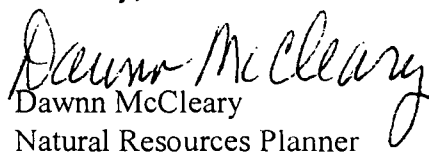
Ms. Janet Gleisner
Environmental Planner
Harford County P & Z
220 South Main Street
Bel Air, Maryland 21014

***RE: Joppatown Shopping Center
Site Plan (Local Case No. 99-084)***

Dear Ms. Gleisner:

This office has determined that the 10% calculations for the Joppatown Shopping Center are correct and 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
HC 282-99

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: Janet Gleisner FAX: 879-8239 (410)
COMPANY: Harford Co. P+Z NO. PAGES: _____
FROM: Dawn McLeary
DATE: Aug. 5, 1999 TIME: _____ a.m. p.m.
(circle one)

COMMENTS:

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

August 5, 1999

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

***RE: Mears Marina
at 519 Chester Avenue***

Dear Mr. Torney:

This office understands that the applicant proposes to remove tennis courts within the Intensely Developed Area and replace it with a new club house with landscaping. Because this project falls within the Intensely Developed Area, the applicant needs to do the 10% calculations for the above project although there will be a reduction in impervious surfaces by 45%.

Because the site plan shows a new wooden walkway and a new asphalt walkway within the 100-foot Buffer, the applicant must get a variance for the both walkways within the Buffer. Please forward Worksheet A for the 10% calculations and any variance request to this office for review and approval as soon as possible. I will provide comments at that time. If there are any questions, please feel free to call me at (410) 260-7072.

Sincerely,

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

cc: Jon Arason
Regina Esslinger
AN 391-99

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: Jeff Torney FAX: (410) 263-1129
COMPANY: City of Annapolis NO. PAGES: 2
FROM: Dawn McCleary
DATE: Aug. 5, 1995 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

P. 01

AUG-05-99 THU 05:03 PM

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
AUG-05	05:00 PM	94102631129	41"	2	SEND	OK	267	

Did not Fax
mail 8/5/99

CLEARINGHOUSE REVIEW

July 29, 1999

RECEIVED

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 #3607-12-166
Emmorton Community Center Acquisition - Harford County

This project proposes the acquisition of the Harford County Tennis Barn. The property consists of 3.976 acres of land, four outdoor courts and approximately 40,000 square feet under roof. The building includes four tennis courts, three batting cages, two 1/2 basketball courts and exercise room, locker rooms, saunas, a party/game room and slaes/administration office.

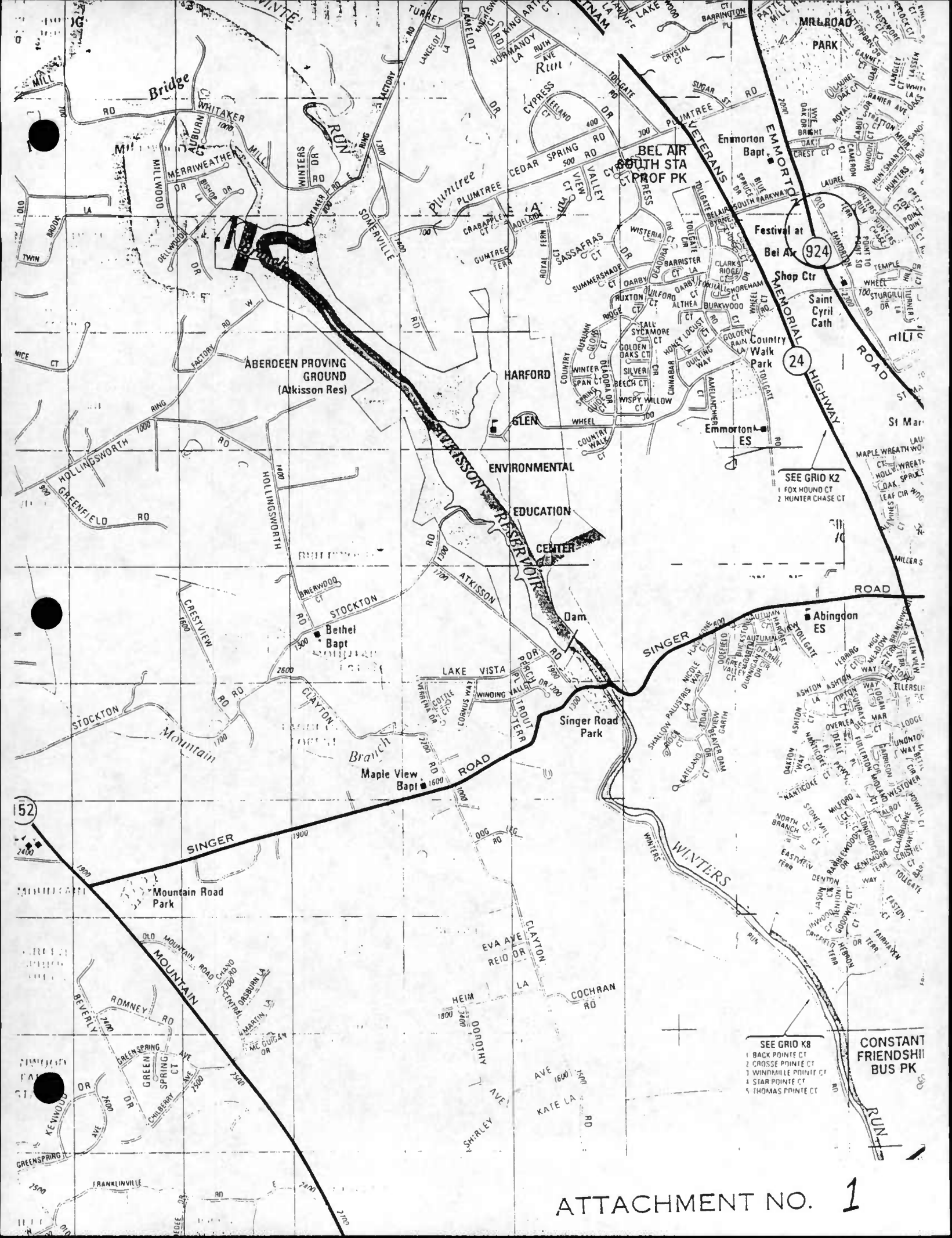
The above referenced project has been submitted to this office for funding in accordance with the Outdoor Recreation Land Loan of 1969, and remains on file in this office. Please submit any comments you may have concerning this project by August 12, 1999. If no comments are received by the date indicated, 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 8/5/99
- 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.



924

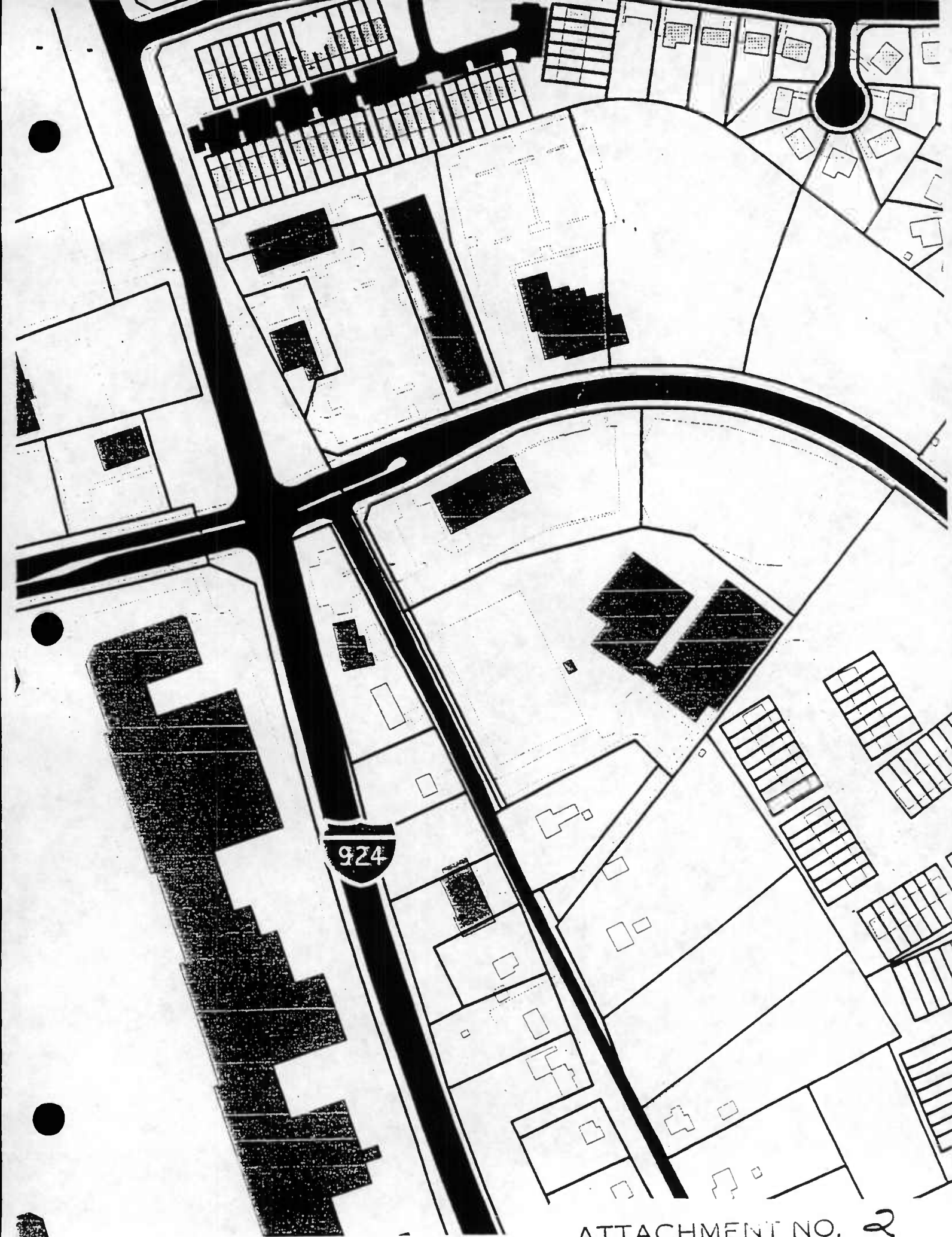
24

152

SEE GRID K2
1 FOX HOUND CT
2 HUNTER CHASE CT

SEE GRID K8
1 BACK POINT CT
2 CROSSE POINT CT
3 WINDMILL POINT CT
4 STAR POINT CT
5 THOMAS POINT CT

CONSTANT FRIENDSHIP BUS PK



D. do not Fax
mailed 8/5/99

CLEARINGHOUSE REVIEW

July 29, 1999

RECEIVED

AUG 5 1999

CHESAPEAKE BAY
CRITICAL AREA

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 #3586-12-165
Old Fields Acquisition - Harford County

This project proposes to purchase 1.4 acres for a neighborhood park located just outside of the Town of Bel Air in a highly-developed area.

The above referenced project has been submitted to this office for funding in accordance with the Outdoor Recreation Land Loan of 1969, and remains on file in this office. Please submit any comments you may have concerning this project by August 12, 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

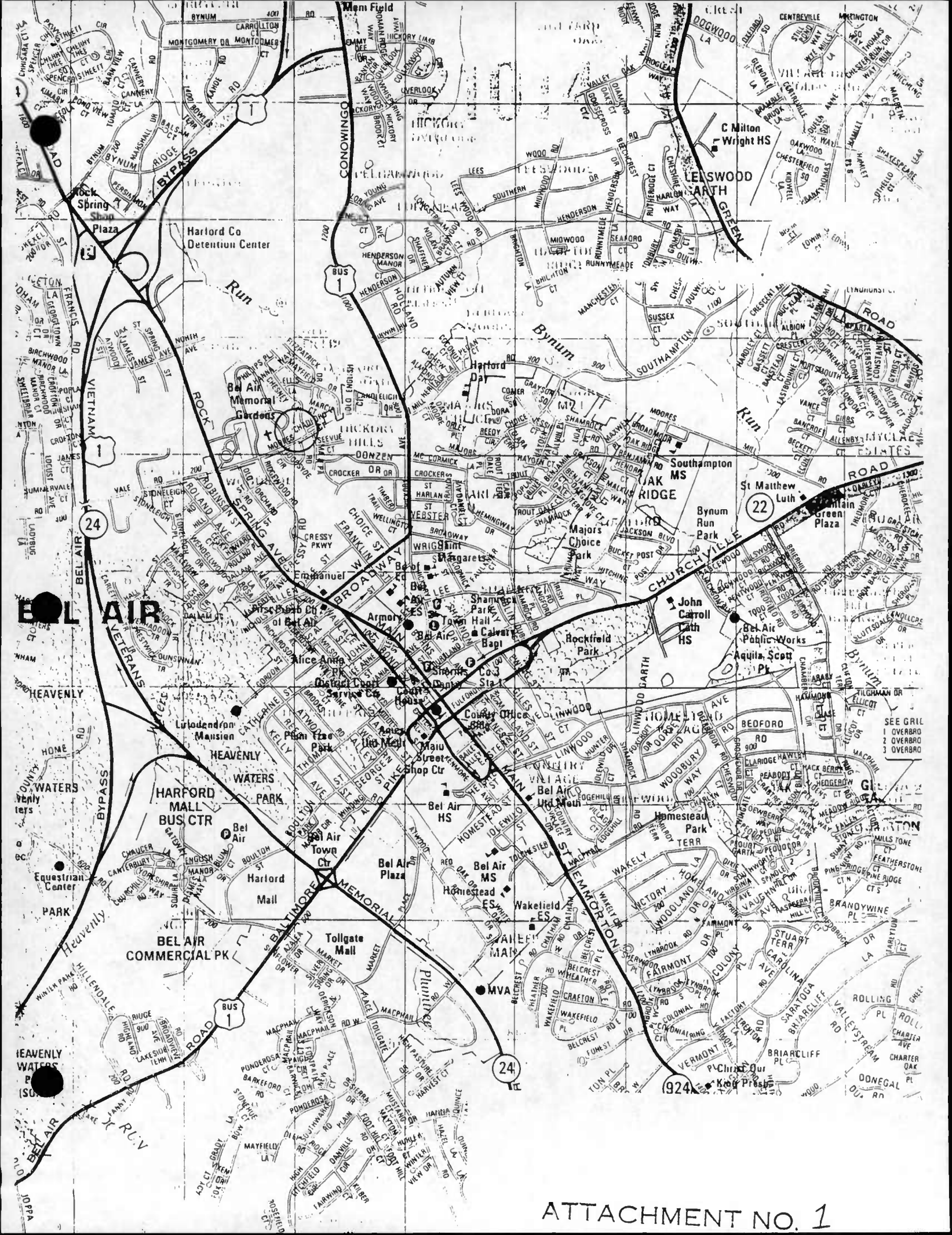
1. The project does not conflict with the plans, programs or objectives of this Agency.

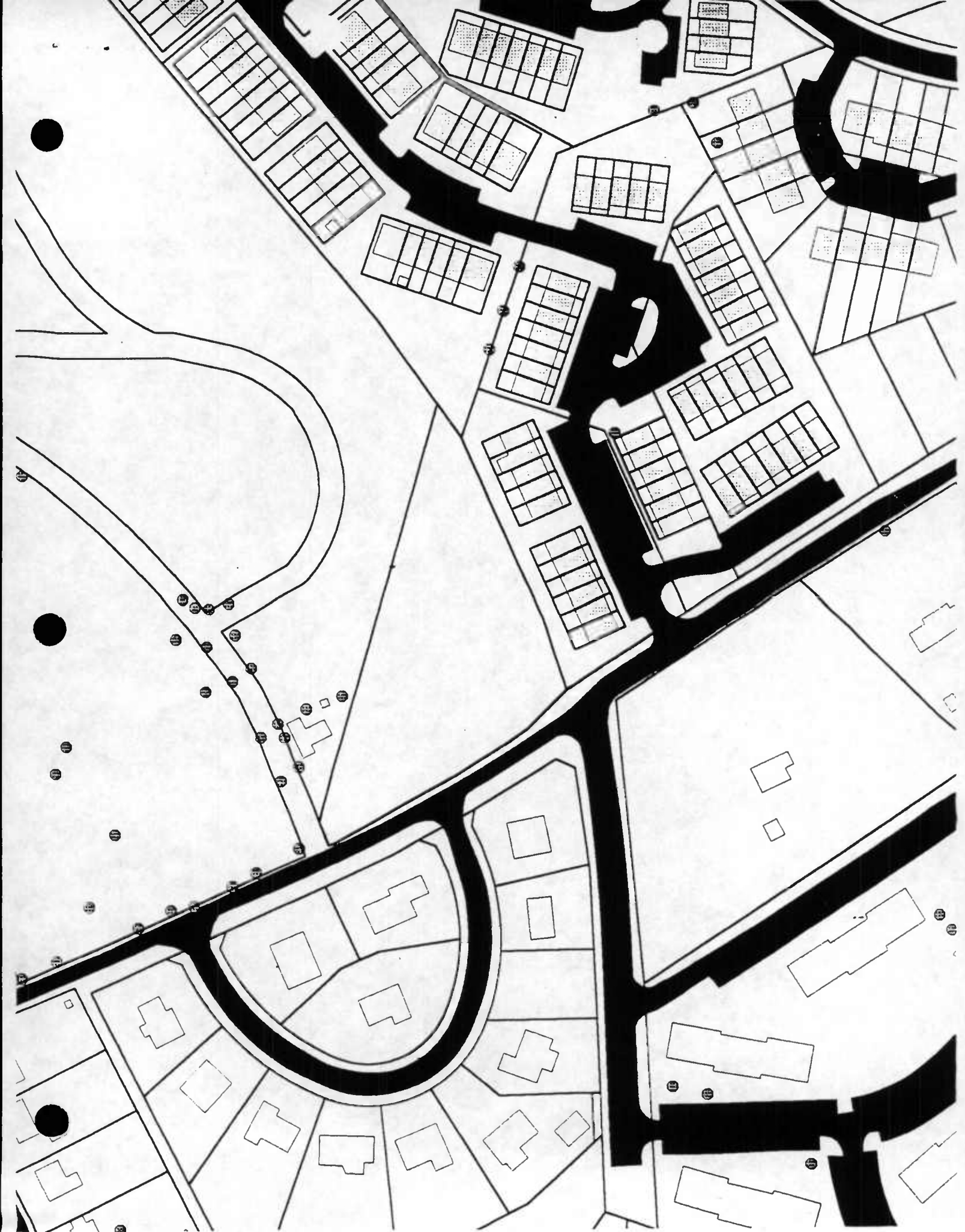
DM 8/5/99

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.







John C. North, II
Chairman

Ren Serey
Executive Director

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

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

August 2, 1999

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

***RE: Bowen Residence
6 Spa View Circle***

Dear Mr. Torney:

Thank you for the opportunity to review the above referenced variance request. The applicant is proposing to construct a free standing deck within the 100-foot Buffer. The Critical Area Law is designed to protect the water quality and habitat of the Chesapeake Bay and its tributaries. The 100-foot Buffer is protected so that it can perform the following functions: remove or reduce sediments and nutrients and potentially toxic substances in runoff; minimize adverse effects of human activities on wetlands, shorelines, stream banks, tidal waters, and aquatic resources; maintain an area of transitional habitat between aquatic and upland communities; and protect riparian wildlife habitat (COMAR 27.01.09.01B). This variance is being requested because no new non-water dependent development is allowed in the Buffer under the City of Annapolis' Critical Area program. We cannot support this variance for the following reasons.

The Variance Standards

Any person in the Critical Area who applies for a variance to the Critical Area Criteria must meet five variance standards that are specifically listed in COMAR 27.01.11 and the seven standards listed in the City of Annapolis' Critical Area program.(Section 21.67.150). All standards must be met in order for a variance to be granted. It is the opinion of this office that all of the variance standards have not been met in this case. Nothing in the application for the variance presents any indication of hardship. We recommend that the Board deny the variance for the deck because of the applicant's failure to meet the variance standards.

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

Continued, Page Two
Bowen Residence Variance
August 2, 1999

Below are the variance standards as applied in this case:

1. Section 21.67.150A: particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result as distinguished from a mere inconvenience if the strict letter of the regulation were to be carried out. After a site visit, I observed the property and it appears that there is nothing unique about the shape, topography or other features of the property itself. The applicant already has a large deck and pool within the Buffer. This office understands that the applicant is proposing a free standing deck in the Buffer to utilize shade from the trees. The existing deck and pool are not shaded. This office recommends that the applicant plant trees around the existing deck or provide a cover on a portion of the deck for shade.

The denial of a variance for an accessory structure in the Buffer on a developed piece of property would not result in an "unwarranted hardship" as that term has been defined by the Maryland Court of Special Appeals. In two cases decided under the Critical Area variance standards, the Court of Special Appeals has held that denial of a variance for construction of accessory structures in the 100-foot Buffer would not result in unwarranted hardship to the applicant. See North v. St. Mary's County, 99 Md. App. 502 (1994) (gazebo in Buffer); and White v. North, 121 Md. App. 196 (1998) (swimming pool in Buffer). In White v. North, the Critical Area Commission appealed the granting of a variance for a swimming pool in the Anne Arundel County Critical Area Buffer, and the Commission was successful at both the Circuit Court and Court of Special Appeals. We believe that the variance request before this Board is similar to that in the White case and we would urge the Board to consider the court's opinion in deciding this variance.

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

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

4. Section 21.67.150D: conditions or circumstances that are self-imposed and conditions or circumstances related to adjacent properties. This standard has been met.

Continued, Page Three
Bowen Residence Variance
August 2, 1999

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

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

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

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

6. Section 21.67/150F: **conditions relating to public safety.** This standard has been met.


7. Section 21.67.150G: **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 City's Critical Area Program.** The proposed deck within the Buffer will contribute to the cumulative adverse impacts to water quality and wildlife habitat 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 dwellings in the 100-foot Buffer. The Buffer is a designated Habitat Protection Area designed to act as both a natural filter for runoff and to provide habitat to both terrestrial and aquatic species. The Buffer's ability to achieve these functions is greatly reduced by structures that are at or near the water's edge. Perhaps more importantly, an accessory structure may seem inconsequential to the health and welfare of the Bay and the ecosystems it supports, but allowing one would be to allow thousands that would have a cumulative detrimental effect on the Bay. Based on the above reasons, Critical Area staff recommends denial of the variance request. This office believes that the applicant has not satisfied all the variance standards.

Continued, Page Four
Bowen Residence Variance
August 2, 1999

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

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Jon Arason, Director
Marianne D. Mason, Esq.
Ren Serey, Executive Director
Regina Esslinger, Chief, Project Evaluation Division
AN 362-99

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 P12 NO. PAGES: 5
FROM: Dawn McCleary
DATE: Aug. 2, 1999 TIME: _____ a.m. p.m.

(circle one)

COMMENTS:

TRANSACTION REPORT

P. 01

AUG-02-99 MON 06:00 PM

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
AUG-02	05:45	PM 94102631129	1'55"	5	SEND	OK	242	

George John C. North, II
Chairman



Ren Serey
Executive Director

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

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

July 29, 1999

Ms. Lori Schmick
Environmental Planner
Caroline County Dept. Of Planning
Post Office Box 207
Denton, Maryland 21629

RE: Lockerman Park Consistency Report

Dear Ms. Schmick:

Thank you for providing "Notification of Certification" that the above project is consistent with Caroline County's Critical Area Program. The Critical Area Commission staff understands that the above-referenced project is located in the Limited Developed Area and involves approximately 7.29 acres which is owned by Caroline County Board of Education.

The site is within the incorporated limits of Denton in which approximately 16,750 square feet is designated as the limits of disturbance. The purpose of this project is the installation of a total of eight (8) stone groins and the installation of sand fill to minimize shore erosion causing sediment to wash into the river now taking place. This office understands that due to the nature of the project, there will be disturbances within the Critical Area Buffer, tidal and non-tidal wetlands and their buffers.

The Project Evaluation staff also understands:

1. That in order to gain access for construction, trees will need to be removed within the Buffer. The proposed disturbance within the Buffer will be minimized. Also, it is proposed that there will be a 8-foot wide temporary access road along the shoreline for the entire length of the project;
2. That the access path within the Buffer will be converted to an 8-foot wide nature trail and stabilized with wood chips;
3. That a Joint Permit from the Maryland Department of the Environment and the Army Corps of Engineers has been issued;

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

Continued, Page Two
Lockerman Park Consistency Project
July 29, 1999

4. That the Maryland Department of Natural Resources, Forest, Wildlife and Heritage Services indicate that they have no comment on this project;
5. That the Shore Erosion Division of the Department of Natural Resources reviewed this project;
6. That the Chesapeake Bay Forester has visited the site with regards to tree removal and has determined that at least twenty (20) trees will need to be removed. Because tree removal will be in the Town of Denton's Critical Area, the applicant will be required to mitigate based on the Town's mitigation requirements within the Buffer; and,
7. That a variety of marsh grasses will be replanted to provide stability to the area as well as provide beneficial habitat for aquatic species.

The Commission staff has determined that the above proposed development:

- 1) has environmental or economic consequences that will be 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 for 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
Natural Resources Planner

cc: Dave Wilson
Roby Hurley
Regina Esslinger
CR 334-99

CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

FACSIMILE TRANSMITTAL

TO: Lori Schmitt FAX: (410) 479-4169
COMPANY: Caroline Co. P+Z NO. PAGES: 3
FROM: Dawn McCleary
DATE: July 30, 1999 TIME: _____ a.m. p.m.
(circle one)

COMMENTS:

Any questions, please feel free
to call me.

Please replace second page with
this faded copy!!

TRANSACTION REPORT

P.01

JUL-30-99 FRI 10:42 AM

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
JUL-30	10:38 AM	914104794169	1' 10"	3	SEND	OK	232	

TRANSACTION REPORT

P. 01

JUL-30-99 FRI 10:32 AM

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
JUL-30	10:30 AM	914104794169	1'08"	3	SEND	OK	231	

CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

FACSIMILE TRANSMITTAL

TO: Dave Wilson FAX: (410) 219-0425
COMPANY: MD: Eastern Shore RCFD NO. PAGES: 3
FROM: Dawn McCleary
DATE: July 30, 1999 TIME: _____ a.m. p.m.
(circle one)

COMMENTS:

Please call Lori to make sure she is "OK" with the consistency. Any questions, please call me.

readerfile



John C. North, II
Chairman

Ren Serey
Executive Director

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

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

July 22, 1999

Mr. Mark Kreaflle, P.E.
Assistant Chief Engineer
Maryland Port Administration
Maritime Center II
2310 Broening Highway
Baltimore, Maryland 21224-6621

***RE: Revised Cargo Shed for Area 400
At Dundalk Marine Terminal***

Dear Mr. Kreaflle:

On July 7, 1999, the Project Evaluation Subcommittee reviewed the revised site plans for the new 108,150 square foot cargo shed for Area 400 at Dundalk Marine Terminal. The Project Evaluation Subcommittee has concurred that the proposed revisions of the initial Commission approval are consistent with COMAR 27.01.05 (State Agency Actions Resulting in Development on State-Owned Lands). No further Commission action is necessary. If there are any questions, please feel free to call me at (410) 260-7072.

Sincerely,

Dawnn McCleary
Dawnn McCleary
Natural Resources Planner

cc: Michael Hild
Mr. Doug Matzke
Ren Serey
Regina Esslinger

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



TRANSACTION REPORT

P. 01

JUL-23-99 FRI 01:27 PM

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
JUL-23	01:26 PM	94106311140	1' 06"	2	SEND	OK	196	

CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

FACSIMILE TRANSMITTAL

TO: Mr. Mark Kreef FAX: (410) 631-1140
COMPANY: MD Port Administration NO. PAGES: 2
FROM: Dawn McClear
DATE: July 23, 1999 TIME: _____ a.m. p.m.
(circle one)

COMMENTS:

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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

July 22, 1999

Mr. Stan Ruchlewicz
Director
Harford County Planning & Zoning
711 Pennington Avenue
Havre de Grace, Maryland 21078

RE: Concord Cove Residential Site Plan\Subdivision

Dear Mr. Ruchlewicz:

Thank you for submitting the site plan\subdivision for the proposed Concord Cove project. This office understands that the applicant is proposing to subdivide his property into eight (8) individual lots and build single family homes within the 100-foot Buffer.

After reviewing the above project, Critical Area staff has determined that the proposed project is not located within the Waterfront Tax District and therefore is not Buffer Exempt. Any development proposed for the site must meet the Habitat Protection requirements of Chapter 2 of the City's Chesapeake Bay Critical Area Program which requires that all development within the Buffer must minimize the extent of impervious surfaces. Currently, the preliminary site plan shows a total of eight lots. Because the site does not contain grandfathered subdivided lots, all new dwellings must be located outside of the Buffer. At least four proposed single family dwellings could be sited entirely outside the Buffer, thereby providing for significant development of the site. The site plan should be revised to eliminate all other dwellings from the Buffer.

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


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

Continued, Page Two
Mr. Ruchlewicz
July 22, 1999

Also, the site plan did not show the total amount of forest cover and the proposed amounts to be cleared. We can arrange for technical assistance from the Department of Natural Resources regarding forested areas that need to be cleared. Finally, in reference to the threatened and endangered species, this office would like a letter from the Department of Natural Resources, Heritage Division that no threatened and endangered species are present on the applicant's property.

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: J. Bautz
Ren Serey
Regina Esslinger
HG 353-91

CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

FACSIMILE TRANSMITTAL

TO: M. Stan Ruchlewicz FAX: (410) 939-3692
COMPANY: Harford Co. P+Z NO. PAGES: 3
FROM: Dawn McLeary
DATE: July 23, 1999 TIME: _____ a.m. p.m.
(circle one)

COMMENTS:

Any questions, please call me.
Thanks

TRANSACTION REPORT

P.01

JUL-23-99 FRI 12:13 PM

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
JUL-23	12:11 PM	914109393692	1' 43"	3	SEND	OK	194	

CLEARINGHOUSE REVIEW

July 9, 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, ^{AG}Director, Program Open Space

SUBJ: DNR Clearinghouse Review of Local POS Project #3591-5-112
Lockerman School Community Park Landscaping Improvements - Caroline County

This project proposes landscaping improvements at Lockerman Park on the Choptank River.

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 July 23, 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 7/22/99

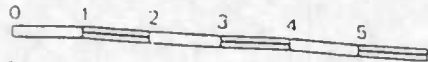
2. The project does not conflict with this Agency's plans, programs or objectives, but the attached comments are submitted for consideration.

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.

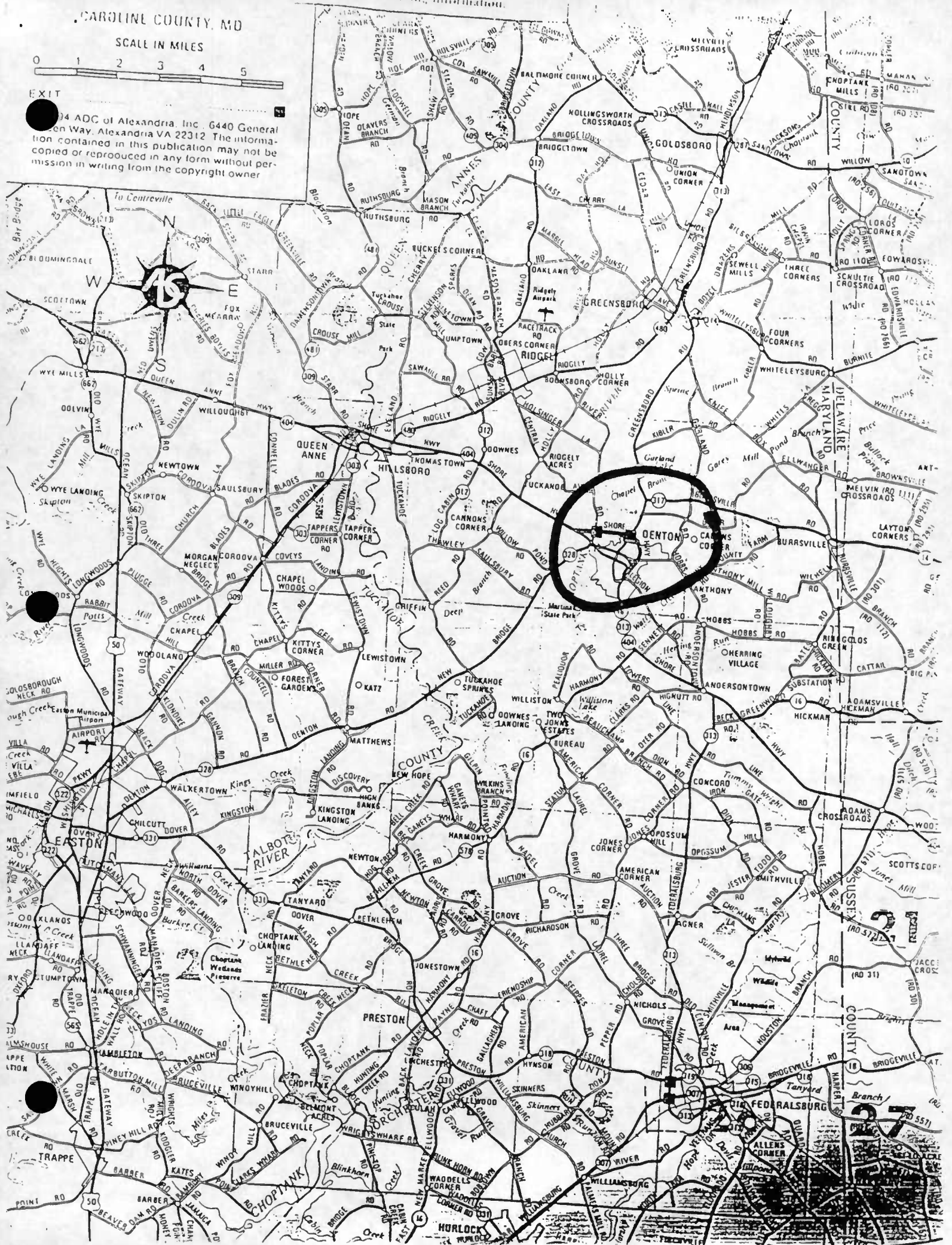
CAROLINE COUNTY, MD

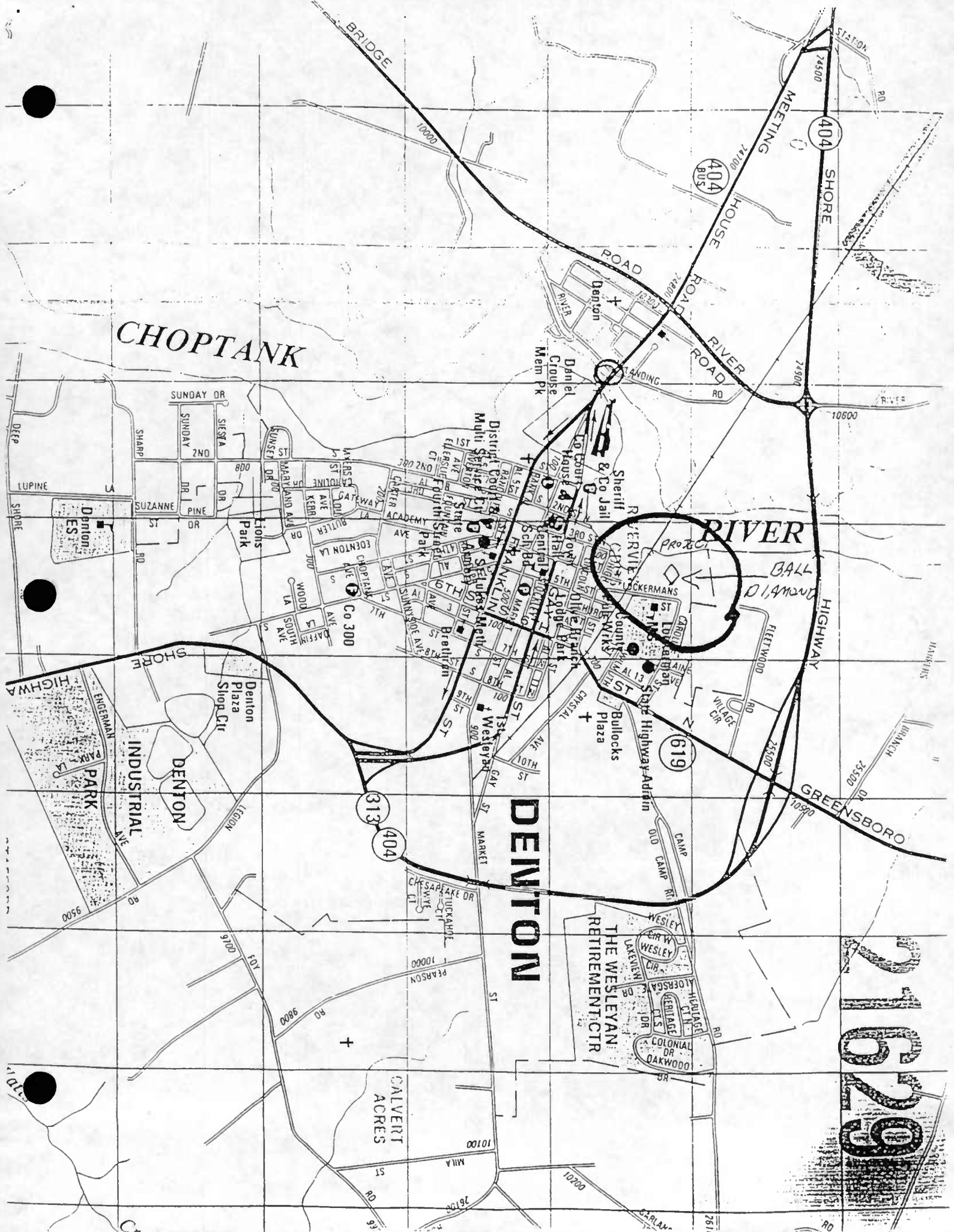
SCALE IN MILES



EXIT

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on Way, Alexandria VA 22312 The information
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216291

* P. 01 *
* TRANSACTION REPORT *
* JUL-23-99 FRI 11:26 AM *
* DATE START RECEIVER TX TIME PAGES TYPE NOTE M# DP *
* JUL-23 11:23 AM 94102608404 2' 05" 4 SEND OK 193 *

CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

FACSIMILE TRANSMITTAL

TO: Marti Sullivan FAX: (410) 260 - 8404
COMPANY: Program Open Space NO. PAGES: 4
FROM: Diana McCleary
DATE: July 23, 1995 TIME: _____ a.m. p.m.
(circle one)

COMMENTS:

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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

July 21, 1999

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

***RE: W. R. Grace Mitigation Project
Local Case Number: 000035***

Dear Mr. Stuart:

The Critical Area Commission staff has reviewed the applicant's proposal to clear woodland vegetation in order to investigate surface and subsurface conditions of the Radioactive Waste Disposal Area during a Remediation Investigation. Critical Area staff understands that the clearing of vegetation will be limited to approximately 9 acres and will be replaced with herbaceous vegetation. Based on the above information, this project appears to be consistent with the local Critical area Program.

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

Sincerely,

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

Dawnn McCleary
Natural Resources Planner

cc: Ren Serey
Regina Esslinger
BA ³⁵⁰ 126-99

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

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. City Dept. of Planning

FROM: Dawn McCleamy NUMBER OF PAGES SENT: 2

DATE: 7/21/99 TIME: _____

REMARKS:

TRANSACTION REPORT

P. 01

JUL-21-99 WED 05:59 PM

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
JUL-21	05:57 PM	94102447358	40"	2	SEND	OK	173	

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

July 21, 1999

Ms. Janet Gleisner
Environmental Planner
Harford County Planning & Zoning
220 South Main Street
Bel Air, Maryland 21014

**RE: *Leona Weightman Concept Plan* (Local Case Number: 99-080)
and Joppatown Shopping Center Site Plan (Local Case Number : 99-084)**

Dear Ms. Gleisner:

Thank you for sending us the additional information we requested for review. Since both projects are in the Intensely Developed Areas, the 10% calculations are needed by this office for review and approval. Please forward Worksheet A to this office as soon as possible. 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: Ren Serey
Regina Esslinger
HC 282-99 & HC 283-99

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



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

July 21, 1999

Ms. Janet Gleisner
Environmental Planner
Harford County Planning & Zoning
220 South Main Street
Bel Air, Maryland 21014

**RE: *Leona Weightman Concept Plan (Local Case Number: 99-080)*
*and Joppatown Shopping Center Site Plan (Local Case Number : 99-084)***

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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
HC 282-99 & HC 283-99

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) 260-7516

FAX: (410) 974-5338

FACSIMILE TRANSMITTAL

TO: Janet Gleisner FAX: (410) 879-8239

COMPANY: Harford Co. P+Z

FROM: Dawn McCleary NUMBER OF PAGES SENT: 3

DATE: 7/21/99 TIME: _____

REMARKS:

TRANSACTION REPORT

P. 01

JUL-21-99 WED 05:26 PM

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
JUL-21	05:24 PM	914108798239	1'09"	3	SEND	OK	172	

George John C. North, II
Chairman



Ren Serey
Executive Director

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

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

July 19, 1999

Mr. Suhair Alkhatib
Principal Engineer
Office of Planning & Programming
Mass Transit Administration
6 Saint Paul Street
Baltimore, Maryland 21202-1614

**RE: Maryland Rail Commuter (MARC)
Penn-Camden Connection**

Dear Mr. Alkhatib:

Thank you for sending us the Maryland Rail Commuter (MARC) Penn- Camden Connection Environmental Assessment (EA). This office understands that the rail connection is located within an Intensely Developed Area and that only a small portion (approx. 1900 feet) of the Penn-Camden Connection alignment is located within the Critical Area between Monroe Street and Washington Boulevard. The proposed development will disturb approximately 10,000 square feet of land within the Critical Area.

Our review indicates that figure 16 does not include the entire Critical Area boundary from mean high water areas. This map should be corrected. See the attached map showing the Middle Branch area from Baltimore City's official Critical Area maps.

Finally, because this project is a State project on State-owned land, it will have to comply with COMAR 27.02.05 of the State regulations. If there are any questions, please feel free to call me at (410) 260-7072.

Sincerely,

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

cc: Diane Radcliff
Ren Serey
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) 260-7516

FAX: (410) 974-5338

FACSIMILE TRANSMITTAL

TO: Mr. Suhair Alkhatib FAX: (410) 333-0489

COMPANY: Mos Transit Administration

FROM: Dawn McClean NUMBER OF PAGES SENT: 2

DATE: 7/19/99 TIME: _____

REMARKS:

I will drop off the original letter
and map letter Tuesday or Wednesday.

Any questions, please call me (410) 260-7072

See you on July 27, 1999 at 2:00pm
for the site visit. I will call in the morning
on ~~the~~ July 28, 1999.

TRANSACTION REPORT

P. 01

JUL-19-99 MON 06:12 PM

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
JUL-19	06:09 PM	94103330489	48"	2	SEND	OK	156	



George John C. North, II
Chairman

Ren Serey
Executive Director

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

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

July 16, 1999

Ms. Janet Gleisner
Environmental Planner
Harford County Planning & Zoning
220 South Main Street
Bel Air, Maryland 21014

**RE: Harford County Board of Appeals
Case # 4935 Variance (Mr. & Mrs. Lloyd Presberry)**


Dear Ms. Gleisner:

Thank you for sending the additional information pertaining to the Presberry variance. This office understands that the applicant is requesting a variance to allow an inground pool; a portion of which will be located within the "limit of disturbance" area. According to the applicant, the area where the pool will be located was disturbed by the developer sometime ago creating a loss of forest cover. Because the disturbed area has not been functioning, the County's main objective is to mitigate for any loss of forest cover.

Since there will be disturbance to the "limit of disturbance" area within the Critical Area, this office feels that your recommendation that the variance be granted is sufficient. We understand that a condition has been made to minimize the amount of disturbance by construction within the designated "limit of disturbance" area. Also, Critical Area staff understands that you are recommending mitigation in the amount of three (3) times the area being constructed within the designated "limited of disturbance." Finally, this office supports the County in reestablishing the loss of forest adjacent to an existing wooded area to try to recover as much woodland cover as possible.

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

Sincerely:


Dawnn McCleary
Natural Resources Planner

cc: Pat Pudalkewicz
Tess Cunzeman
Ren Serey
Regina Esslinger
HC 279-49

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) 260-7516

FAX: (410) 974-5338

FACSIMILE TRANSMITTAL

TO: Janet Gleisner FAX: (410) 879-8239

COMPANY: Harford Co. P+2

FROM: Dawn McCleary NUMBER OF PAGES SENT: 2

DATE: 7/16/91 TIME: _____

REMARKS:

TRANSACTION REPORT

P. 01

JUL-16-99 FRI 02:16 PM

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
JUL-16	02:15 PM	914108798239	38"	2	SEND	OK	148	



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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

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

July 13, 1999

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

RE: City of Annapolis Chrisland Corporation Annexation

Dear Mr. Torney:

Thank you for sending us the annexation request for Chrisland Corporation. It appears that out of a total of 103.5 acres of land annexed, 10 acres are located within the Limited Developed Area (LDA) and 47 acres within the Resource Conservation Area (RCA). This office understands that there will be no changes to the Critical Area land designation as approved by the Critical Area Commission when the property was part of Anne Arundel County. Also, this office understands that the property was annexed for residential development and the availability of municipal services in the area.

Since the annexation will result in an addition of LDA and RCA to the City's Critical Area maps, the increase in acres will constitute an amendment to the City's Critical Area Program and therefore must be approved by the Commission. Because you are in the process of completing your 4-Year Comprehensive Review you may want to incorporate this amendment into your submittal package for review. Please let us know if you would like to handle the annexation as part of your 4-Year Comprehensive Review.

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

Sincerely,

Dawnn McCleary
Natural Resources Planner

cc: Jon Arason
Ren Serey
Mary Owens
AN 322-99

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) 260-7516

FAX: (410) 974-5338

FACSIMILE TRANSMITTAL

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

COMPANY: City of Annapolis Pt 2

FROM: Dawn McCleary NUMBER OF PAGES SENT: 2

DATE: 7/15/99 TIME: _____

REMARKS:

TRANSACTION REPORT

P.01

JUL-15-99 THU 03:00 PM

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
JUL-15	02:54 PM	94102631129	43"	2	SEND	OK	141	



John C. North, II
Chairman

Ren Serey
Executive Director

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

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

July 12, 1999

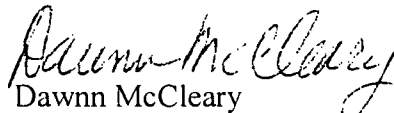
Mr. Jeff Torney
Planner
City of Annapolis P & Z
160 Duke of Gloucester Street
Annapolis, MD 21401

RE: Diana Gowan Project @ 112 Glendon Avenue

Dear Mr. Torney:

Because this project will be in a Buffer Exemption Area, we do not oppose the issuance of a building permit for this project. This office would like to see 2:1 mitigation in the form of plantings of native species for the tub and walkway. Please send this office a planting plan showing the planting of native species. If there are any questions, please feel free to call me at (410) 260-7072.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Jon Arason
Ren Serey
Regina Esslinger
AN 343-99

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

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



John C. North, II
Chairman

Ren Serey
Executive Director

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

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

July 16, 1999

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


RE: Phase II: Harborview Subdivision

Dear Mr. Stuart:

Thank you for sending the revised site plan showing the 76 fee simple townhomes, the landscaping plan for phase II, and the revised Critical Area computations for Buffer Impact fee for Lots 3, 4 and 5. After reviewing the submitted information, Critical Area staff has no comments in reference to the 76 fee simple townhome Subdivision site plan and the Buffer computations for Lots 3, 4, and 5. For the landscaping plans, Critical Area staff noticed that the Bradford Pear trees are presently being used. According to a note you wrote, you mentioned that the Bradford Pear would not be used. Please have the current landscaping plans reflect a change in the vegetation. This office would like a copy of the revised landscaping plan showing the change in vegetation for our records.

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

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Susan Williams
Ren Serey
Regina Esslinger
BA 278-99

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

Staff Correspondence - Lisa

July - December 1999

SI832-143-3



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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

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

December 23, 1999

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

Re: Goettee Property
S #1999-089, P #1999-152

Dear Mr. Soldano:

I have received the resubmittal for the above-referenced subdivision request. The applicant has addressed my comments from the August 26, 1999 letter. However, this office has some additional comments since the proposed subdivision has been reconfigured.

- 1) The buffer to steep slopes should appear to include all areas that require a buffer. A note should be added to the plat alerting future homeowners and the homeowners association that no disturbance is permitted in these areas absent a variance.
- 2) There appears to be 15% slopes occurring on where units 28 and 29 are proposed. It is our understanding the County's Critical Area Program prohibits development on slopes 15% or greater. Please clarify or reconfigure these lots to accommodate development.
- 3) In no case should variances be required. All new development activities should meet the County's Critical Area Program without the need for variances. This office will not support variances for new development.
- 4) The plans provided detail two stormwater management scenarios for this site. We defer to the County's engineers regarding the best plan; however, the choice should ensure optimum stormwater quality and quantity management for this site. We have been informed of problems with stormwater flows in this area. It appears a well-intentioned effort is being made to address this problem and we encourage the County and the surrounding communities to continue to work together in order to ensure the best solution available.

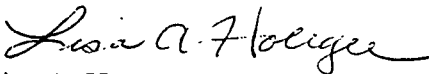
Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Mr. Soldano
Page Two
December 23, 1999

- 5) I have not received either confirmation or a copy of the letter from the Department of Natural Resources Heritage and Biodiversity Division as to the status of rare, threatened or endangered species on this site. Please forward a copy.
- 6) The nontidal wetland buffer is impacted by a portion of the entrance road. Absent any possible safety issues, we recommend one access be proposed outside of the nontidal wetland. The applicant should be in contact with the Maryland Department of the Environment Nontidal Wetlands Division concerning this issue.
- 7) The proposed clearing is close to 30% of the site. The applicant proposes to reforest .2 acres of the required 3.3 on site. Will the remaining 3.1 acres be handled by an off-site planting or through a fee-in-lieu? Please provide that information when it becomes available.
- 8) The proposed impervious surface for the entire subdivision is 14.9%. This means no additional impervious areas can be added in the future absent a variance. As stated before, new development should meet and accommodate future needs without variances. At a minimum, the applicant should consider reducing the overall allowable impervious areas to meet future needs, and a note should be added to the plat regarding the impervious surface limitation.

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

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: AA 415-99



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

December 22, 1999

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

Re: Bay Vista Subdivision
M-982

Dear Ms. Renshaw:

Thank you for forwarding the above-referenced subdivision request. The applicant proposes to subdivide an existing parcel into 16 lots. I have outlined my comments below.

- 1) As indicated, the Environmental Assessment is dated 1987. We routinely recommend to other jurisdictions that these reports be no older than two years. Since the report mentions the presence of hydric soils and nontidal wetlands, we recommend an updated report be requested of the applicant.
- 2) The site plan submitted does not identify the pockets of nontidal wetlands or their buffers. Also, it is not clear how close the parcel is to the Chesapeake Bay. All Habitat Protection Areas should be identified on the site plan.
- 3) While the applicant requested a review by the Department of Natural Resources (DNR) Heritage and Biodiversity Division in 1987, there was no accompanying letter in the file from DNR indicating the presence or absence of any rare, threatened or endangered species. This review should be completed before final approvals are issued. Please supply a copy of the letter from the Heritage and Biodiversity Division.

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

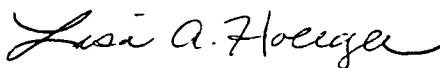


Ms. Renshaw
Page Two
December 22, 1999

- 4) The reforestation plan indicates that 41 trees will be removed and 55 will be replanted. The species chosen are red maple and leeland cypress. While we have no objection to the applicant choosing to plant the red maples as street trees and the leeland cypress as screening, this configuration does not replace the habitat lost prior to clearing. The applicant should consider clustering the trees and providing for a more diverse landscape plan that includes canopy, understory, shrubs and a herbaceous layer. The Commission staff is available for assistance. Also, we recommend the reforestation plan include all native species.
- 5) A portion of the property is labeled as "remaining land" with a note stating it is not approved for residential/commercial purposes at this time. Please clarify the status of this portion of the parcel.
- 6) The notes on the site plan also indicate that lots 5-16 will be served by public sewer. Are lots 1-4 served by public sewer also?
- 7) The Critical Area calculations for impervious surfaces appear correct. If the applicant intends to utilize the maximum allowable impervious surface on each lot, we recommend a note be added to the plat alerting future homeowners of the allowable impervious surface on their lots.
- 8) The site plan attached to the Environmental Assessment is different than the larger site plan submitted. I assume the larger plans, dated August 1999 are the intended plans.
- 9) Proper sediment and erosion control and stormwater management is required. There is no information regarding to how stormwater will be managed for this development proposal. Please clarify.
- 10) A note should be added to the plat indicating the parcel is classified as a Limited Development Area.

Thank you for the opportunity to comment. If you have questions, or if I can be of further assistance, please do not hesitate to contact me at (410) 260-7032.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: TC 642-99



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

December 22, 1999

Mr. Adam Brueggemann
Kent County Planning Office
Courthouse
Chestertown, Maryland 21620

Re: Douglas Heisler
99-99

Dear Mr. Brueggemann:

Thank you for forwarding the above-referenced project for review and comment. The applicant requests a variance to allow a septic system in the 100-foot Buffer. From the site plan provided, it appears there is not sufficient area outside of the Buffer to site the proposed septic system. Therefore, we do not oppose the requested variance provided the area of disturbance to the Buffer necessary for installation will be restored.

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. If you have any questions, you may contact me at (410) 260-7032.

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: KC 653-99

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

December 21, 1999

Mr. Melvin Bender
J. Dashew, Inc.
2709 Frederick Avenue
Baltimore, Maryland 21223

Dear Mr. Bender:

I have received a copy of your letter to Ren Serey concerning a parcel of land on tax map 33, parcel 241. You have requested that this office notify you of any plans submitted for this parcel. This office may not necessarily receive notice of any proposed development activity on this parcel since notification to our office is dependent on the nature of the request. In cases that do require notification to this office for review and comment, we will only receive notice after a request has been filed to the Anne Arundel County Department of Planning and Code Enforcement (PACE).

I have contacted Mr. Mark Wedemeyer of PACE and he indicated to me that you have already contacted PACE. Mr. Wedemeyer also stated that PACE is reviewing their files per your request and will respond to you in writing. Presently, it appears no proposals are before PACE for review and processing. I suggest you remain in contact with the County since any proposed development activities on this parcel will be received by them first and processed accordingly.

If you have any questions concerning the Critical Area Program please do not hesitate to contact me anytime at (410) 260-7032.

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: Mark Wedemeyer, PACE

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

December 15, 1999

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

Re: John E. Akridge III
00-WL-0104

Dear Mr. Causey:

This office received a copy of the above-referenced request to install 300 feet of subaqueous electric and telephone cables beneath a tidal marsh, emplace 190 feet of stone revetment, 610 feet of stone edging, replace two boat ramps, replace a timber pier and conduct dredging activities. I have outlined my comments below.

- 1) In regard to the subaqueous cables, it is my understanding this activity will not impact the marsh directly, therefore we have no comment. Of course, any clearing or disturbance necessary for installation that will affect the 100-foot Buffer will require replacement with native species.
- 2) We defer the need for the proposed stone revetment and stone edging to your office. If a less structural means is appropriate for this shoreline, we recommend that be considered instead.
- 3) We question the need for two boat ramps. However, if both boat ramps existing prior to December 1, 1985, this office would consider them grandfathered. Since they are considered water-dependent, disturbance to the Buffer for their replacement and upgrading should occur on a 2:1 basis with native species.

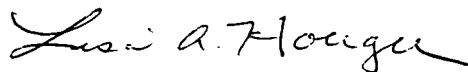
Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Mr. Causey
Page Two
December 15, 1999

- 4) Provided the proposed dredging will not impact submerged aquatic vegetation, or any other confirmed habitat areas in Trippe Creek, we have no comment. However, the placement of the dredge material shall not be located in the 100-foot Buffer. It must instead 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. If you have questions, please telephone me at (410) 260-7032.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: Tidal Wetlands File



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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

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

December 15, 1999

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

Re: Christopher Maio
S 99-130, P 99-247

Dear Mr. Soldano:

I have received the subdivision request of the Christopher A. Maio property (MS 99-247). Since this portion of the subdivision does not impact the Critical Area with the exception of the proposed septic area, we have no comments. However, there is a note on sheet 1 of the sketch plan that is confusing and requires clarification. It is located in the "Area Tabulations" section. It refers to the total area inside and outside the Critical Area and it is not clear which number refers to acreage in the Critical Area.

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

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: AA 637-99

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

December 15, 1999

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

Re: Plimhimmon Farm
S-901

Dear Ms. Renshaw:

Thank you for forwarding the above-referenced subdivision request. The applicant proposes to subdivide one 20.546 acre parcel from 244.999 acres. I have outlined our comments below.

- 1) The environmental report accompanying the site plan indicates that a portion of the property is still actively farmed, however the site plan does not differentiate between those areas in agricultural use and those not in agriculture use. When the land is converted from an agricultural use, the 100-foot Buffer is reestablished. The 100-foot Buffer on Lot 1 should be established if it does not currently exist.
- 2) The applicant has not addressed afforestation for this parcel. Please forward that information when it becomes available. Commission staff are available to assist the County in designing an afforestation plan for this property.
- 3) Also, please forward a copy of the response from the Department of Natural Resources, Heritage and Biodiversity Division when it becomes available. The County should not issue approvals until that letter arrives with confirmation that no rare, threatened or endangered species exist on or near the site.

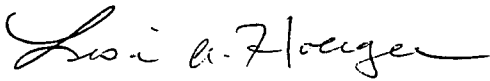
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(410) 822-9047 Fax: (410) 820-5093

Ms. Renshaw
Page Two
December 15, 1999

- 4) A wetland exists near the existing farm driveway. It's associated buffer is not shown. Since it appears the driveway right of way will be widened to 40 feet (presumably to meet subdivision regulations), the appropriate buffer should appear to determine whether any impacts will result.

Thank you for the opportunity to comment. Please telephone me if you have any questions or need additional information.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: TC 638-99



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

December 14, 1999

Mr. Daniel Cowee
Talbot County Office of Planning & Zoning
Courthouse
Easton, Maryland 21601-3178

Re: Ratcliffe Subdivision
Town of Easton

Dear Mr. Cowee:

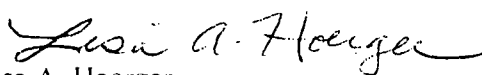
I am writing to you regarding the Ratcliffe Subdivision request that may become a growth allocation request before the Town of Easton. Since the County will ultimately be a voice in the growth allocation process, I am providing you with some information regarding that request. We have discussed this project with the Commission's Program Subcommittee and they have two concerns we feel you should be aware of.

As you know, the property is designated as a Resource Conservation Area (RCA). The applicant proposes fifteen dwelling units and sixteen lots. Since the parcel has 312 acres in the Critical Area, fifteen units are the maximum allowable density. Lot 16 is proposed to remain undisturbed until a future time which may include a growth allocation request. If Lot 16 is proposed for growth allocation, the entire acreage of the original parcel (Lot 16 and the area of Lots 1-15) will be required to be deducted since the area of Lot 16 is being used to generate the density for Lots 1-15.

The other issue involves a proposal by the applicant to pursue private piers for each lot (Lots 1-15). If pier permits are issued by the Maryland Department of the Environment for these lots, this may preclude a future community pier on Lot 16. The Code of Maryland Regulations at 27.01.03 .07A (5) states, "If community piers, slips, or moorings are provided as part of the new development, private piers in the development are not allowed."

We hope this information proves helpful as we are trying to identify potential issues prior to the joint County/Town growth allocation process. Please telephone me at (410) 26-7032 if you have any questions.

Sincerely,


Lisa A. Hoerger
Natural Resources Planner

cc: Mr. Thomas Hamilton
Mr. Lynn Thomas

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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Fax: (410) 974-5338

December 13, 1999

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

Re: Doris M. Moynihan
MS 98-106

Dear Ms. Chalkley:

I have received the resubmittal for the above-referenced subdivision request. This is the first time we received a site plan, so I have a few comments regarding the plan.

- 1) The information regarding the area of the widening strip is inconsistent. On the plat the area is noted as being 1,158 square feet of .0266 acres. The Plat Summary Table indicated the widening strip to be 1,333 square feet of .0306 acres. This should be clarified before plat approval.
- 2) The impervious surface and clearing calculations in the table on the plat are accurate based on the widening strip being .0306 acres. If this changes, then the Critical Area Calculations must reflect that change.
- 3) We recommend the applicant minimize clearing on this site since there is little room for reforestation on site.
- 4) Appropriate stormwater management and sediment and erosion control measures shall be take to ensure the new development activities will not adversely affect receiving waterbodies.

Thank you for the opportunity to comment. Please telephone me if you have questions at (410) 260-7032.

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: AA 523-98

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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December 13, 1999

Mr. Dan Cowee
Talbot County Office of Planning
& Zoning
Courthouse
Easton, Maryland 21601-3178

Re: Bill No. 741

Dear Mr. Cowee:

The Critical Area Commission reviewed legislative Bill No. 741, an amendment to your Critical Area Program. We understand this legislation replaces an earlier version of a bill passed by your County Council earlier this year. The new version replaces the American with Disabilities Act section in your Zoning Ordinance.

We are accepting Bill 741 as a complete submittal and will 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.

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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

December 13, 1999

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

Re: Heron Cove
S 98-274

Dear Ms. Chalkley:

I would like to provide comments on the above-referenced subdivision request. I have outlined my comments below.

- 1) Lots 10, 11, 12, 15, 16 and Open Space Parcel #1 are partially within the 100-foot Buffer. We recommend the lot lines not extend through the Buffer to avoid future intrusion. At a minimum, the an easement should be placed on those portions of these lots and the Open Space Parcel that are within the Buffer. Also, a note should be added to the plant to alert future homeowners and those maintaining the stormwater pond of the Buffer and that no disturbance is permitted.
- 2) The stormwater management pond on Open Space Parcel #1 appears close to the outward limits of the 100-foot Buffer. This pond should be sited so that no disturbance will occur including any area necessary to construct the pond. This office will not support a variance for disturbance.
- 3) The applicant did not include final impervious surface figures in the report. The County should verify the numbers to ensure the 15% limitation will not be exceeded. The applicant also needs to allow for future impervious surface areas for lot 29 (labeled Reserve Parcel).

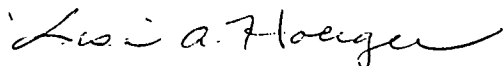
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Ms. Allen
Page Two
December 13, 1999

- 4) The area required for afforestation of this site is 1.76 acres (76,665.6 square feet). In addition, another .25 acres (11,016 square feet) is required for reforestation. That adds to a total of 2.01 acres (87,681.60 square feet). The total in the report is 2.18 acres (95,109 square feet). Please ensure the correct figure is applied.
- 5) The applicant proposes to plant the required afforestation and reforestation into the Community Open Space Parcels, the Reserve Parcel, and the 100-foot Buffer on lots 15 and 16. We recommend that the entire Buffer be reestablished in natural vegetation before other areas of the site are considered for planting areas.
- 6) The applicant has indicated that the existing timber pier may be used as a community fishing and crabbing pier. This may be the only option since this creek may support species of submerged aquatic vegetation. If the pier will be used for the community, how will it be accessed?

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

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: AA 577-99

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

(410) 260-7516

Fax: (410) 974-5338

December 13, 1999

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

Re: Turkey Point, Lot 3 Revision

Dear Ms. Chalkley:

I have received the revision for the above-referenced project. It appears the applicant has addressed the comments of this office and that of the County's in our last correspondence. However, it is not clear whether the required afforestation plantings occurred this fall. We recommend the County ensure plantings have occurred before final approvals are issued since this afforestation was a requirement of a previous project.

Please notify this office when the County has received verification from the applicant, which should include a site visit, that the required plantings have occurred.

Thank you for the opportunity to comment. Please telephone me if you have questions at (410) 260-7032.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: AA 264-99

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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December 13, 1999

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

Re: Safeway - Deale, Planned Commercial Complex
#99-001

Dear Ms. Chalkley:

I have received a revised Critical Area Report from Ben Dyer Associates, Inc. regarding the above-referenced project. The report indicates that a total of 2,976 square feet of clearing occurred to provide access to a proposed well. I assume the fee proposed for payment to the County covers the 3:1 mitigation required for a violation. The proposed reforestation, which includes thirteen 1 1/2" caliper Red Maple or Sweet Gum trees, and natural regeneration is acceptable. We recommend that these trees be nursery stock, balled and burlapped and a minimum 4-6' tall.

If you have any questions, or need further information from this office, please telephone me at (410) 260-7032.

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: Kevin E. Hedge, Ben Dyer Associates, Inc.

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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

December 8, 1999

Ms. Tracey L. Greene
Regional Planner/Circuit Rider
Maryland Office of Planning
201 Baptist Street
P. O. Box 24
Salisbury, Maryland 21801

Re: Town of Vienna - Pier and Boardwalk Project (**REVISED PLAN**)

Dear Ms. Greene:

I have received the Consistency Report on behalf of the Town of Vienna requesting several improvements and changes to the waterfront area owned by the Town. Since we accompanied yourself and Mayor Brinsfield on a site visit late last month, I am aware of the proposed improvements to the property with the exception of the proposed parking area. Commission staff present on the site visit concurred that these improvements are allowable considering the area is mapped as an Intensely Developed, Buffer Exemption Area and will provide public access and educational opportunities. In addition, the improvements will not create additional impervious areas with the exception of the parking area.

From the site plan provided, it appears the proposed parking area is located further waterward than existing structures in the Buffer. In accordance with Section 16-10-6 of Vienna's Program this parking area must be located no further waterward than existing impervious areas. Also, a more detailed drawing showing the exact dimensions of the parking lot and the layout is necessary in order to ensure that Buffer impacts are minimized and to determine the appropriate mitigation area.

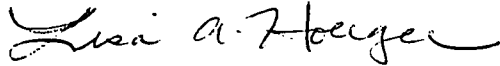
As discussed in the field, Commission staff have agreed to devise a Buffer Management Plan that will address mitigation for the proposed improvements. This mitigation will take the form of native Buffer plantings on the site.

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Ms. Greene
Page Two
December 8, 1999

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: The Honorable Russell Brinsfield
Ren Serey, CBCAC
Mary Owens, CBCAC



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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December 8, 1999

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

Re: M.E.B.A.
#1117

Dear Ms. Renshaw:

I have received the above-referenced request for a special exception to provide for a 31,280 square foot addition to an existing dormitory building. It appears the request for special exception is related to the underlying zone. In regard to the Resource Conservation Area (RCA) designation of this site, the grandfathering provisions of the Critical Area Criteria provide for the continuation, but not necessarily the expansion of uses in existence as of the date of program approval. This office has no comment regarding the special exception request.

It appears afforestation is required for this request since the current forest area in the Critical Area portion of the site is less than 15%. Based on our calculations, the applicant is required to plant an additional 7.29 acres to meet the afforestation requirement. This mitigation should be native species and located in an area on the site that will provide the greatest benefits to habitat and water quality. We recommend the applicant consider planting those areas of the 100-foot Buffer that are not currently vegetated. Commission staff are available to assist the County in developing the afforestation plan. Also, the applicant will be removing seven trees which require replacement at a 1:1 ratio. When the applicant has adjusted the site plan to reflect the proposed area of afforestation, please send that plan to our office.

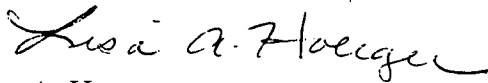
The County also needs to ensure the applicant has adequately addressed stormwater issues. It was not clear from the site plan provided how treatment will be addressed in regard to quality and quantity. Also, the County needs to ensure adequate sediment and erosion control measures are taken.

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

Ms. Renshaw
Page Two
December 8, 1999

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

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: TO 608-99



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

December 7, 1999

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

Re: Mollie & John Faulkner
#1122

Dear Ms. Renshaw:

I have received the variance request to construct a 26' x 4' addition to an existing residence. From the site plan provided, it appears the proposed addition will intrude into the 100-foot Buffer to tidal waters. This office does not oppose the requested variance given the modest intrusion of four feet onto a presumably grassed area.

However, we recommend mitigation in the form of native Buffer plantings for all permanent disturbance to the Buffer at a 3:1 ratio. A Buffer Management Plan should accompany the building permit when it is issued. Commission staff are available to assist the County in this regard.

The County should provide information concerning pre and post impervious surface area on these residential lots, and any clearing information.

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: TO 614-99

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

December 3, 1999

Ms. Anne Elrays
State Highway Division
707 N. Calvert Street
Baltimore, Maryland

Re: MD Rt. 2 Widening
Virginia Avenue to South of Pike Ridge Road

Dear Ms. Elrays:

At its meeting on December 1, 1999 the Chesapeake Bay Critical Area Commission voted to approve the proposed MD Rt. 2 widening project for that portion which occurs in the Critical Areas as presented at the afternoon meeting. The Commission conditioned the conditional approval as follows:

- 1) *Recommend approval as the applicant is providing quality measures for the first inch of runoff for the impervious areas based on the site plan submitted;*
- 2) *If the applicant fails to receive permits from the Maryland Department of the Environment and/or the Army Corps of Engineers, or if as a result of obtaining those permits, the design changes, the applicant shall resubmit the revised plan to the Commission for approval; and*
- 3) *The applicant will bank 1.32 acres of forest mitigation and identify another site within the Critical Area within one year. The site will be planted once funding has been allocated. A status report on where the mitigation will occur and on funding availability will be given to the Commission in one year.*

Thank you for your patience with our process and with the assistance provided by your staff and the consultants. It was a pleasure to coordinate this project with yourself and the individuals mentioned as they were accommodating and responsive to information required for review, and were helpful to the Project Subcommittee.

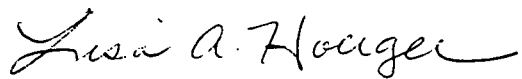
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Ms. Elrays
Page Two
December 3, 1998

I expect that we will be communicating shortly regarding the mitigation sites for the required 1.32 acres of forest clearing for this project that will occur outside the Buffer. If you have any questions or concerns, please call me at (410)260-7032.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: Heidi Van Luven, DOT
Linda Mott, SHA
Regina Esslinger, CBCAC



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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December 3, 1999

M.H. Jim Estep, Chairman
Prince George's County Council
County Administration Building
Upper Marlboro, Maryland 20772

Re: National Harbor Growth Allocation

Dear Mr. Estep:

On December 1, 1999, the Chesapeake Bay Critical Area Commission reviewed Resolution No. CR-82-1998, the use of 5.1 acres of growth allocation to change the Critical Area designation of Parcel 1 or "Area 1" from a Limited Development Overlay Zone to an Intense Development Overlay Zone, and the use of 8.7 acres of growth allocation to change the Critical Area designation of Parcel 2 or "Area 2" from Resource Conservation Overlay to Intense Development Overlay. Commission Chairman John C. North II has determined this resolution to be a refinement to the Prince George's County's Critical Area Program and has approved it with the concurrence of the Commission members. This refinement should be incorporated into your Critical Area Program within 120 days from the date of this letter.

An updated Critical Area map should be forwarded to this office reflecting that change. If you have any questions, please call me at (410) 260-7032.

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: Steve Gilbert, Principal Counsel, District Council
Sam Wynkoop, PG Co. DER
Sherry Conway-Appel, PG Co. DER
Jim Stasz, Environmental Planning, M-NCPPC

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

December 3, 1999

Ms. Cheril Thomas
Town of St. Michaels
P.O. Box 206
St. Michaels, Maryland 21663-0206

Re: Annexation of the 300 block of East Chew Avenue

Dear Ms. Thomas:

On December 1, 1999, the Chesapeake Bay Critical Area Commission reviewed Resolution No. 99-04, the annexation of the 300 block of East Chew Avenue. Commission Chairman John C. North II, has determined this resolution to be a refinement to the Town's Critical Area Program and has approved it with the concurrence of the Commission members. This refinement should be incorporated into your Critical Area Program within 120 days from the date of this letter.

I understand the Town is pursuing changing the Critical Area designation on these properties for consistency. Please notify me when that occurs. If you have any questions, please call me at (410) 260-7032.

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: Mr. Dan Cowee, Planning Director - Talbot County

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

December 3, 1999

Mr. Doldon Moore, Wetlands Administrator
Board of Public Works
Wetlands Administration
Post Office Box 1510
Annapolis, Maryland 21404

Re: Tidal Wetlands Case No. 97-0767
Martin and Georinanna Fisher - Stone Revetment and Pier Construction property off of
Old County Road, Severna Park, Anne Arundel County

Dear Mr. Moore:

Thank you for providing our office with the Wetland Report and Recommendation of the Department of the Environment regarding the above-referenced case. We would like to take this opportunity to provide comments concerning the proposal to construct a stone revetment and a pier.

- 1) This office last offered comments to the MDE, Tidal Wetlands Division by letter dated March 18, 1997 in regard to the proposal of the previous property owner, Mr. Polm (letter enclosed). Since that time, the property has changed owners and the proposal is for less disturbance than originally proposed. Generally, this office has no objection to some form of shore erosion control on this property.
- 2) It is my understanding that the new proposal is to construct approximately 400 feet of stone revetment 40 feet waterward of the mean high water line, and construct approximately 350 feet of stone revetment 10 feet waterward of the mean high water line. This proposal is considerably less disturbance to the natural resources as compared to the previous proposal of 740 feet of stone revetment, 60 feet channelward. We recommend that any disturbance be the minimum necessary, but we defer to the Maryland Department of the Environment, Tidal Wetlands Division concerning the sizing and necessity of these structures on this site.

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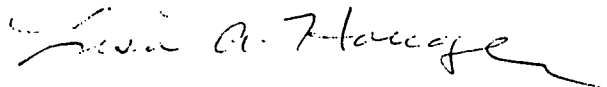
TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450

Mr. Moore
Page Two
December 3, 1999

- 3) We support the latest proposal to make the access road temporary and to restore the nontidal wetland. Also there will be less impacts to the Submerged Aquatic Vegetation Beds (SAV) adjacent to the shoreline.
- 4) Mitigation of native species shall occur for all Buffer disturbance for the purpose of shore erosion control at a 1:1 ratio. All other disturbance to the 100-foot or expanded Buffer shall be mitigated for at a 3:1 ratio. Mitigation for access to the shoreline for the proposed pier should be at a 2:1 ratio. These mitigation ratios are consistent with the Anne Arundel County Critical Area Program.
- 5) Finally, a Buffer Management Plan is required by the applicant for disturbance to the 100-foot and expanded Buffer. Coordination with the County Forester can be accomplished by telephoning (410) 222-7441.

Thank you for the opportunity to comment on this proposal before it is reviewed by the Board of Public Works. If you have any questions, please call me at (410) 260-7032.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: Mr. Robert Cuthbertson, MDE, Tidal Wetlands Division

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

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



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

EASTERN SHORE OFFICE
31 CREAMERY LANE
EASTON, MARYLAND 21601

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

March 18, 1997

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

RE: 97-WL-0767, Rick E. Polm

Dear Mr. Cuthbertson:

This letter serves as an addendum to my letter to you dated January 24, 1997. On March 6, I accompanied you and several other individuals, including Mr. Polm, to the subject property. As stated in my earlier letter and after seeing the erosion on the property, this office has no objection to some form of shore erosion control, however, emplacing 740 feet of stone revetment sixty feet channelward of mean high water appears excessive. While this office does not have the expertise to comment on the engineering aspects of the proposal, we can and do comment on projects that will have adverse impacts to plant and wildlife habitat. Those habitats include aquatic species and aquatic habitat.

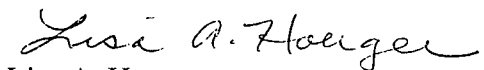
According to a 1995 survey, it appears that widgeon grass and horned pondweed were found along the shoreline of the Polm property. The Critical Area Criteria provide us some guidance when accessing appropriate shore erosion control measures for a particular site. The Criteria state, "...that where structural erosion control is required, the measure that best provide for conservation of fish and plant habitat, and which is practical and effective *shall* be used..." (COMAR 27.01.04.03.B(2) Emphasis added). From the information provided to this office, it appears that the proposal is neither practical or will best provide for the conservation of fish and plant habitat.

My previous comments regarding the proposed permanent access road are unchanged. Access should be temporary and mitigated for at a 1:1 ratio. In addition, the applicant should explore other access routes to avoid the nontidal wetland.

Mr. Cuthbertson
Page Two
March 18, 1997

Thank you for the opportunity to comment. I understand that a public information hearing is scheduled for April 4. Please include this letter in your file and submit it and my letter dated January 24, 1997 as part of the record of that hearing. If you have any questions, please call me at (410) 974-2426.

Sincerely,



Lisa A. Hoerger
Environmental Specialist

cc: Mr. Ren Serey, Executive Director - CBCAC
AA Co. TW 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

November 1, 1999

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

Re: Stephen & Nicol Morris, BA 83-99V

Dear Ms. Diffenderfer:

Please accept this letter as this office's comments regarding the above-referenced appeal. This office has sent previous correspondence in response to the variance request to permit a free-standing deck in the 100-foot Buffer. In a letter dated July 13, 1999 (enclosed), we were in agreement with the County that this deck is not permitted in the Buffer since the County's Program in Article 28, Section 1A-103(e)(1) states, "New development activities, except for water-dependent facilities, shall not be permitted in the buffer;...". Based on this language, the proposed deck is not permitted in the Buffer. Our position has not changed absent additional evidence that it should be permitted.

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 of the decision made in this case.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

In accordance with Courts and Judicial Proceedings Article, Annotated Code of Maryland, §10-204, this is a true copy of a public record of the Chesapeake Bay Critical Area Commission.

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

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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July 13, 1999

Ms. Suzy Schappert
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 Ms. Schappert:

Subsequent to our discussion this afternoon concerning the above-referenced case, I am requesting that my letter to Mr. Kevin Dooley, dated May 24, 1999 be rescinded. I agree with your interpretation of the County Code in Article 28, Section 1A-103(e)(1). It states, "New development activities, except for water-dependent facilities, shall not be permitted in the buffer;...". Based on this language, the proposed deck is not permitted in the Buffer.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources 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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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November 29, 1999

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

Re: Robert & Teresa Higgins, Local Case # 1114

Dear Ms. Renshaw:

Thank you for forwarding the above-referenced request for a special exception to construct and operate two mini warehouse buildings in the Village Center District (VC) zone. I have provided my comments below.

- 1) The Critical Area designation afforded to VCs in Talbot County is Limited Development Area (LDA). This type of use is not inconsistent with the character of the LDA in the Critical Area.
- 2) While this use does not conflict with the Critical Area designation, appropriate stormwater management and sediment and erosion control measures shall be taken before, during and after construction.
- 3) It appears no Habitat Protection Areas (HPAs) will be impacted. We encourage the applicant to plant native vegetation to provide additional stormwater and habitat value to the site. The proposed plantings plan appears to address these issues.

Provided the proposal is consistent with the requirements found in Section 19.4 of the Zoning Ordinance, this office has no objection to the request.

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

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: TC 594-99

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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November 19, 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 resubmittal for the South River Colony, parcel B subdivision request. After reviewing the information, it appears the applicant has met all Critical Area requirements concerning clearing, impervious surface limitations, protection of Forest Interior Dwelling Bird habitat and other comments generated by PACE and this office over the last year. We commend the applicant for their patience, cooperation and willingness to reach an agreement on the final project design that meets their needs, but was also sensitive to the special habitat features of this site.

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

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: AA 243-98

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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November 18, 1999

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

Re: Dutchship Pointe, Resubmittal
S 99-093, P 99-165

Dear Ms. Allen:

I have received the resubmittal for Dutchship Pointe. The engineer provided a response to the comments raised in my letter of September 7, 1999. In that regard, I have further comments which are outlined below.

- 1) The response to my concern regarding the Critical Area/RLD Zoning Notes #3 was that it was removed; however, note #3 has not been removed from the plat. Is this action still being pursued by the applicant or not?
- 2) In my original comments, I stated that Buffer Exemption Area (BEA) status will be lost as a result of subdivision. According to the response form the engineer, Mr. Elbrich has concluded that BEA status will not be lost. He is correct. In this case, the only area of shoreline mapped BEA occurs nearest to the existing dwelling and will remain BEA.

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

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: AA 433-99

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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(410) 260-7516

Fax: (410) 974-5338

November 9, 1999

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

Re: Status of Comprehensive Review

Dear Ms. Gawel:

This letter serves as a follow-up to our last meeting with the Commission panel concerning outstanding four-year comprehensive review issues. Below I have outlined those issues, including the agreements reached pertaining to each.

1) *Clearing on grandfathered lots*

The County has agreed to cap clearing on grandfathered lots one-half acre or less to 6,534 square feet (30% of .5 acres). It is the Commission's understanding that if this cap is exceeded on these lots, the applicant will be required to pay the fee-in-lieu of \$1.20 per square foot.

2) *Categories of Applications*

The County has agreed to notify the Commission staff of all project applications as outlined in COMAR 27.03.01.03. This included projects in the Resource Conservation Area that involve more than 5,000 square feet of disturbance and all projects involving disturbance in the Buffer.

3) *Grandfathering*

The County agreed to provide Commission staff with the definitions of a residue parcel and a reserve parcel. Also, the County will provide language in their Zoning Ordinance or Subdivision Ordinance that explains the criteria used by County staff in determining whether a parcel or lot is grandfathered.

Commission staff request that the County also provide a definition of an outlot.

4) *Eight Inch Rule*

The County informed the Commission panel that the County does not require building permits for structures that will be less than six inches above grade. The Panel discussed and the County acknowledged that these structures are still required to comply with the impervious surface limitations and that these structures are prohibited within the Buffer.

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5) *Reforestation*

We have reviewed the memorandum submitted to us at the last panel meeting regarding the County's Critical Area Capital Reforestation Account and have a few additional questions. It appears that the County has spent \$1,211,588 to provide 10.38 acres of reforestation which would not meet the required one-to-one reforestation regulations.

Please indicate how many acres were cleared in the Critical Area (in a given year) and how much money was collected? How much money was directed towards the required one-to-one replacement?

Please indicate the acreage figures for Hancock's Resolution, Stoney Creek Park, Round Bay Area and the Cape Corporation. How much of each property was forested when it was purchased?

How many acres, if any, were forested on the land acquisition projects?

6) *Local Government Projects*

It is our understanding that the County has agreed to notify the Commission staff of local government projects.

7) *RCA Uses*

Below is a list of those changes agreed to at the last meeting.

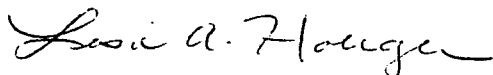
#23 Game and wildlife preserves - Change "Water Quality and Soil Conservation Plan" to "Soil Conservation and Water Quality Plan" so that it is consistent with other documents that may refer to this type of plan.

#37 Private or public research institutions - Modify sentence from, "Private or public research institutions not to exceed 15% or 20,000 square feet" to "Private or public environmental research institutions not to exceed 15% of the site or 20,000 square feet, whichever is less."

#48 Nursing Homes - It was decided to omit nursing homes from the list.

Thank you for your cooperation with this process. Please notify us if any of the above issues are not as the County agreed to at the last meeting and we can discuss it. I can be reached at (410) 260-7032.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: Lynn Robeson, Esquire - PACE
Marianne Mason, Esquire - OAG
Dave Bourdon
Larry Duket
James Foor
Bob Goodman
Barbara Samorajczyk

John C. North, II
Chairman



Ren Serey
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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November 8, 1999

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

Re: Carl Treat
Local Case # 1120

Dear Ms. Renshaw:

I have received the above-referenced request to permit an after-the-fact variance for a portion of a dwelling that intrudes into the 100-foot Buffer. It is my understanding the Buffer was inaccurately reflected on the applicant's plans resulting in placement of the dwelling partially within the Buffer. Because of the circumstances of this case and the minimal amount of disturbance that resulted from construction, we do not oppose the request.

We recommend that native plantings for the area of the disturbance within the 100-foot Buffer be mitigated for at a 3:1 ratio with native species. These plantings should occur within the Buffer if it is not already established in native vegetation. Our office is available to assist the County in preparing a Buffer Management Plan for this property.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for appeal.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: TC57899

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

George John C. North, II
Chairman



Ren Serey
Executive Director

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November 8, 1999

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

Re: South River Colony, Parcel F

Dear Ms. Chalkley:

I have received the above-referenced subdivision request for review and comment. The applicant proposes to develop this parcel into a residential subdivision. I have outlined my comments below.

1. The Critical Area portion of the site is approximately 65 acres and is designated as a Resource Conservation Area (RCA). Therefore, a maximum of three dwelling units are permitted based on the one dwelling unit per twenty acre density provisions in the RCA.
2. Please forward a copy of the updated Environmental Review letter from the Department of Natural Resources, Heritage and Biodiversity Division when it becomes available. The letter included in the transmittal is dated 1992. The County should ensure that no newly discovered plant or animal species, that require special protections, are present on the site.
3. The parcel supports Forest Interior Dwelling Birds (FID) habitat. Based on the design submitted, the applicant is not conserving the FID habitat in the Critical Area. The proposed clearing and disturbance will almost totally eliminate the interior portions of the FID habitat on site. This office can provide assistance to the County and the applicant in utilizing alternative design techniques. One suggestion would be to concentrate development in the edge portions (300 feet measured from the edge) of the forest in the Critical Area.

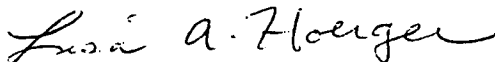
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Ms. Chalkley
November 8, 1999
Page Two

4. Lot 4 straddles the Critical Area line. It appears the proposed dwelling and associated development activities with this lot will remain outside the Critical Area. We recommend a plat note stating that the area of lot 4 within the Critical Area cannot be disturbed for future development activities.
5. All development activities associated with the proposed subdivision should not require the need for variances to the County's Critical Areas Program. New development activities should fully comply with existing regulations without the need for variances.

Thank you for the opportunity to comment. If you have questions or would prefer assistance concerning the FID issue, please telephone me at (410) 260-7032.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: AA 524-99



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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November 4, 1999

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

Re: Willow Run, Section 2
MS 95-064, P 98-010

Dear Ms. Chalkley:

I would like to comment on the resubmittal of the final development plans for the above-referenced subdivision. At our last meeting concerning this subdivision we met with the representatives of the applicant to discuss Forest Interior Dwelling Bird (FID) issues. We applaud the efforts made on the part of the applicants by incorporating the suggestions made by this office and PACE.

The resubmittal conserves 80% of the FID habitat in the Critical Area. However, we still have concerns about the lots extending to the water's edge because this is FID habitat. A note should be added to the plat alerting future homeowners to the presence of FIDs and that any clearing or disturbance is not permitted.

In addition, we recommend the 40-foot right of way extending to lots 52-54 be reduced to further minimize clearing and prevent breaks in the canopy. We also recommend shifting the rear of the lots and the development areas closer to the Critical Area boundary so that the majority of the disturbance will occur within the edge of the forest as opposed to the interior. Mitigation in this case should be for direct FID habitat loss which equals 1.68 acres. This mitigation should create new FID habitat through planting or natural reforestation. We would like the opportunity to review the FID mitigation plan.

Thank you for the opportunity to comment on the resubmittal. Please telephone me at (410) 260-7023 if you have any questions.

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: AA 606-98

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

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Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
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November 2, 1999

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

Re: Magothy Beach Oval
S 88-609, P 99-213

Dear Mr. Wedemeyer:

I have received the above-referenced subdivision request to create two lots. It appears the application meets the Critical Area provisions found in the County's ordinance. From a growth management standpoint, the lots are considered infill in an existing community served by public water and sewer which is encouraged. However, we recommend the applicant consider further minimizing the proposed clearing on the lots. Proper sediment and erosion control, and stormwater management techniques should be employed during and after construction.

Thank you for the opportunity to comment. Please include this letter in your file. If you have any questions, please telephone me at (410) 260-7032.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: AA 551-99

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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November 1, 1999

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

Re: Jim Britt
Special Exception, 1084

Dear Ms. Renshaw:

I have received the special exception request to allow a 205' timber pier to include a 20' pier access, a catwalk, two finger piers, a boatlift, and six mooring piles to be 225' channelward of mean high water. I have contacted the Maryland Department of the Environment, Tidal Wetlands Division and was informed this application met the State's regulations. Absent any environmental impacts, this office defers to the local jurisdiction regarding pure zoning matters such as setback issues and special exception requests. It is our understanding that no Habitat Protection Areas will be impacted as a result of construction. Therefore, we have no comment regarding the request for special exception.

We recommend that the area of the 100-foot Buffer that may be impacted by construction be planted with native species at a 2:1 ratio for the area disturbed. This office is available to provide assistance to the County in regard to Buffer plantings.

Thank you for the opportunity to comment. Please telephone me if you have any questions regarding these comments.

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: TC 565-99

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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October 29, 1999

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

Re: White Hall Farm
M-973

Dear Ms. Renshaw:

I have received the subdivision request of White Hall Farm and offer the following comments.

- 1) The Buffer shall be reestablished on this parcel if the land use is being converted from agricultural to residential. Native species are recommended.
- 2) The Buffer shall be expanded to include any nontidal wetlands that may be contiguous to the 100-foot Buffer. If the nontidal wetlands occur as isolated pockets not associated with the 100-foot Buffer, they shall have a minimum 25-foot buffer, and the applicant should be directed to seek permits from the Maryland Department of the Environment, Nontidal Wetlands Division.
- 3) The plat indicates that four development rights exist in the Critical Area. It also states that three have been used and one is remaining. Please have the applicant clarify this note. It appears a dwelling already exists on the remaining parcel; therefore it appears all four development rights have been used with this subdivision.
- 4) The County should confirm no rare, threatened or endangered habitats exist on this property before any final approvals are issued. This effort should be coordinated with the Natural Heritage Division of the Department of Natural Resources.

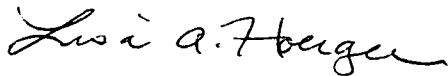
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Ms. Renshaw
Page Two
October 29, 1999

- 5) The subdivision requires afforestation in the amount of 3.9126 acres. The Critical Area Information Data Entry Form shows four acres needed for afforestation. However, I was unable to locate where the proposed planting will occur on the parcel. Also, a note on the plat should indicate the amount of afforestation and its location.
- 6) Proper sediment and erosion control and stormwater management measures shall be taken at the time of development.

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
Natural Resources Planner

cc: TC 560-99



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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October 29, 1999

Ms. Kelly Krinetz
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. Krinetz:

I am sending additional comments concerning the above-referenced subdivision request. In the past few weeks, the environmental consultant for the applicant has contacted me regarding my comments about the proposed cul de sac in the Resource Conservation Area (RCA). I have enclosed that letter for your information and the file.

As you can see from this letter, the change to the RCA parcel has the effect of nullifying the rights of the property owner in the Critical Area to subdivide using the intrafamily transfer provisions. Natural Resources Article §8-1808.2 states:

(c) *Permitted parcels of land.* - If a local jurisdiction includes provisions for bona fide intrafamily transfers as part of its local program, the local jurisdiction shall permit a bona fide intrafamily transfer to be made only from parcels of land that:

(1) Were on record on March 1, 1986; and

This provision in the state law does not accommodate parcels that have changed since March of 1986. Therefore, the applicant and property owner of the Critical Area parcel (if they are different parties) should be notified of this situation.

If you have any questions, please telephone me at (410) 260-7032.

Sincerely

Lisa A. Hoerger
Natural Resources Planner

cc: 249-99

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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

October 29, 1999

Mr. Milton L. McCarthy
McCarthy & Associates, Inc.
14458 Old mill Road, #201
Upper Marlboro, Maryland 20772

Re: The Overlook at Broad Creek
S #98-071, P #99-091

Dear Mr. McCarthy:

In response to your request, I am writing to clarify this office's position regarding the proposed cul de sac in the Resource Conservation Area (RCA) in Forest Interior Dwelling Bird (FID) habitat, and to state the effect development of the parcel inside the Critical Area will have regarding intrafamily transfer.

I have consulted with the Heritage Division of the Department of Natural Resources and the Science Advisor to the Critical Area Commission. Based on the information submitted, it appears the proposed cul de sac will be sited in an area that is partially cleared for an existing driveway. Therefore, disturbance will only occur within the forest edge, notwithstanding the forest cleared outside of the Critical Area boundary. In any case, this office recommends the cul de sac be eliminated from the Critical Area portion of the site for several reasons. I have outlined them below.

- 1) If disturbance is unavoidable the applicant should follow the development guidelines outlined in the September 17, 1999 letter from the Department of Natural Resources, Heritage and Biodiversity Division.
- 2) Typically, this office does not look favorably on development activities inside the RCA that will be serving development outside the RCA, and in this case, outside the Critical Area. We note the explanation that this cul de sac could potentially serve future lots in the Critical Area created by the intrafamily transfer provision. This brings me to the next point.

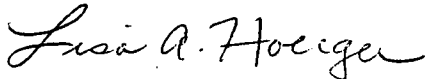
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Mr. McCarthy
Page Two
October 29, 1999

- 3) The Critical Area parcel will change with the addition of the cul de sac. The County's Critical Area program and the Natural Resources Article state that intrafamily transfers can only be made from parcels that were of record on March 1, 1986. With the creation of the cul de sac, this parcel will change since March of 1986 and will no longer be the parcel that was on record as of March 1, 1986. Therefore, the creation of the cul de sac has the effect of revoking the rights of the property owner in the Critical Area to apply for an intrafamily transfer in the future, as would any change in the property line regardless of whether development was proposed.

If you have any questions regarding these comments, please telephone me at (410) 260-7032.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: Kelly Krinetz, PACE
Katharine McCarthy, DNR
Claudia Jones, CBCAC

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

October 25, 1999

Ms. Kate Meade
Environmental Review Unit
Tawes State Office Building, B-3
Annapolis, Maryland 21401

Re: State Clearinghouse # 99-1008
AA Cypress Creek, Magothy River

Dear Ms. Meade:

I have received notice of the above-referenced project. This office first received notice of this project last year when the applicant was seeking variances from the Anne Arundel County Critical Area Program. At that time, I reviewed the site plans and provided comments to the County. Those comments are enclosed for your information.

In general, the applicant met all Critical Area requirements. The adjacent property to the north of this parcel contains a Natural Heritage Area. The Heritage and Biodiversity Division reviewed this project at that time and provided guidance. I have also enclosed that letter. We defer to their expertise concerning potential impacts to that habitat area.

If you have any further questions, please telephone me at (410) 260-7032.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

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

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CHESAPEAKE BAY CRITICAL AREA COMMISSION

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October 25, 1999

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

RE: 00-GL-0415
Anne Arundel County Department of Public Works

Dear Mr. Cuthbertson:

I have received notice of the above-referenced request to emplace a 25-foot long by 10-foot wide stone apron for an outfall within a maximum of 25 feet channelward of the mean high water line. According to the 1998 SAV survey, there does not appear to be any SAV beds nearby or within the project area. We defer to your office regarding impacts to other aquatic resources that may be present at the site.

If the Buffer will be impacted (i.e. cleared, graded or altered in any way) for the installation of this pipe and rip rap, mitigation should occur at a 1:1 ratio with native species.

Thank you for the opportunity to comment. Please include this letter in your file. If you have any questions, please telephone me at (410) 260-7032.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

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

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October 25, 1999

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

Re: Talbot County Council
00-PR-0377

Dear Mr. Causey:

This office received the above-referenced request to establish a 14-slip marina by installing 7, 15-foot finger piers and 23 mooring piles within a maximum of 40 feet channelward of the mean high water line. This office recommends the criteria outlined in COMAR 27.01.03.04 regarding local plan requirements for water-dependent facilities be followed. COMAR 27.01.03.04 states:

- (1) That the activities will not significantly alter existing water circulation patterns or salinity regimes;
- (2) That the water body upon which these activities are proposed has adequate flushing characteristics in the area;
- (3) That disturbance to wetlands, submerged aquatic plant beds, or other areas of important aquatic habitats will be minimized;
- (4) That adverse impacts to water quality that may occur as a result of these activities, such as nonpoint source runoff, sewage discharge from land activities or vessels, or from boat cleaning and maintenance operations, is minimized;
- (5) That shellfish beds will not be disturbed or be made subject to discharge that will render them unsuitable for harvesting;
- (6) That dredging shall be conducted in a manner, and using a method, which causes the least disturbance to water quality and aquatic and terrestrial habitats in the area immediately surrounding the dredging operation or within the Critical Area, generally;

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Mr. Causey
Page Two
October 25, 1999

- (7) That dredged spoil will not be placed within the Buffer or elsewhere in that portion of the Critical Area which has been designated as a habitat protection area except as necessary for:
 - (a) Backfill for permitted shore erosion protection measures,
 - (b) Use in approved vegetative shore erosion projects,
 - (c) Placement on previously approved channel maintenance spoil disposal areas, and
 - (d) Beach nourishment; and
- (8) That interference with the natural transport of sand will be minimized.

We ask that your office consider the above criteria when evaluating this request for permits, particularly if there is SAV present at the site, although the 1998 SAV maps do not indicate the presence of SAV. If access will be obtained through the 100-foot Buffer for this project, we recommend a single point of access. Also, any clearing associated with access 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. If you have any questions, please call me at (410) 260-7032.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: Talbot - Tidal Wetlands File

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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October 25, 1999

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

Re: Hartge Yacht Yard Inc.
99-WL-1433

Dear Mr. Cuthbertson:

I would like to comment on the above-referenced marina reconfiguration and navigational access project. The applicant proposes to hydraulically maintenance dredge a 38,743 square foot marina basin to the 7-foot depth at mean low water and deposit approximately 2,870 cubic yards of dredged material at an approved site off of Crandell Road. The applicant also proposes to construct a 135-foot long by 8-foot wide timber pier with a 98' x 6-foot "T" head, a 220-foot long by 8-foot wide pier with a 103 x 6-foot "T" head, twenty 15 to 50-foot long by 3-foot wide finger piers and emplace 61 mooring piles.

This office has no objection to the redevelopment of this marina site; however, we have concerns regarding the reconfiguration. The Anne Arundel County Critical Area Program references COMAR 27.01.03.04 regarding local plan requirements for water-dependent facilities. COMAR 27.01.03.04 B states:

- (1) That the activities will not significantly alter existing water circulation patterns or salinity regimes;
- (2) That the water body upon which these activities are proposed has adequate flushing characteristics in the area;
- (3) That disturbance to wetlands, submerged aquatic plant beds, or other areas of important aquatic habitats will be minimized;
- (4) That adverse impacts to water quality that may occur as a result of these activities, such as nonpoint source runoff, sewage discharge from land activities or vessels, or from boat cleaning and maintenance operations, is minimized;

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Mr. Cuthbertson
Page Two
October 25, 1999

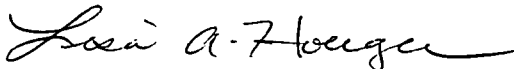
- (5) That shellfish beds will not be disturbed or be made subject to discharge that will render them unsuitable for harvesting;
- (6) That dredging shall be conducted in a manner, and using a method, which causes the least disturbance to water quality and aquatic and terrestrial habitats in the area immediately surrounding the dredging operation or within the Critical Area, generally;
- (7) That dredged spoil will not be placed within the Buffer or elsewhere in that portion of the Critical Area which has been designated as a habitat protection area except as necessary for:
 - (a) Backfill for permitted shore erosion protection measures,
 - (b) Use in approved vegetative shore erosion projects,
 - (c) Placement on previously approved channel maintenance spoil disposal areas, and
 - (d) Beach nourishment; and
- (8) That interference with the natural transport of sand will be minimized.

Additionally, Article 28, Section 1A-104(c)(13) of the County's Zoning Code states that, "Expansion of existing marinas is permitted provided the expansion will result in an overall net improvement in water quality in the area surrounding the site of the marina." We ask that your office keep these plan requirements in mind when reviewing this proposal. The applicant should be aware that any future facilities that may be associated with this marina, that are not water-dependent by their intrinsic nature, shall be located outside of the Buffer.

In regard to the dredging, those projects that involve dredging, and consequently involve locating a suitable area for the placement of the dredged material, should under no circumstances locate the disposal sites in the 100-foot Buffer, or any other designated Habitat Protection Area, except as permitted in COMAR 27.01.03.04.B.7.

Thank you for the opportunity to comment. Please include this letter in your file as part of the record. If you have any questions, please call me at (410) 260-7032.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: Tidal Wetlands File



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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

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October 19, 1999

Ms. Michele Floam
Potomac Crossing Consultants
1800 Duke Street, Suite 200
Alexandria, VA 22314

Re: Woodrow Wilson Bridge - Comments on Final Drafts for Migratory Fish and
Comparison of Construction Techniques and Potential Construction Staging Areas

Dear Ms. Floam:

Thank you for the opportunity to comment on the above-referenced documents concerning the Woodrow Wilson Bridge project. I have outlined our comments below.

Final Draft - 1999 Assessment of Migratory Fishes

We have reviewed this document and agree with the findings of the survey that there appears to be a need to restore fish passage and spawning range in the Northwest and Northeast branches of the Anacostia River. We defer to the Department of Natural Resources and National Marine Fisheries concerning which areas should receive priority. In general, we believe this is a worthy effort and support the continued monitoring and restoration of these areas.

Final Draft - Comparison of Construction Techniques, SAV Impacts and Dredge Quantities for Woodrow Wilson Bridge

After reviewing the eight alternative construction scenarios, we agree with the conclusion found in the document that Construction Scenario 1- Full Width Access Channels provides the option with the minimum impacts to SAV while also considering safety during the construction phase.

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

Ms. Floam
October 19, 1999
Page Two

Draft - Potential Construction Staging Areas

This document identifies sixteen sites as potential staging areas, and proposes eight for further consideration and evaluation. Of those eight sites, only one is within the Chesapeake Bay Critical Area. That site is identified as G2 in Prince George's County, Maryland, or more commonly known as the National Harbor site, waterfront parcel.

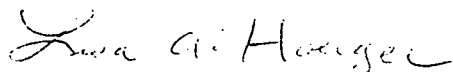
Based on information concerning site G1, this proposal should receive a review by the Maryland Department of Natural Resources, Heritage and Biodiversity Division concerning the presence of bald eagles that may either nest or utilize the site. Also, a review by the Maryland Historical Trust is in order concerning the possibility of archeological resources on the site.

Presently, the site is cleared and graded as a consequence of a grading permit issued by the County. No shore erosion control structures exist and dredging of Smoot Bay would be necessary to access this site. While we would not rule out this site, further investigation concerning impacts to the aquatic habitat of Smoot Bay and impacts to the 100-foot Buffer should be evaluated.

In regard to the 100-foot Buffer, we understand certain water-dependent activities will occur; however, parking for employees, construction trailers and other equipment should be located outside of the Buffer. Only those activities necessary for loading and unloading are permitted within the Buffer.

Thank you for the opportunity to comment. If we can provide additional assistance or you have questions concerning these comments, please telephone myself or Claudia Jones at (410) 260-7516.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: Claudia Jones, Science Advisor

John C. North, II
Chairman



Ren Serey
Executive Director

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

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October 14, 1999

Ms. Michele Floam
Potomac Crossing Consultants
1800 Duke Street, Suite 200
Alexandria, VA 22314

Re: Woodrow Wilson Bridge, Anacostia Enhancement Proposal and Outstanding Tidal
Wetland Creation Sites

Dear Ms. Floam:

Thank you for the opportunity to comment on the above-referenced proposals for the Woodrow Wilson Bridge project. Below I have separated the Anacostia proposal from those mitigation sites still under consideration. In regard to those sites still under consideration, we offer comments for those proposed as tidal wetlands mitigation and those which we were able to observe in the field.

Anacostia River Park East - ANA11

Since we last spoke, it is my understanding that the enhancement potential of this site could equal 15 acres. We believe this enhancement proposal is worth pursuing. By eradicating the phragmites and planting a more diverse native wetland, this site would become valuable habitat for terrestrial and aquatic species.

We recommend a minimum of two channels to maintain adequate tidal flow to the site. However, we do have some concerns regarding the long term maintenance of the channels and their long-term viability. In that regard, we see two questions that require further inquiry before choosing this site as a enhancement project. It should be determined who will be the responsible party that insures long-term maintenance. Also, we are aware of a project at the Bladensburg Marina which is just upstream from this site, that may affect sediment transport and could be a maintenance issue concerning the maintenance of the channels.

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Ms. Floam
October 14, 1999
Page Two

Overall, we believe the site should remain on the mitigation list as a potential site for wetland enhancement. While enhancement of the Anacostia River East site may not satisfy the mitigation obligation, it has the potential to provide more diverse species habitat in the watershed that feeds into the main stem of the Potomac River. However, this endorsement is dependent upon verification that excavation for enhancement would not allow the contaminated materials in the landfill on the upland to reach the Anacostia River.

Goose Bay Marina, Roman Catholic Clergy PTB 1 - Goose Creek/Croft Property PTB 2

We were able to accompany you to these sites on September 21. Both sites appear to have a lot of potential to be used as mitigation sites from an ecological perspective, and appear to be able to provide a large amount of acreage. We recommend these sites continue to be explored as mitigation sites. Compared to other sites we have visiting in Charles County, these sites are closer to the main stem of the Potomac River.

Earnshaw Property 1 WIC1 - Earnshaw Property 5 WIC5

We are unclear which Earnshaw property is the one we visited. The list of mitigation sites has dropped one Earnshaw property and retained another. We can provide you with comments on this site if it is the one we visited.

Savage Property BCR2A - Harmony Hills BCR2B

It appears these sites have been retained for consideration. We would like more information about the Buffer on each site. While the Savage property is small, we see some advantage to utilizing this site as mitigation considering its close proximity to the project site. The Harmony Hills site already has some areas of tidal and nontidal wetlands that may be better left unaltered; however this should not preclude using the site provided the integrity of the existing wetland areas can remain intact.

Our concern about the 100-foot Buffer to tidal waters and tidal wetlands include whether there will be sufficient area remaining after the creation of the tidal wetlands to establish a new 100-foot Buffer from the edge of tidal wetlands.

Remaining Sites with Tidal Creation Potential

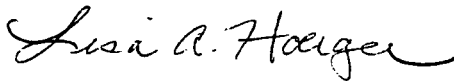
There are sites that remain on the list that we have not had the opportunity to visit. One site, the Mattawoman Restoration site (MWC10) is one site we have not visited, however we recommend that once the minimum replacement ratios have been met, this site be considered as an alternative in order to create an overall, more diverse mitigation package.

Ms. Floam
October 14, 1999
Page Three

Considering the scope of the project, the process of selecting mitigation sites has not been an easy task. As stated in previous correspondence, we prefer to see the mitigation sites be located as close to the area of impact as possible; however, we recognize the numerous obstacles to finding a suitable site that will provide long term benefits well into the future. Again, we also recommend that the final mitigation package be one that is diverse as possible without undermining the original intent of mitigation for the tidal and nontidal impacts and restoring aquatic habitat.

Thank you again for the opportunity to comment. If you have any questions concerning the above comments, please call myself or Claudia Jones at (410) 260-7516.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: Claudia Jones, Science Advisor



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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

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October 14, 1999

Ms. Cecelia L. Donovan
Environmental Science and Monitoring
Environmental Dredging Division
Maryland Environmental Service
2011 Commerce Park Drive
Annapolis, Maryland 21401

Re: Poplar Island Monitoring Framework Schedule and Input for Oyster Bar Sedimentation Monitoring Plans

Dear Ms. Donovan:

Thank you for your patience in awaiting our response to the above-referenced issues. After meeting with the Critical Area Commission's Science Advisor today, I am now able to address these issues. I have outlined our comments below.

Oyster Bar Sedimentation

You have requested that participating agencies provide the Maryland Environmental Service (MES) and the Maryland Port Administration (MPA) with specific guidance concerning the continued monitoring of the oyster bar.

This office recommends that monitoring of the site continue. In regard to whether mitigation is required, we defer to the Department of Natural Resources and National Marine Fisheries. If these agencies decided mitigation is necessary, we will also defer to them concerning how to mitigate for impacts to the oyster bar.

Monitoring Schedule and Baseline Monitoring Report

The monitoring schedule appears reasonable and we have no further additions or deletions. The Baseline Monitoring Report also appeared in order and we have no further comments concerning its contents.

Thank you for the opportunity to comment on this important and exciting project. If you have any questions, please telephone myself or Claudia Jones at (410) 260-7516.

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: Claudia Jones, CBCAC

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Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
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October 7, 1999

Robert F. Karge, Town Clerk
Town of Easton
P.O. Box 520
Easton, Maryland 21601

Re: Resolution No. 5642

Dear Mr. Karge:

On October 6, 1999, the Chesapeake Bay Critical Area Commission concurred with Chairman North's determination that Resolution No. 5642, the annexation of lands that are part of Glenwood and Ratcliffe Manor, owned by the Argonaut Land Company, LLC, can be approved as a refinement to the Town's Critical Area Program. This refinement should be incorporated in to your Critical Area Program and a revised map of the Town should be forwarded to the Commission within 120 days from the date of this letter.

If you have any questions, please call me at (410) 260-7032.

Sincerely,

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

Lisa A. Hoerger
Natural Resources 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



Chesapeake Bay Critical Area Commission

STAFF REPORT
October 6, 1999

APPLICANT: Town of Easton

PROPOSAL: Refinement -Annexation of parts of Glenwood Farm/Ratcliffe Manor Properties

COMMISSION ACTION: Concurrence

STAFF RECOMMENDATION: Concur with Chairman's Determination

STAFF: Lisa Hoerger

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

DISCUSSION:

The Town of Easton has annexed 386.44 acres of land, of which 312 acres are located in the Critical Area. The land is contiguous to the existing boundaries of the Town of Easton, generally located on the west side of Easton, south of Maryland Route 33. The property has a Critical Area designation of Resource Conservation Area (RCA). Upon annexation, the Town recommended the land use category to be a Planned Unit Development with mixed use and a park element. No change in the Critical Area designation is proposed at this time. Future development of the parcels may be served by public water and sewer, however at this time proposed development will be served by private wells and private septic.

Since the time Chairman North received notice of the annexation, staff received notice of subdivision for a portion of this site. A site visit was conducted on Monday, September 20th. Accompanying staff on the site visit were Commission member Bill Corkran, town staff, the property owner and his consultant.

Site Visit

The property is currently in active agricultural production with approximately 85%, or 300 acres in crop rotations of corn, soybeans, and wheat. A private lane leads to existing developed residential lots at the end of the peninsula. These existing residential lots are not part of the land annexed into the Town of Easton.

The proposed subdivision requests fifteen dwelling units on approximately 60 acres in the RCA. The remaining land on approximately 240 acres (proposed lot 16) will be left undisturbed until a time that a growth allocation is requested. When growth allocation is requested to develop lot 16, the entire Critical Area acreage of the parcel, including lots 1-15 will be deducted.

The Buffer is a mix of forest and agricultural land. Forested Buffer width varies from approximately 30 feet to 280 feet. The forested areas consist of predominately mature, mixed hardwoods. The Buffer on this property borders Dixon Creek on the western boundary and the Tred Avon River on the eastern boundary.

Two streams appear on the topographical map. One was observed in the field. The applicant will be in contact with the Town to determine if this feature is a stream that requires a 100-foot Buffer. A review by the Department of Natural Resources, Heritage and Biodiversity Division reported the that two endangered plant species could potentially occur on the project site if the appropriate habitat exists. In addition, open waters adjacent to this site are known as historic waterfowl concentration areas. Both Dixon Creek and the Tred Avon River contained species of submerged aquatic vegetation. Individual piers are proposed for these lots.

Issue for Consideration

The parcel is identified in the Town of Easton's 1998 Comprehensive Plan as a growth area. The annexation, Resolution No.5642, became effective on June 25, 1999 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 →

↑ NORTH

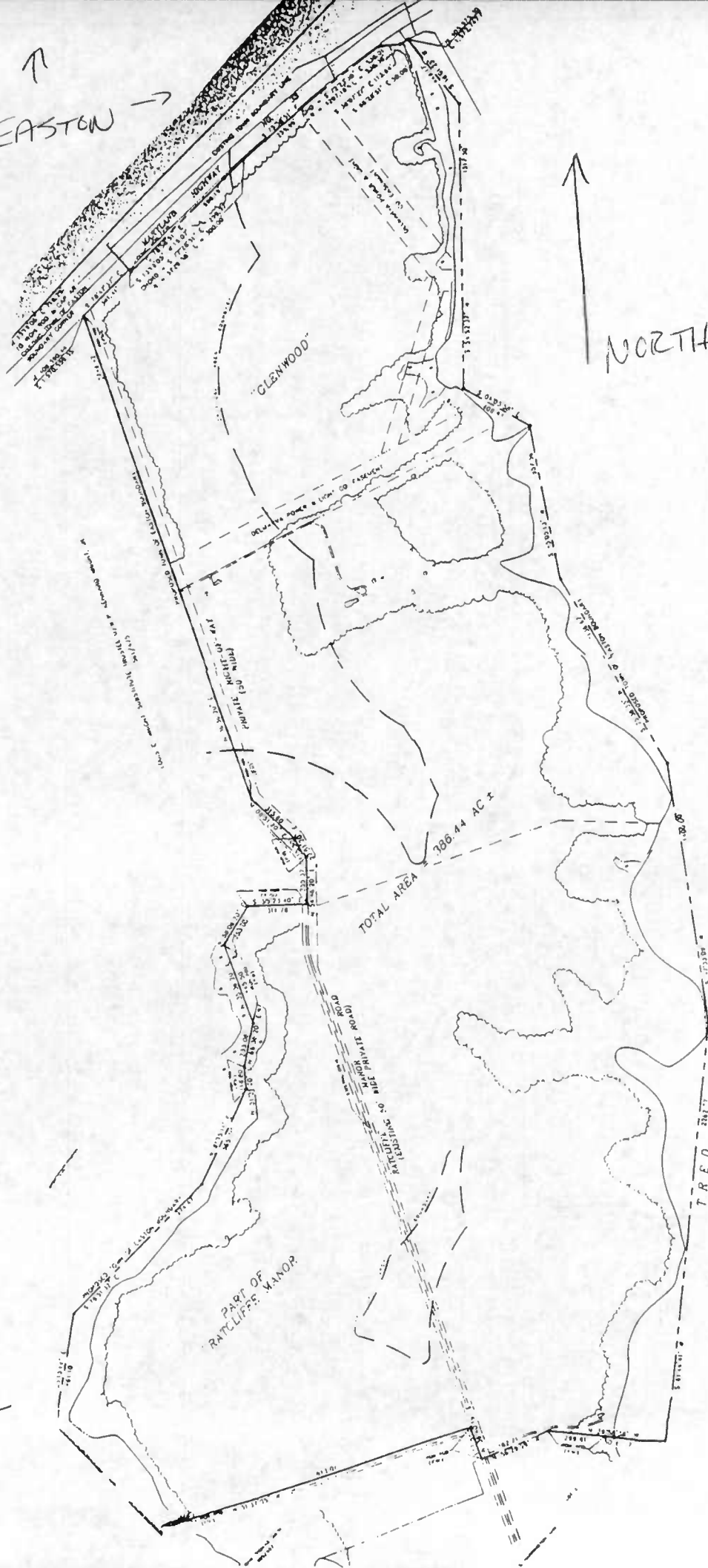
GLENWOOD

TRED AVON RIVER

TOTAL AREA 786.44 AC ±

PART OF RATCLIFFE MANOR

DIXON CREEK



ST. MICHAELS ROAD/HIGHWAY NO. 33

RATCLIFFE MANOR LANE

LOT 16

DIXON CREEK

TRED AVON RIVER

RATCLIFFE
SUBDIVISION
OPEN SPACE

1

2

3

4

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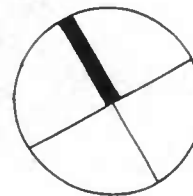
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500 1000 FEET



Judge John C. North, II
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
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October 5, 1999

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

Re: David Willse
99-WL-1809

Dear Mr. Causey:

This office received the above-referenced request to install 1498 feet of stone revetment within a maximum of 8 feet channelward of the mean high water line and to construct a 130-foot long by 5-foot wide timber pier with a 10-foot by 20-foot "L", two mooring piles, and a boat lift extending a maximum 150 feet channelward of the mean high water line. The Code of Maryland Regulations at 27.01.04.02 states:

- A. Encourage the protection of rapidly eroding portions of the shoreline in the Critical Area by public and private landowners;
- B. Where such measures an effectively and practically reduce or prevent shore erosion, encourage the use of nonstructural shore protection measures in order to conserve and protect plant, fish, and wildlife habitat.

Based on our telephone conversation this morning, you indicated that upon visiting this site the shoreline is eroding whereby only structural measures will be effective. We defer to your expertise regarding the type and size of the structure appropriate for this site. However, we encourage the use of nonstructural measures where possible.

The plans submitted do not show how the shoreline will be accessed for placement of the shore erosion protection measure. If access will be obtained through the 100-foot Buffer, we recommend a single point of access if possible. You indicated that the present status of the 100-foot Buffer is an agricultural field, however it appears the property is being converted to a residential use. If so, the 100-foot Buffer must be reestablished in native vegetation once construction activities are completed.

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
Natural Resources Planner

cc: Talbot - Tidal Wetlands File

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George John C. North, II
Chairman



Ren Serey
Executive Director

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October 4, 1999

Ms. Kelly Krinetz
Environmental Planner
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Bullen Property
S #1999-057; P #1999-169

Dear Ms. Krinetz:

Thank you for responding to my letter of September 8 concerning the above-referenced subdivision request. As promised I have provided you with some general comments concerning this request below:

- 1) In regard to proposed Lot 2, it should not necessitate the need for any variances.
- 2) The County should ensure that impervious surface limitations are met for lots 1, 3 and 4 that are now proposed for legalization purposes.
- 3) Also, the County should ensure that existing, as well as proposed impervious surfaces are calculated for proposed Lot 2.
- 4) Since the applicant is proposing reforestation, we suggest the applicant consider siting it in areas of the 100-foot Buffer that may not already be established in native vegetation.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: AA 441-99

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

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George John C. North, II
Chairman



Ren Serey
Executive Director

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

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

September 30, 1999

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

Dear Mr. Hamons:

Thank you for agreeing to update the Chesapeake Bay Critical Area Commission at its October 6, 1999 meeting on the progress of the Poplar Island project. Your presentation is scheduled for 1:05 p.m. I have enclosed a copy of the directions to our meeting place in Crownsville for your convenience. If your presentation will require any special media equipment, please contact me at (410) 260-7032 so that I can make arrangements for you.

Again, thank you for taking the time to update the Commission on the status of the Poplar Island project. As always, we look forward to seeing you on the 6th.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

Enclosures

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

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





Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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September 29, 1999

M.H. Jim Estepp, Chairman
Prince George's County Council
County Administration Building
Upper Marlboro, Maryland 20772

Re: National Harbor Proposed Growth Allocation

Dear Mr. Estepp:

We have received the additional information that was requested and can now process the referenced program changes as a refinement.. In order to complete this process, we request that the County correct what appears to be an inconsistency in the information provided to this office. The language in Resolution No. CR-82-1998 states that Area 1 is a 5.1 acre parcel and that Area 2 is a 8.7 acre parcel; however, the attached 1"= 300' scale maps label the 5.1 acre parcel as Area 2 and the 8.7 acre parcel as Area 1. Please clarify this matter so that we may schedule this refinement for the Critical Area Commission meeting on November 3, 1999.

Thank you for your cooperation. Please telephone me if you have any questions or require additional information.

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: Mr. David L. Goode, Council Administrator
Mr. Samuel Wynkoop
Ms. Sherri Conway-Appel

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

ge John C. North, II
Chairman



Ren Serey
Executive Director

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September 27, 1999

Mr. Tom Hamilton
Town of Easton
P.O. Box 520
Easton, Maryland 21601

Re: Ratcliffe Subdivision
PUD 24, 990000009

Dear Mr. Hamilton:

Thank you for providing us with the opportunity to review and comment on the above-referenced subdivision. The applicant proposes to subdivide this parcel into sixteen lots with fifteen dwelling units as permitted under the density requirement of the Resource Conservation Area (RCA). On Monday, September 20, 1999, we met with the applicant and visited the site. As a result of that site visit and the information included in the file, I would like to provide some comments concerning this application. I have outlined them below.

- 1) We recognize that fifteen dwelling units are permitted since there are 312 acres in the RCA of the Critical Area. We understand that proposed lot 16 will remain undisturbed and that the existing habitable dwelling on that portion of the site will be removed. The future development of proposed lot 16 will require a growth allocation. When growth allocation is requested for Lot 16, the entirety of this parcel will be deducted since the RCA lands of Lot 16 were used to generate the density for lots 1-15. Any time growth allocation is requested, the local jurisdiction must look at the parcel history back to December 1, 1985.
- 2) As discussed at the site visit, the Town should ensure that the 100-foot Buffer be reestablished in those areas where the agricultural use will be abandoned and converted to residential use. Native species are recommended. We can provide the town with a list of native species to facilitate this requirement.
- 3) The Buffer may require expansion if it is adjacent to nontidal wetlands, or other pockets of hydric soils. A 25-foot buffer is required around all nontidal wetlands not contiguous to the 100-foot Buffer.

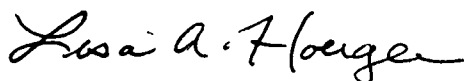
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Mr. Hamilton
September 27, 1999
Page Two

- 4) The letter from the Department of Natural Resources, Heritage and Biodiversity Division dated May 17, 1999 states two, State-listed, endangered plant species could occur on this site if the appropriate habitat exists. The Town should ensure that this issue is resolved with the experts from DNR. This office can coordinate this effort if necessary.
- 5) We understand individual piers are proposed for each lot. The May 17, 1999 letter from DNR mentions that adjacent open waters are known historic waterfowl concentration areas, and the environmental report mentions the presence of submerged aquatic vegetation in both Dixon Creek and the Tred Avon River. These two habitats can potentially preclude individual piers for this subdivision. The Maryland Department of the Environment is the State permitting agency for the proposed piers and should be contacted for further information.
- 6) While the applicant is not required to afforest since the site already exceeds 15% forest cover, it appears he has elected to provide additional plantings. The Critical Area Criteria and the Town of Easton's Critical Area Program state that the overall forest acreage in the RCA not decrease, therefore this action is consistent with the local Critical Area program.
- 7) We were informed that the boundary line along the existing private lane is the subject of a dispute between the Town and the County as far as jurisdictional issues are concerned. While the current site plan shows an ingress and egress, it is not clear whether this second lane will be necessary. In any case, the Town should ensure the area of the second lane is included in the 15% impervious surface calculations, and that stormwater runoff is addressed.
- 8) Two bio-filtration stormwater management swales are proposed to address the runoff from the private 12-foot access lanes. Will maintenance of these swales be the responsibility of the homeowners or the Town?
- 9) A note on the site plan states that .6 acres of loblolly pine clearing is proposed, however the table listing the site data shows zero acres of proposed clearing. The applicant should clarify this issue for the Town.

Thank you for the opportunity to comment. Please include this letter in your file. If you have any questions or if I can offer the Town additional assistance, please contact me at (410) 260-7032.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: Mr. Lynn Thomas

John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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September 27, 1999

Ms. Nancy Klein, Acting Chairperson
Oxford Planning Commission
100 North Morris Street
P.O. 339
Oxford, Maryland 21654

Re: 104 Sinclair Street

Dear Ms. Klein:

Thank you for forwarding the above-referenced application to this office for review and comment. It is my understanding that the proposed dwelling, garage and shed 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,

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

Lisa A. Hoerger
Natural Resources Planner

cc: Ms. Lillian A. Lord, Clerk-Treasurer
Mr. Roby Hurley, Lower Eastern Shore Circuit Rider

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

ge John C. North, II
Chairman



Ren Serey
Executive Director

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September 22, 1999

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

Re: Forrest Sanders Subdivision
S-892

Dear Ms. Renshaw:

Thank you for forwarding the above-referenced project for review. The applicant proposes to subdivide an 8.926 acre parcel into two lots under the intrafamily transfer provision. I have outlined my comments below.

- 1) The request appears to meet the intrafamily transfer provision provided the newly created lot is being established for an immediate family member. A note should be added to the plat indicating the restrictions associated with an intrafamily transfer.
- 2) The County should ensure that the newly created lot will not create the need for variances to the County's Critical Area Program.
- 3) We note that the applicant has provided allowable impervious surface information on the plat and calculated and identified the location of the necessary afforestation for the newly created lot.
- 4) Appropriate sediment and erosion control should be observed during the construction of a dwelling on the newly created lot.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: TC 485-99

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George John C. North, II
Chairman



Ren Serey
Executive Director

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September 21, 1999

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

Re: Maintenance of County-Owned Rights-of-Way

Dear Ms. Gawel:

Thank you for your letter requesting our response concerning maintenance of county-owned right-of-ways. This office agrees with the current County policy that maintenance of rights-of-way established as such before December 1, 1985 is permitted in the sense that it does not require reforestation. As stated in your letter, only the minimum amount of clearing necessary should occur.

If you have additional questions, please telephone me at (410) 260-7032.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: Mr. Ren Serey, Executive Director
Ms. Regina Esslinger, Chief, Project Evaluation

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George John C. North, II
Chairman



Ren Serey
Executive Director

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September 21, 1999

Mr. H. Grant Dehart, Director
Program Open Space
Department of Natural Resources
Tawes State Office Building, E-4
580 Taylor Avenue
Annapolis, Maryland 21401

Re: Vienna Waterfront Park Acquisition - Dorchester County
POS Project #3626-9-80

Dear Mr. Dehart:

I would like to offer comments on the above-referenced acquisition. As you know, this parcel is located in the Town of Vienna's Chesapeake Bay Critical Area. We are aware of the Town's plans to develop a waterfront park/promenade along the entire waterfront area along the Nanicoke River. The acquisition of this parcel will mean the entire waterfront will be under public ownership.

This strip of the shoreline is classified under the Town's Critical Area Program as an Intensely Developed Area (IDA) and as a Buffer Exemption Area (BEA). Future development activities, including plans for a public park, will require review by Critical Area Commission staff and possibly the Critical Area Commission.

Generally, public access is encouraged, particularly in IDAs. Pathways may meander in and out of the Buffer in order to provide the public with access. Also, public access must be handicap accessible according to the ADA standards. When the Town is ready to submit plans, we will be available for assistance.

If you have any questions, or require additional information, please telephone me at (410) 260-7032.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

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

George John C. North, II
Chairman



Ren Serey
Executive Director

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September 16, 1999

M.H. Jim Estep, Chairman
Prince George's County Council
County Administration Building
Upper Marlboro, Maryland 20772

Re: National Harbor Proposed Growth Allocation

Dear Mr. Estep:

This office is in receipt of your letter notifying us of two Overlay Zone map amendments approved by the County Council. Ms. Mary Owens of the Commission has discussed this matter with Ms. Sherri Conway-Appel, and Ms. Appel will be providing the Commission with some additional information. Upon receipt of this information, the proposal will be accepted for processing.

Thank you for your assistance with this matter. Please telephone me if you have questions at (410) 260-7032.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: Mr. David L. Goode, Council Administrator
Ms. Sherri Conway-Appel

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

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George John C. North, II
Chairman



Ren Serey
Executive Director

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September 14, 1999

Mr. Daniel Cowee
Talbot County Office of Planning
& Zoning
Courthouse
Easton, Maryland 21601-3178

Re: Zoning Ordinance, Section 19.12
Site Plan Review

Dear Mr. Cowee:

Last month the Commission received notice of a project in the Intensely Developed Area for review and comment. Part of that review involved insuring the applicant had addressed and met the 10% Pollutant Reduction Rule required by the Code of Maryland Regulations (COMAR) at 27.01.02.03.D(3). COMAR states:

(3) Stormwater.

- (a) The local jurisdiction shall require, at the time of development or redevelopment, technologies as required by applicable State and local ordinances to minimize adverse impacts to water quality caused by stormwater.
- (b) In the case of redevelopment, if these technologies do not reduce pollutant loadings by at least 10 percent below the level of pollution on the site prior to redevelopment, then offsets shall be provided.
- (c) In the case of new development, offsets as determined by the local jurisdiction shall be used if they reduce pollutant loadings by at least 10 percent of the predevelopment levels.

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Mr. Cowee
September 14, 1999
Page Two

The Talbot County Zoning Ordinance in Section 19.12(b)(5)(vi)[c][1][ii]a - Stormwater, Floodplain, and Tributary Stream Management states the following:

[ii] In the Limited Commercial, General Commercial, and Limited Industrial Districts of twenty (20) or more contiguous acres:

- a. All proposed development or redevelopment activities shall include all technologies as required by applicable state and local ordinances to minimize adverse impacts to water quality caused by stormwater;
 1. Redevelopment activities that increase the impervious are of a parcel by more than 5,000 square feet in a twelve (12) month period, shall be designed to reduce phosphorus pollutant loadings of stormwater runoff by at least ten (10%) percent below the level of pollutant runoff from the site prior to redevelopment; and

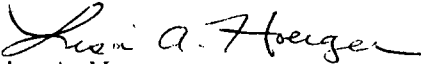
The Commission, in cooperation with the Metropolitan Council of Governments, created guidance documents concerning how to evaluate projects for compliance with the 10% Rule. In order for a project to be exempt from the 10% Rule, the disturbance can be no greater than 250 square feet. The Talbot County Zoning Ordinance appears to permit disturbance to be as much as 5,000 square feet before a project must comply with the 10% Rule.

Given this inconsistency between the requirements of the State and that of the ordinance, this provision must be revised to reflect the proper limit of disturbance with regard to those projects that must meet the 10% Rule.

Please notify myself or Mary Owens and let us know whether the County will handle this as a separate refinement or will include it in the four-year Comprehensive Review. If it will be included as part of the Comprehensive Review, please provide us with an anticipated timeline of when the County's review will be completed.

Thank you for your continued cooperation. If you would like to discuss this matter with the Project Subcommittee, I can make the appropriate arrangements. Please telephone me if I can be of assistance at (410) 260-7032.

Sincerely,


Lisa A. Hoerger
Natural Resources Planner

cc: Mary Owens, Chief, Program Implementation

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

September 14, 1999

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

Re: Upton Property, S 98-143, P 99-159

Dear Ms. Allen:

Thank you for faxing the Forest Interior Dwelling Bird (FID) Study that was conducted on the Upton Property. Our Science Advisor, Claudia Jones, reviewed the study and informs me that although a sensitive species, the Hooded Warbler, was heard it was classified as a "possible breeder" by the qualified observer. Therefore, this office does not consider this site to constitute viable FID habitat.

The County should still be in contact with the Department of Natural Resources, Heritage and Biodiversity Division to ensure that no other rare, threatened or endangered species are present on the site before final approvals are issued.

Thank you for the opportunity to comment. Please telephone myself or Claudia Jones at (410) 260-7032 if you can provide the County with additional assistance or information.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: Claudia Jones, Science Advisor

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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September 13, 1999

Ms. Michelle Floam
Potomac Crossing Consultants
1800 Duke Street, Suite 200
Alexandria, VA 22314

Re: Woodrow Wilson Bridge, Joint Permit Application in Maryland and Virginia
Phase I Conceptual Mitigation Plan

Dear Ms. Floam:

Thank you for the opportunity to comment on the Conceptual Mitigation Plan for the Woodrow Wilson Bridge. Based on the package submitted, it appears that some sites have been eliminated from the list for various reasons. Regardless of the sites chosen, this office would like to offer some general comments regarding the proposal.

- 1) In general, mitigation for any direct impacts should occur at a minimum 1:1 ratio. We realize this may not be possible for submerged aquatic vegetation (SAV). We support the notion that mitigation required beyond the 1:1 ratio should be varied (i.e. restoration, SAV plantings, fish passage, etc.).
- 2) We prefer that the mitigation for the project occur as close to the area of impact as possible. Therefore, we encourage the search to continue within Prince George's County. We realize that creation of new SAV will probably be most successful at sites a substantial distance from the impacts of the project. We still believe it is worth pursuing as a part of the mitigation package.
- 3) While we hope mitigation sites can be located within the vicinity of the impacts, there appear to be several sites with the potential for tidal wetlands creation in Charles County and Virginia. We support the continued exploration of these sites particularly those in Maryland. We will explore with you the Charles County site that is scheduled for a site visit on Tuesday, September 21. This site may be able to support tidal wetland mitigation required beyond the 1:1 ratios.
- 4) When tidal wetlands creation is proposed on any site within Maryland, a 100-foot Buffer shall be reestablished from the edge of the newly created tidal wetland. Reestablished generally means planting native Buffer species. The 100-foot Buffer is also an area of no new disturbance from future development activities.

Thank you for the opportunity to comment. If you have any questions concerning the above comments, please call me at (410) 260-7516.

Sincerely,

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

Lisa Hoerger
Natural Resources Planner

cc: Claudia Jones, Science Advisor

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



Ren Serey
Executive Director

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September 10, 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 response letter and revised plan for the above-referenced project. It appears there are no changes to the plan in regard to the Critical Area portion of the site. Based on our conversation concerning this site, you indicated to me that the Critical Area is forested. The response letter suggests that no additional restoration or enhancement is required; however final decisions concerning this point should be left to the County's discretion. As always, any changes should be sent to this office for further review.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: AA 56-99

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

George John C. North, II
Chairman



Ren Serey
Executive Director

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September 10, 1999

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

Re: Turkey Point, Lot 3

Dear Ms. Chalkley:

Thank you for forwarding the applicant's response letter and revised plans. I have outlined my comments below.

- 1) The letter states that the applicant will reconfigure the driveway to eliminate the need for a variance.
- 2) The dwelling and other development activities proposed for this lot should also not require the need for any variances.
- 3) It appears the afforestation that was a requirement of the previous subdivision was not installed. This should be guaranteed before approvals are issued.
- 4) Has your office received a letter from the Department of Natural Resource, Heritage and Biodiversity Division concerning the presence of any rare, threatened or endangered species? This letter should be received and any issues addressed before final approvals are issued.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: AA 264-99

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

John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
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September 8, 1999

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

Re: Bullen Property
S 99-057, P 99-169

Dear Ms. Krinetz:

I have received the above-referenced request to create one lot from an existing parcel. Before we can provide substantive comments, the proposal requires some clarification. Why are the existing lots (1, 3, 4) also labeled as parcels? Why is proposed lot 2 proposed as a subdivision, when it already exists? Does the County require parcels to go through the subdivision process and become lots in order to developed? Once we have received this preliminary information, we will gladly provide additional comments and recommendations.

Thank you for your cooperation. Please telephone me if you have any questions at (410) 260-7032.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: AA441-99

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John C. North, II
Chairman



Ren Serey
Executive Director

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September 7, 1999

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

Re: Dutchship Pointe
S 99-093, P 99-165

Dear Ms. Allen:

Thank you for forwarding the above-referenced subdivision request to create two lots. I have outlined my comments below.

- 1) It is my understanding that the County considers this project to have three separate parcels since the land is separated by water. Therefore, the density on the peninsula parcel and Little Island are limited by the underlying zoning. Dobbins Island is limited to one dwelling unit.
- 2) The Administrative Purpose Note on the title sheet of the Final Development Plans states, "Existing parcel 94 is one (1) existing legal lot (Lot 92) as shown on the unrecorded plat of the North Shore land Company (North Shore)." It seems that if the plat is unrecorded the lot is not really legal according to the Critical Area Criteria. Please clarify.
- 3) The 100-foot Buffer is not shown on the plans. The County should require the Buffer to be depicted to ensure that variances for future development plans will not be necessary. This office will not support any Buffer variances for non-grandfathered lots.
- 4) The Critical Area notes on the title sheet of the Final Development Plans under item #3 state that a Buffer Exemption is being sought for lot 4. What is the purpose of this action in relation to the proposed subdivision?

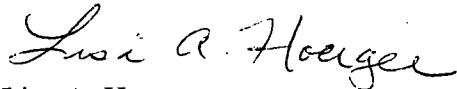
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(410) 822-9047 Fax: (410) 820-5093

Ms. Allen
Page Two
September 8, 1999

- 5) The General Notes section on the title sheet of the Final Development Plans under item #6 states that stormwater management for the right side of the access road will be addressed by sheet flow. The County should ensure this will provide adequate stormwater management.
- 6) Has the applicant proposed an area for reforestation? We recommend the 100-foot Buffer be reestablished where possible.
- 7) In regard to the Buffer, the Buffer Exemption Area (BEA) map #33 depicts a portion of the shoreline on the peninsula parcel as a BEA. Once subdivision is completed, all BEA status is lost.

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

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: AA 433-99



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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

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

September 7, 1999

Ms. Raja Veeramachaneni
Chief, Highway Hydraulics Division
State Highway Administration
P.O. Box 717
Baltimore, MD 21203-0717

RE: Bioretention Areas Monitoring
MD 33 over Knapps Narrows

Dear Ms. Veeramachaneni:

Thank you for sending the latest monitoring data for the bioretention areas adjacent to the Knapps Narrows Bridge at Tilghman Island in Talbot County. Based on this information, we understand those sites are failing and that you are constructing remediation plans. As you are aware, the Commission approved this project on June 7, 1995 with conditions which included maintaining and monitoring the bioretention areas for five years.

In that regard, please continue to keep us updated on the status of this site. Please do not hesitate to contact us if we can provide assistance in any way.

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: Karen Coffman

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

September 7, 1999

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

Re: Saunders Point, Resub. Lot A
MS 99-099

Dear Ms. Krinetz:

Thank you for forwarding the above-referenced subdivision request to create two one-half acre lots from an existing one acre parcel. I have outlined my comments below.

- 1) Based on the information contained in the Critical Area Report, it appears no Habitat Protection Areas will be impacted as a result of this subdivision.
- 2) The applicant has properly identified the limits of the expanded 100-foot Buffer for steep slopes and there is sufficient room to site two dwellings without the need for a variance.
- 3) In regard to afforestation required for this site, we recommend that it occur within the Buffer to create habitat for terrestrial species and to provide a natural filter for stormwater runoff.
- 4) The County should require plat notes alerting future lot owners to the 15% impervious surface limitations and that no disturbance is permitted in the Buffer.
- 5) The County will ensure that proper sediment and erosion control and stormwater management measures are taken, and that permanent, structural stormwater management measures not be sited in the Buffer.

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

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: AA 457-99

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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September 3, 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:

Thank you for forwarding the resubmittal of the final site plans for the above-referenced subdivision. It appears that only minor changes were made since the last submittal. I have outlined my comments below.

- 1) Generally, our remaining concern lies with the proposed limits of disturbance (LOD) shown on lots 1-7 in the Critical Area portion of the plan. It is our recommendation that the applicant show a more realistic depiction of those limits since it is likely that future homeowners may construct additions, sheds, pools, etc. in their rear yards.
- 2) If the LOD is increased then the proposed clearing figures should be adjusted to accurately reflect clearing and mitigation requirements.
- 3) An area of steep slope buffer appeared on the site plan submitted in April that was on proposed lots 5 and 6. This buffer no longer appears. Was it drawn incorrectly on the previous plan or mistakenly omitted on the present plan? The County should determine whether that buffer exists and if so, a plat note should alert future homeowners to its presence and that it is an area of no disturbance.

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

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: AA 243-98

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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September 3, 1999

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

Re: Nancy Stansbury
BA 15-99V

Dear Ms. Morgan:

I understand the Anne Arundel County Board of Appeals has received two nights of testimony regarding this case. If possible, I would like to offer some comments on behalf of this office in light of some recent information we have received.

It appears this lot may not be properly grandfathered given its history. The County should ensure that this lot is, in fact, properly grandfathered in that it was a legally recorded, buildable lot as of December 1, 1985. Additionally, the subdivision approval may not be valid since all subdivision activity in the Resource Conservation Area is subject to the provision in COMAR 27.03.01 (enclosed). We have no record of receiving this subdivision under either Stansbury or Pleasant Plains.

Thank you for the opportunity to comment. Please submit this letter as part of the record. If you have any questions, please telephone me at (410) 260-7032.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: AA 550-98

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



Judge John C. North, II
Chairman



Ren Serey
Executive Director

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September 2, 1999

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

Re: Upton Property, S 98-143, P 99-159

Dear Ms. Allen:

Thank you for forwarding the final plans for the above-referenced subdivision. It appears the applicant has met all clearing and impervious surface limitations. In regard to the reforestation plan, the species proposed and planting requirements are suitable for this project. If possible, please notify us as to how the applicant will address meeting the remaining mitigation requirements.

We would like to reinforce our recommendation that, at a minimum, plat notes be provided to alert future lot owners of the 15% impervious surface limitations. Notes should also be added for those lots which overlap either the Buffer or reforestation areas so that future lot owners will be aware of the clearing restrictions.

Finally, there is still no indication of a letter from the Department of Natural Resources, Heritage and Biodiversity Division concerning the presence of any rare, threatened, or endangered species. The County should ensure this review is complete before any approvals are issued.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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September 2, 1999

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

Re: Piera Property Sketch
P 99-162, S 99-092

Dear Ms. Chalkley:

Thank you for forwarding the above-referenced subdivision request. My comments are provided below.

- 1) Since this parcel is 8.61 acres and classified as a Resource Conservation Area, two lots are permitted only if there exists two grandfathered, habitable dwellings, or the subdivision is proposed as an intrafamily transfer.
- 2) I understand the soils are highly erodible, therefore the Buffer should be expanded, where necessary, to accommodate these soils in addition to the 15% steep slopes.
- 3) This parcel contains three areas mapped as Buffer Exemption Areas (BEAs). Once subdivision occurs the BEA status will be lost. A plat note should be added to reflect this change.
- 4) On proposed Lot 1, a mound system is proposed that is partially within the 100-foot Buffer. If a variance for this activity is required, this office will not support it since new lots should not require variances.
- 5) It is not clear whether the impervious surface for the access drive is included in the Critical Area Report. The County should verify the totals to ensure that the 15% limitation is not exceeded. In addition, a plat note noting the 15% impervious surface limitation should be added.

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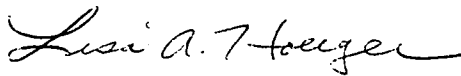


Ms. Chalkley
Page Two
September 2, 1999

- 6) Mitigation for any proposed clearing should occur at a 1:1 ratio for areas outside of the 100-foot Buffer and at a 3:1 ratio for areas inside the 100-foot Buffer.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 26-7032.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: AA 462-99

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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September 2, 1999

Mr. Dan 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:

At its meeting on September 1, 1999, the Chesapeake Bay Critical Area Commission concurred with the Chairman's determination that Tred Avon Farm Growth Allocation was 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,

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

Lisa A. Hoerger
Planner

cc: TC Refinement File

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

John C. North, II
Chairman



Ren Serey
Executive Director

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August 30, 1999

Mr. Robert F. Karge
Town Clerk
Town of Easton
P.O. Box 520
Easton, Maryland 21601

Re: Resolution No. 5642
Annexation of the Glenwood and Part of Ratcliffe Manor Properties

Dear Mr. Karge:

Thank you for forwarding the above-referenced request. Due to mail distribution difficulties, this office has just received this notification. I will recommend to Chairman North that this request for annexation of 386.44 acres into the Town of Easton be reviewed as a refinement. If the Chairman agrees, the Critical Area Commission will act upon this refinement at its October meeting. I will notify you of its decision. Before the October meeting, please forward a map that depicts this annexation request and how it adjoins the existing town boundaries.

Thank you for assistance in this matter. Please telephone me at (410) 260-7032 if you have questions or comments regarding this process.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: Mr. Thomas Hamilton
Mr. Lynn Thomas

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



udge John C. North, II
Chairman



Ren Serey
Executive Director

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August 26, 1999

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

Re: River Watch, Lot 2 Revised

Dear Ms. Krinetz:

Thank you for forwarding the above-referenced request for review. From the information provided it is difficult to ascertain the meaning of the request. It appears that one lot is proposed, however without a site plan, we cannot determine how the lot is being created. The Critical Area report mentions this is a revision, however our office has no record of a previous submission. Please forward any additional information available to your office and I will be happy to provide comments and recommendations.

Thank you for your assistance and patience. Please call me if you have any questions at (410) 260-7032.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

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

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



John C. North, II
Chairman



Ren Serey
Executive Director

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August 26, 1999

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

Re: Goettee Property - S 99-089, P 99-152

Dear Ms. Krinetz:

Thank you for forwarding the above-referenced subdivision request. The applicant proposes to create twenty-two lots within the Limited Development Area on 10.72 acres. The remaining 1.90 acres of the parcel are outside of the Critical Area. The comments below are based on the Critical Area report and site plan provided to me and not the result of a field visit.

- 1) I understand that the proposed clearing for the Critical Area portion of the property will total 40%. We strongly recommend the applicant limit clearing to below 20% of the site since this may require a variance. If a variance is required, this office may not support it.

If this clearing is permitted, the applicant will need to replace 2.60 acres at a 3:1 ratio which is 7.8 acres of forest. Alternatively, the applicant could pay a fee-in-lieu, however the County would then be responsible for planting that forest at another location in the Critical Area.

- 2) The subdivision should not create the need for variances to the County's Critical Area program. The applicant proposes to create 21% of impervious area. The State law allows 15% over the entire subdivision. If greater than 15% is proposed a variance is necessary. This office will not support a variance to exceed the impervious surface limitations for a new subdivision.
- 3) The site plan shows a 25-foot buffer from the edge of 25% slopes. The County needs to ensure that these buffers are correct. In addition, any 15% slopes that are contiguous to the 100-foot Buffer to the tributary stream on site, will require an expansion of that Buffer.

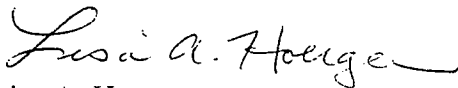
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Ms. Krinetz
Page Two
August 26, 1999

- 4) I was unable to locate the tributary stream. We understand its 100-foot Buffer may be impacted as a result of upgrading the road and for dam reconstruction. Any disturbed areas should be restored using native species.
- 5) Disturbance to the 25-foot buffer associated with the nontidal wetlands on this site will require permits from the Department of the Environment (MDE), Nontidal Wetlands Division. If these nontidal wetlands are adjacent to the Critical Area Buffer, than the Buffer will need to be expanded to include them.
- 6) I understand a letter was solicited from the Department of Natural Resources, Wildlife and Heritage Division concerning the presence of any rare, threatened or endangered species. Please forward a copy of this letter when it becomes available. The applicant should be made aware that the presence of such species could require a reconfiguration of the site plan.
- 7) Please forward any additional information you may received regarding the use of the existing pond to address stormwater quality and quantity issues.

Thank you for the opportunity to comment. Please telephone me if you have questions or require additional information from me at (410) 260-7032.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: AA 415-99

John C. North, II
Chairman



Ren Serey
Executive Director

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

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August 26, 1999

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

Re: Nellie S. Dobson
MS 99-081

Dear Mr. Murray:

Thank you for providing us with the above-referenced subdivision request to create four lots from two existing parcels. I have outlined my comments below.

- 1) Are the applicants proposing to create two additional lots in the Resource Conservation Area (RCA) based on the intra-family transfer provisions? If so, a note should appear on the plat, otherwise two additional lots are not permitted under the one dwelling unit per twenty acre density.
- 2) The County should ensure that the creation of new lots should not necessitate the need for variances to the Critical Area provisions of the County program.
- 3) A letter dated August 19, 1998 from Mr. Mike Slattery of the Wildlife and Heritage Division of the Department of Natural Resources indicates the possibility of a state threatened species, Glade Fern, that is known to occur in the area. This issue should be resolved before final subdivision plans are approved.
- 4) As always total impervious coverage for the entire subdivision shall not exceed 15% of the total site area.
- 5) There is a discrepancy between site plan and the Critical Area report concerning the acreage of proposed Lot 2. Is the acreage 3.3170 acres or 3.6864 acres?

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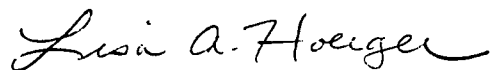


Mr. Murray
Page Two
August 26, 1999

- 6) Finally, the slopes shown on the site plan reflect 25% slopes, but do not show the extent of 15% slopes.

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

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc:



John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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August 26, 1999

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

Re: Gerald Atterbury
BA 49-99S, BA 50-99V, BA 55-99S, BA 56-99V

Dear Mr. Dooley:

I have received notice of the above-referenced appeal taken from the conditional granting of a special exception and variance to permit a community pier with less drive aisle width, and the denial of a variance to permit a community pier without sanitary facilities. This letter is intended to provide your office with additional information regarding this proposal.

Subsequent to the decision of the administrative hearing officer, I have spoken with the Maryland Department of the Environment (MDE), Tidal Wetlands Division concerning the pier request. The applicant has not secured a permit from MDE for the proposed pier as of the date of this letter. Therefore, we recommend County staff contact MDE to discuss matters relating to the presence of submerged aquatic vegetation and the location and configuration of the pier. In regard to the variances for less drive aisle width, and to construct a community pier without sanitary facilities, this office supports the decision of the administrative hearing officer.

Thank you for the opportunity to comment. Please submit this letter as part of the record. If you have any questions, please call me at (410) 260-7032.

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: David Plott, Esquire
Robert Cuthbertson, MDE

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

George John C. North, II
Chairman



Ren Serey
Executive Director

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August 25, 1999

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

Re: Felix/Washington - Jordan Drive
1999-0226V, 1999-0227V

Dear Ms. Miley:

I have received a revised plan for the above-referenced project that requests less setbacks and Buffer. The applicant has completed a field determination of the wetlands and discovered that a 25-foot buffer to nontidal wetlands is required in addition to the 100-foot Buffer to tidal wetlands.

I have contacted the Nontidal Wetlands Division of the Maryland Department of the Environment to learn the location of the edge of nontidal wetlands on these lots. Apparently, the edge of the nontidal wetlands begins at the existing tree line. In regard to nontidal wetland impacts, this office defers to MDE. I understand a letter dated July 20, 1999 from Ms. Noble to Mr. Helfrich (enclosed) explains conditions for approval, although a permit had not yet been secured.

As stated in my previous letter of June 4, 1999 (enclosed), provided these lots are properly grandfathered, this office does not oppose development of these lots. In regard to the 100-foot Buffer, both lots are completely within the Buffer. Since the lots are contiguous and under the same ownership, we recommend that the County and applicant consider combining lots and building one dwelling instead of two dwellings.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

Enclosures

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

John C. North, II
Chairman



Ren Serey
Executive Director

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August 25, 1999

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

Re: JWL Associates
1999-0270-C

Dear Mr. Dooley:

I have received the reclassification request for the above-referenced project. I have enclosed an opinion from the Court of Special Appeals that provides a basis by which the Commission and local jurisdictions shall review these requests. This case outlines the standards by which a determination of a mistake in the original classification can be made. Please telephone me if you have any questions regarding the case.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for reclassification. If the reclassification request is approved by the County, the County shall provide appropriate background information to the Critical Area Commission with the request for an amendment to the County's Critical Area maps.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

Enclosure

cc: AA 370-99

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

August 24, 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 County Council Bill 736 for review. I will recommend to Chairman North that this request for growth allocation from Resource Conservation Area to Limited Development Area be reviewed as a refinement, since it appears to comply with the provisions of the Commission's Growth Allocation Policy. If the Chairman agrees, the Critical Area Commission will act upon this refinement at its September 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,

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

Lisa A. Hoerger
Natural Resource Planner

cc: Talbot County Refinement File

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



Ren Serey
Executive Director

**STATE OF MARYLAND
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August 25, 1999

Ms. Ramona Davis
Project Manager
Project Management Section
Washington Suburban Sanitary Commission
14501 Sweitzer Lane
Laurel, Maryland 20707

Re: Peace Cross Wastewater Treatment Pumping Station Demolition

Dear Ms. Davis:

Thank you for meeting with Regina Esslinger and myself today to visit the site. I understand that Prince George's County has had the opportunity to review the project and has issued a waiver to WSSC for the demolition to occur. Based on our site visit, it appears the pumping station is outside of the 100-foot Critical Area Buffer from the edge mean high water of the Anacostia River. Also, the demolition will not involve any grading in the Critical Area, therefore, this project does not require formal Commission approval.

If you have any further questions regarding this project or future projects, please telephone me at (410) 260-7032. Again, thank you for your cooperation and the opportunity to visit the site today.

Sincerely,

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

Lisa A. Hoerger
Natural Resource Planner

cc: Mr. William J. Kennedy

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

John C. North, II
Chairman



Ren Serey
Executive Director

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

August 23, 1999

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

Re: Southern States
Special Exception #1108

Dear Ms. Renshaw:

I have received the above-referenced request for a special exception to permit the construction of a bulk petroleum facility to replace the existing facility in a Limited Industrial District. This office has no comment regarding the request for a special exception as that decision is purely a local determination.

In regard to the Critical Area, it appears the Critical Area is designated as an Intensely Developed Area. As such, the applicant must demonstrate to the satisfaction of your office that the 10% Pollutant Reduction Rule has been addressed. In addition, adequate stormwater and sediment and erosion must be addressed.

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 telephone me if you have any questions (410) 260-7032.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: TC 423-99

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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August 19, 1999

Ms. Kelly Krinetz
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. Krinetz:

I have received a copy of the resubmittal for the above-referenced subdivision and have outlined my comments below.

- 1) The applicant states that he intends to use the terminus of Urciolo Court to serve three lots generated by the intra-family transfer provision, however no lot lines are shown.
- 2) It appears a substantial portion of the Critical Area is covered with an extensive expanded Buffer. The newly created lots should not necessitate variances to the County's Critical Area Program. This office will not support variances for newly created lots.
- 3) The original submittal included a letter from the Department of Natural Resources, Heritage and Biodiversity Division stating that this site may support Forest Interior Dwelling Birds (FIDs). Has a survey been performed? The presence of FIDs may affect the configuration of the intra-family transfer lots.
- 4) Where is the east lot line for lot 22? Does it overlap with the Critical Area line?
- 5) Has the applicant identified where reforestation will occur for the proposed clearing?

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

Sincerely,

Lisa A. Hoerger
Natural Resources 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

George John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

August 6, 1999

Ms. Kate Meade
Environmental Review
Department of Natural Resources
580 Taylor Avenue
Annapolis, Maryland 21401

Re: Growth Management Act - Consistency Determinations
Easton Middle School - 105,927 sf renovation

Dear Ms. Meade:

I have received a copy of the Planning Act Weekly Summary Sheet for July 16, 1999. The above-referenced project may be within the Chesapeake Bay Critical Area (map enclosed). Without knowing the exact location of the renovation, it is difficult to determine whether it will occur within the Critical Area. In any case, we see no conflict in regard to the Growth Management Act; however the Town of Easton will need to make a consistency determination in regard to its Critical Area program if the renovation project is within the Critical Area.

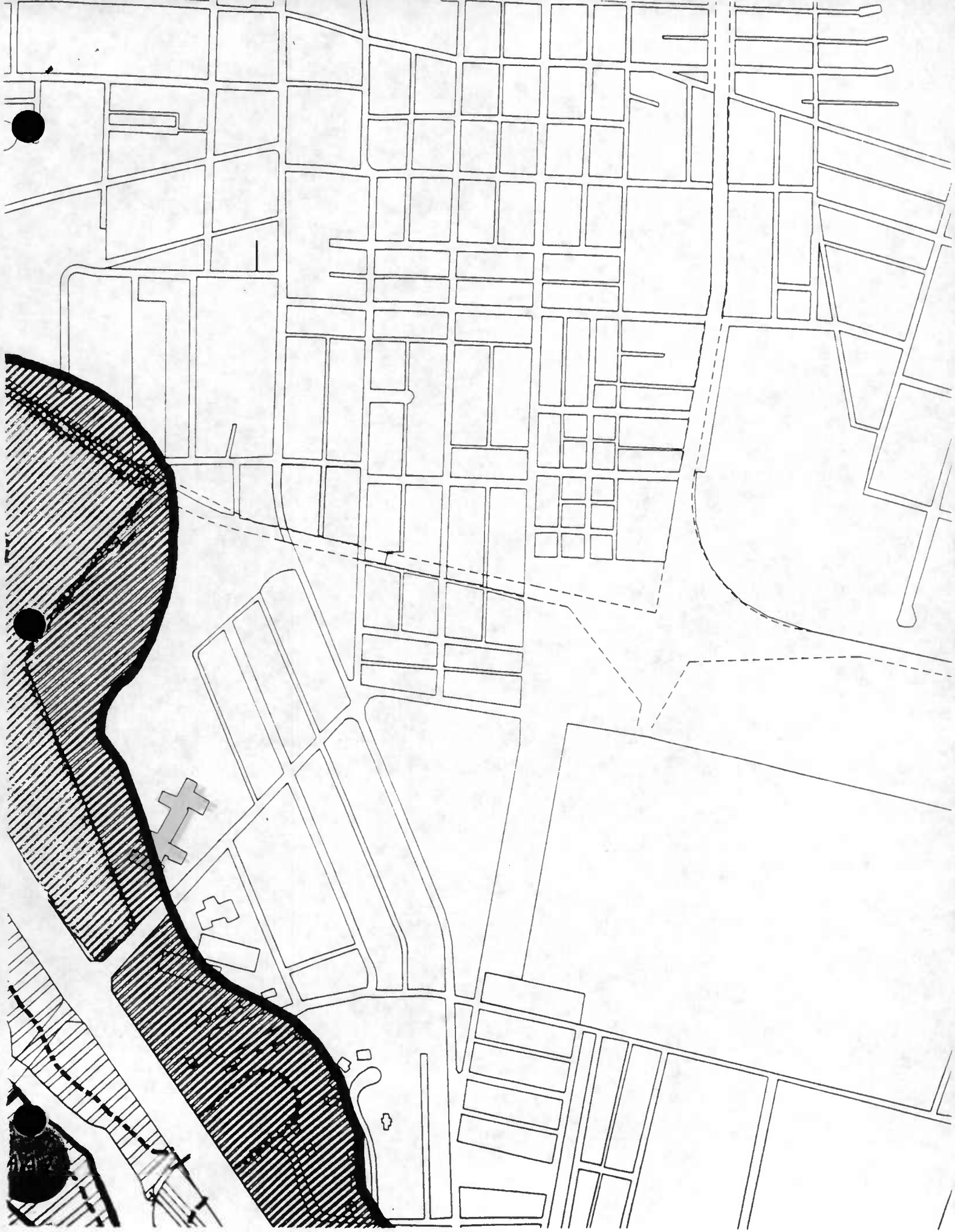
Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-7032.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

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





Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

August 6, 1999

Ray C. Dintaman, Jr.
Director, Environmental Review Unit
Department of Natural Resources
580 Taylor Avenue, B-3
Annapolis, Maryland 21401

Re: U.S. Army Corps of Engineers Public Notice TN-99-03; Proposed Maintenance Dredging of Knapps Narrows Federal Navigation Channel; Choptank River Area; Talbot County

Dear Mr. Dintaman:

Thank you for providing us with a copy of the above-referenced request. We understand the applicant proposes to dredge 9 feet plus 2 feet of allowable overdepth dredging, and to place 40,000 cubic yards of material in a shoreline placement site. Provided the proposed dredging will not impact aquatic species, including fish, shellfish and submerged aquatic vegetation, this office has no objection. However, these issues should be investigated prior to the dredging operations.

In regard to the proposed placement site, it is not clear from the plans submitted whether the dredge material will be placed in the 100-foot Buffer or within the water. Generally, the Critical Area Criteria prohibit the placement of dredge material in the 100-foot Buffer, except for the following reasons:

- (a) Backfill for permitted shore erosion protection measures
- (b) Use in approved vegetative shore erosion projects
- (c) Placement on previously approved channel maintenance spoil disposal areas
- (d) Beach nourishment

If you have additional questions or require clarification of these comment, please telephone me at (410) 260-7032.

Sincerely,

Lisa A. Hoerger
Natural Resource Planner

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



George John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

August 5, 1999

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

Re: Ulmstead Estates, Lot 99, P# 1999-151

Dear Ms. Allen:

Thank you for providing us with the above-referenced subdivision request. I have outlined my comments below.

- 1) Since the proposed lot is within the Limited Development Area we have no comment regarding density.
- 2) The Critical Area Report mentions that the proposal meets all development standards, however no figures concerning proposed impervious surfaces, clearing, or stormwater management were provided. The County shall ensure these issues are addressed and are properly met before any construction takes place.
- 3) The County shall also ensure that no variances will result from the creation of this new lot since this office will not support variances for newly created lots.
- 4) The creation of the new lot shall not create any nonconforming situation on the existing lot in regard to Critical Area standards.

Thank you for the opportunity to comment. Please telephone me if you have questions or if I can provide additional assistance at (410) 260-7032.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: AA 405-99

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

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



John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

August 5, 1999

Mr. Paul Bonaccorsi, Acting Section Head
Washington Suburban Sanitary Commission
Water and Sewer Design Section
14501 Sweitzer Lane
Laurel, Maryland 20707-5902

Re: WSSC Contract 99CM2551-A
Swan Harbour Sewer Replacement

Dear Mr. Bonaccorsi:

Thank you for forwarding the above-referenced project to this office for review. From the information provided, it appears no new sewer lines are proposed, only replacement of existing lines. Therefore, this activity can be handled by the Critical Area Commission staff. I have outlined our comments and recommendations below.

- 1) All areas disturbed shall be stabilized and reestablished in native vegetation after the replacement project has occurred.
- 2) The Department of Natural Resources, Heritage and Biodiversity Division should be contacted to ensure no threatened, endangered or species in need of conservation will be impacted by the proposed activities. This office can be reached at (410) 260-8540. Please forward copies of information received.
- 3) Any clearing necessary for this project shall be replaced on an equal area basis. Please advise if additional clearing will be necessary, and if so, where mitigation is proposed.

If you have additional questions or these recommendations require clarification, please telephone me at (410) 260-7032.

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

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

John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

August 5, 1999

Mr. Arnold Norden
Natural Resource Planner
Department of Natural Resources, Public Lands
580 Taylor Avenue
Annapolis, Maryland 21401

Dear Mr. Norden:

Thank you for sending the memorandum and site plan concerning the removal of the fuel storage tanks at Black Walnut Point. Because the proposed activity does not constitute a development activity, formal Commission approval is not necessary. Instead this project can be reviewed by Commission staff. I have outlined my comments and recommendations below regarding consistency with the Critical Area program.

- 1) All disturbance to the 100-foot Buffer that will result from the removal activities should be temporary, and those disturbed areas should be reestablished in native vegetation. Disturbance outside of the 100-foot Buffer should also be restored.
- 2) The Heritage Division should be contacted to ensure that no threatened, endangered or species in need of conservation will be impacted. Please forward this information when it becomes available.
- 3) In regard to the tank that is proposed to remain, we recommend that it be moved outside of the 100-foot Buffer. I have visited this property in the past, and my recollection is that it is an exposed point on the Chesapeake Bay. Moving the tank out of the Buffer would provide more area available for the water quality and habitat functions of the Buffer. It would also reduce the human activity in the Buffer.
- 4) If the tank is moved outside of the 100-foot Buffer, it should be sited in an existing cleared area.

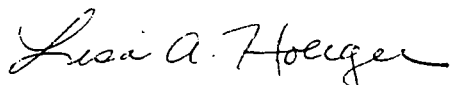
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(410) 822-9047 Fax: (410) 820-5093



Mr. Norden
Page Two
August 5, 1999

Thank you for your cooperation. Please telephone me at (410) 260-7032 if I can provide additional assistance. Also, I will make myself available to you if you prefer that I meet you on site to discuss placement options for the remaining tank.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

lge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

August 5, 1999

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

Re: James Scardina
1999-0189-V

Dear Ms. Morgan:

Subsequent to our telephone conversation this morning concerning the above-referenced case, I am requesting that my letter to Mr. Kevin Dooley, dated May 26, 1999 be rescinded. I agree with your interpretation of the County Code in Article 28, Section 1A-103(e)(1). It states, "New development activities, except for water-dependent facilities, shall not be permitted in the buffer;...". Based on this language, the proposed shed is not permitted in the Buffer.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: AA 265-99

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



George John C. North, II
Chairman

Ren Serey
Executive Director

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

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

August 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 recently received a copy of a letter from Katharine McCarthy of the Department of Natural Resource's Heritage Division, to Mr. Vernon Husted providing recommendations for the above-referenced parcel (enclosed). That letter identifies two potential Habitat Protection Areas (HPAs) protected under the County's Critical Area program and therefore warrants further investigation.

This is important since the applicant, in this case, has requested a waiver from to skip the sketch plan phase and proceed to final plan review phase. If the endangered plant species or Forest Interior Dwelling Birds are found on this parcel, the configuration of the subdivision may require some revisions. Please forward any new information regarding these HPAs to me and Ms. Katherine McCarthy as soon as you receive it so we may provided further recommendations.

Thank you for your cooperation. Please telephone me if you have any questions at (410) 260-7032.

Sincerely,

Lisa A. Hoerger
Environmental Specialist

Enclosure

cc: Katherine McCarthy, DNR
AA 238-99

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





LH

Parris N. Glendening
Governor

Maryland Department of Natural Resources
Forest, Wildlife and Heritage Service
Tawes State Office Building
Annapolis, Maryland 21401

John R. Griffin
Secretary

Carolyn D. Davis
Deputy Secretary

July 29, 1999

Mr. Vernon Husted
Sigma Engineering, Inc.
45 Old Solomons Island Road, Suite 204
Annapolis, MD 21401

RECEIVED

AUG 5 1999

RE: Coxby's Estates, Section III, Reserve Parcel

CHESAPEAKE BAY
CRITICAL AREA COMMISSION

Dear Mr. Husted:

Thank you for your inquiry requesting specific recommendations for the protection of the population of the state endangered plant, Tick-trefoil (*Desmodium pauciflorum*) at Glebe Creek. I have not received any specific plans for this parcel, and would like to obtain a copy for further review. Based upon review of the county soil survey and wetland inventory maps, confirmed by my experience on site, there are extensive hydric soils and steep slopes in this area. The habitat protection area for the Tick-trefoil includes the 100 ft Critical Area Buffer and is extended to include the contiguous hydric soils and steep (greater than 15%) slopes. This area should not be disturbed. Forest clearing on the adjacent uplands should be minimized as much as possible to maintain the habitat for both the Tick-trefoil and forest interior dwelling species (FIDS). The guidelines for FIDS habitat protection provided previously will also contribute to protection of Tick-trefoil. Special care should be taken to prevent runoff of sediment from the house site(s?) during and after clearing and construction. Infiltration of storm water runoff is recommended in order to maintain the hydrology of the wetlands at the base of the slopes.

Plans for construction should show clearly the extent of the habitat protection area based upon the description above, indicating that this area is not to be disturbed. Please send me a copy when available. Thank you. If you have questions, please call me (410-260-8569).

Sincerely,

Katharine A. McCarthy
Wildlife and Heritage Division

ER#99-0551.aa

Telephone: (410) 260-8540
DNR TTY for the Deaf: 301-974-3683

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

August 2, 1999

Steven M. Gilbert, Principal Counsel to the District Council
County Council
County Administration Building
Upper Marlboro, Maryland 20772

RE: Prince George's County Chesapeake Bay Critical Area Program

Dear Mr. Gilbert:

Thank you for your letter explaining the proposed amendment to the Prince George's County Critical Area program. From the information provided, it appears the current language does not require a change in order to allow an exemption from the subdivision process. In regard to the case referenced in your letter, our understanding is that the proposed parcel to be subdivided is outside of the Critical Area. However, if the County chooses to amend this language, it does not appear to pose a problem from a consistency standpoint. The amendment can be processed as a refinement by the Commission and therefore will require Commission approval.

In regard to the proposed language being considered by the County, we recommend simplifying the language in terms of acreage required, and instead providing a reference to the intrafamily transfer provisions in the County's Critical Area program with regard to acreage required versus lots permitted.

If I can be of further assistance, please do not hesitate to telephone me at (410) 260-7032.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

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

John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

July 28, 1999

Mr. Anthony Lamartina, Chairman
Anne Arundel County Board of Appeals
44 Calvert Street
Arundel Center
Annapolis, Maryland 21401

Re: Vernon & Gretchen E. Leimbach
BA 28-99V

Dear Mr. Lamartina:

I am writing to offer comments on behalf of the Chesapeake Bay Critical Area Commission concerning the above-referenced case. The applicant proposes to construct an 8,000 square foot, 15-bed assisted living facility on residentially zoned land that is also designated as a Resource Conservation Area (RCA). We recognize that these facilities are permitted in residentially zoned districts, however we believe the RCA designation may preclude this particular use since its intensity may change the character of the RCA. I have enclosed my letter to Mr. Mark Wedemeyer of April 15, 1998 which describes this position more thoroughly.

In the case of the other 15 Critical Area counties and Baltimore City, the Commission has a clear understanding of allowable uses in the RCA through language in their zoning ordinances. Currently, Anne Arundel County has no such language. However, an element of the County's comprehensive four-year review of its Critical Area Program includes a list of allowable uses in the RCA.

Absent a clear list of RCA uses in the County's program or ordinance, Commission staff turn to the experience of the Commission with similar uses in other counties. After researching this issue, we found the Commission has agreed that nine beds are acceptable in the RCA without changing its character. We have requested, through the four-year comprehensive review process, that the County propose its own list of uses, that may or may not include a nine bed facility. In any case, we request the County to propose numbers that, in its local planning experience, would fit in an RCA without changing its character.

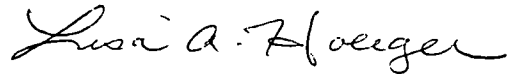
Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

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

Mr. Lamartina
Page Two
July 28, 1999

Presently, it is the Commission's position that the proposed 8,000 square foot, 15-bed facility changes the character of the RCA . Therefore, permitting this use may require a change in the classification through the growth allocation process.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: AA184-98

John C. North, II
Chairman



Ren Serey
Executive Director

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

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

July 28, 1999

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

Re: Vernon & Gretchen E. Leimbach
BA 28-99V

Dear Mr. Dooley:

I am writing to offer comments on behalf of the Chesapeake Bay Critical Area Commission concerning the above-referenced case. The applicant proposes to construct an 8,000 square foot, 15-bed assisted living facility on residentially zoned land that is also designated as a Resource Conservation Area (RCA). We recognize that these facilities are permitted in residentially zoned districts, however we believe the RCA designation may preclude this particular use since its intensity may change the character of the RCA. I have enclosed my letter to Mr Mark Wedemeyer of April 15, 1998 which describes this position more thoroughly.

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Absent a clear list of RCA uses in the County's program or ordinance, Commission staff turn to the experience of the Commission with similar uses in other counties. After researching this issue, we found the Commission has agreed that nine beds are acceptable in the RCA without changing its character. We have requested, through the four-year comprehensive review process, that the County propose its own list of uses, that may or may not include a nine bed facility. In any case, we request the County to propose numbers that, in its local planning experience, would fit in an RCA without changing its character.

Branch Office: 31 Creamery Lane, Easton, MD 21601
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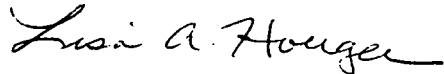
TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450



Mr. Dooley
Page Two
July 28, 1999

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Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: AA184-98



John C. North, II
Chairman

Ren Serey
Executive Director

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

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

April 15, 1998

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

Re: Forest Glen Assisted Living Facility

Dear Mr. Wedemeyer:

This office has reviewed the administrative plat and grading permit plans for the above referenced project and has determined that it is not an appropriate use in the Resource Conservation Area (RCA). This determination is based on the size and scale of this proposal, and the County's definition of assisted living facilities found in the Zoning Code at §10-122.

The immediate request is for a 8,000 square foot building, a 13 car parking lot, driveway, and associated stormwater management measures. The County Code allows up to fifteen persons at an assisted living facility. The level of intensity of this use does not appear to be consistent with the character of the RCA. The Critical Area Criteria in COMAR 27.01.02.05 characterize the RCA as a "nature-dominated environment". While residential uses are allowed in the RCA, the proposed assisted living facility seems likely to involve greater environmental impacts than those normally associated with residential uses.

The Code describes another level of group homes that may be appropriate in the RCA. Article 10-122(a)(1) defines a family care facility which allows no more than six individuals. This type of facility, appropriately sized, would be considered a use consistent with the RCA since it limits its level of activity by limiting the number of people.

The County should not issue the grading permit that is currently pending for this project. The applicant should be encouraged to either scale down the proposal so that it is consistent with the RCA overlay, or to apply for growth allocation.

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

Mr. Wedemeyer
Page Two
April 15, 1998

Finally, it is unclear from the signed plat when this parcel was illegally subdivided. If the parcel was subdivided since the adoption of the County's Critical Area Program, there may be an RCA density issue.

Thank you for your attention to this matter. If you have any questions, please call me at (410) 974-2426.

Sincerely,



Lisa A. Hoerger
Environmental Specialist

cc: Michael Murray, PACE
Kevin Reigert, Assistant to Delegate Schade
AA 184-98

John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

July 27, 1999

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

Re: Richard & Yvette Dietrich, BA 26-99V

Dear Ms. Morgan:

I would like to provide comments concerning the above-referenced appeal since our position has changed since the time of the original application. The site plan included as part of the application before the administrative hearing officer showed a proposed dwelling addition, loggia and shed expansion. In my letter to you dated February 26, 1999, we did not support the shed expansion as it appeared to be an accessory structure in the Buffer whose expansion is not permitted.

Since that time, the applicant has revised the site plan. It now reads loggia/sunroom, and the structure that is labeled shed shows a floor plan that includes a wood shop, powder room, recreation room and office. Based on this plan, it appears the proposal is to create additional living space and convert the existing shed into an addition to the dwelling. Under these circumstances, this office does not oppose the expansion of living space provided it is not further waterward than the existing dwelling. However, the site plan should be accurately labeled to clarify that the existing shed will now be a home expansion.

Mitigation for all new disturbance and necessary clearing within the 100-foot Buffer should be mitigated for at a 3:1 ratio with native species. We strongly recommend the applicant consult with the County Forester to develop an appropriate planting plan, since this property closely borders a tidal marsh.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: AA 48-99

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

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

John C. North, II
Chairman



Ren Serey
Executive Director

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

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

July 27, 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, BA 31-99V

Dear Mr. Dooley:

I would like to take this opportunity to clarify our position concerning this case. The original submission requested a variance to the 100-foot Buffer from the South River and Buffer variance for a stream to the north to construct a single family dwelling. In my letter to you dated March 16, 1999, I opposed the request based on the fact that the site is of sufficient size to accommodate a dwelling outside of the Buffer.

Since that time, I have visited the site with County staff to determine whether the stream existed. We determined that a stream did not exist therefore a Buffer variance was not necessary. Also, I understand from your office that the applicant has revised the plan so that a Buffer variance to the South River is no longer necessary. In light of these events, it appears the applicant no longer needs Buffer variances. We have no further comments except to recommend any clearing be mitigated at a 1:1 ratio with native species, and that appropriate stormwater management and sediment control structures be used.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: AA 73-99

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

George John C. North, II
Chairman



Ren Serey
Executive Director

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

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

July 26, 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, BA 15-99V

Dear Ms. Morgan:

Today I received a second revised plan for the above-referenced request to permit a single family dwelling in the 100-foot Buffer and on steep slopes. The consultant for the applicant redelineated the tidal wetland boundaries. As a result the dwelling is approximately 32 feet from the edge of the tidal wetlands as depicted on the plan.

As stated in my previous letter to your office, 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.

While the field determination now reveals the dwelling to be 32 feet from the edge of tidal wetlands compared to ten feet prior to field delineation, this office requests that the following recommendations be considered.

The dimensions of the dwelling remain unchanged. We recommend that a smaller footprint be considered for this lot in light of the steep slopes and inability to shift the dwelling closer to the septic reserve areas. 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.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: 550-98

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

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



John C. North, II
Chairman

Ren Serey
Executive Director

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

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

July 22, 1999

Chuck Kines
Maryland Department of Natural Resources
Growth and Resource Conservation Division
Tawes State Office Building, E-2
580 Taylor Avenue
Annapolis, Maryland 21401

Re: The Heights : Preliminary Master Plan and Proposed Sectional Map Amendment for The Heights & Vicinity Planing Area 76A

Dear Mr. Kines:

Thank you for forwarding the proposed plans for the above-referenced project. From the site plan provided it appears that only Focus Area 5 is within the Chesapeake Bay Critical Area. This Focus Area may have two Critical Area designations. They are Resource Conservation Overlay (RCO) and Intensely Developed Overlay (IDO). I have attached a copy of the Critical Area map for your information. Since it is difficult to determine where new development or redevelopment will occur from the site plans provided, I have outlined the general requirements of the Chesapeake Bay Critical Area program below.

Development in the RCO:

- The RCO can be developed at a density of one dwelling unit per twenty acres.
- New commercial, industrial or institutional uses are not permitted.
- Impervious areas are limited to 15%.
- Forest cleared must be replaced at a minimum 1:1 ratio if clearing will be below 20% of the site. If clearing is between 20%-30%, the mitigation ratio is 1:5.

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Mr. Kines
Page Two
July 22, 1999

Development in the IDO:

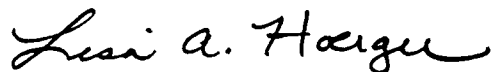
- The applicant shall adhere to the 10% Pollutant Reduction Loadings requirement.
- Permeable areas shall be established in native vegetation to the extent practicable.
- Forest replacement will be determined by the Conservation Plan.

In regard to both designations, all Habitat Protection Areas (HPAs) shall be identified in order to avoid disturbance to these areas.

The plan proposes the opportunity for active and passive recreational park areas and trails. Those areas of RCO within the planning area are appropriate for passive recreational uses and trails. Passive activities would include trails, nature study or environmental education activities.

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


Sincerely,



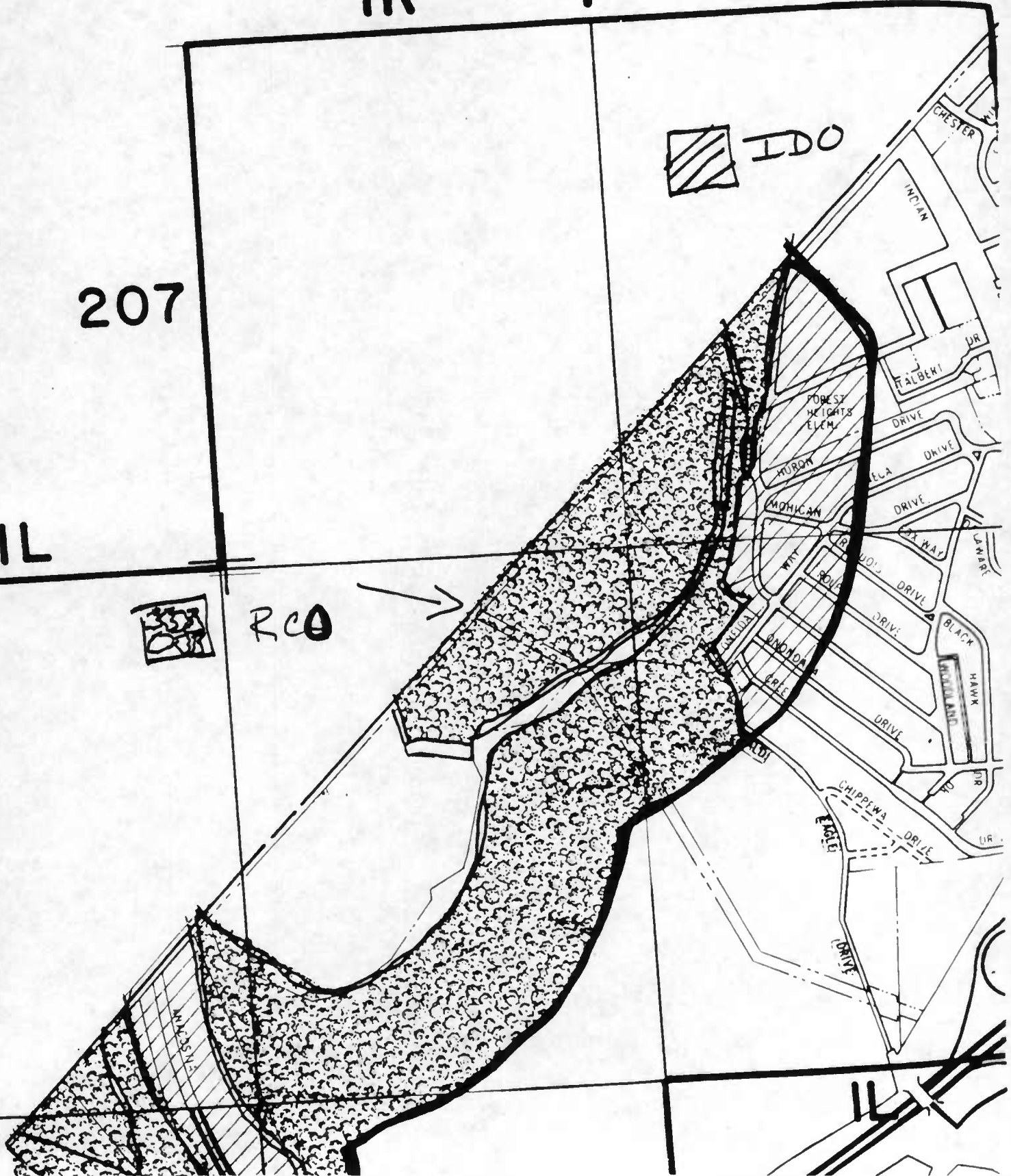
Lisa A. Hoerger
Natural Resources Planner

IR SWISE IL

207

 IDO

 RCO



George John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
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July 22, 1999

Ms. Kate Meade
Department of Natural Resources
Environmental Review Unit
Tawes State Office Building, B-3
Annapolis, Maryland 21401

Re: U.S. Naval Academy - Demolition of North Severn Radio Transmitting Facility
Antenna Towers at Greenbury Point

Dear Ms. Meade:

Thank you for forwarding the information concerning the above-referenced plan. Projects on Federally owned land must should comply with the provisions found in Natural Resources Article Title 8, Subtitle 18, and the Code Of Maryland Regulations at Title 27. Based on the site plan forwarded to this office we offer the following recommendations.

- 1) If any Habitat Protection Areas (HPAs) will be impacted by the demolition activities, we recommend that these disturbances be temporary, and that those areas be restored with native vegetation.
- 2) Those persons responsible for the demolition shall ensure that no threatened, endangered or species in need of conservation or their habitats will be impacted. Coordination with the Heritage Division of the Department of Natural Resources is required.

If you have further questions, or require clarification, please telephone me at (410) 260-7516.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

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

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

John C. North, II
Chairman



Ren Serey
Executive Director

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

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July 14, 1999

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

Re: Uses in the RCA - Definitions

Dear Ms. Gawel:

Thank you for sending over definitions for the proposed uses in the RCA. After reviewing the list and speaking with Subcommittee members, there are some outstanding questions in regard to definitions. I have listed those uses that still require clarification or an accompanying definition. If uses are not defined in the ordinance, please let us know. Be prepared to discuss with the Subcommittee how the county traditionally views those uses that are undefined in the ordinance.

No Definition Found

Airstrips	Golf Courses
Animal husbandry	Government Buildings
Blacksmith	Greenhouses/accessory to a farm
Borrow Pits	Legitimate Theatre
Bulk Storage of Agricul. Products	Livestock
Churches & Ancillary uses	Public beaches
Commercial waterman uses	Public Parks, Playgrounds, & other Recreational Uses
Community swimming pools	Roadside stands
Community beaches	Sale of Christmas Trees
Conservation uses, practices	Sand/Gravel Pits
Country Clubs	SFDs
Dairies	Veterinary Office
Exhibits showing historical shoreline activities	Winery
Farming	
Fish hatcheries	
Forestry	
Fur Farming	
Games & Wildlife Preserves	

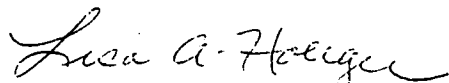
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Ms. Gawel
Page Two
July 14, 1999

The Subcommittee will be meeting on August 4, 1999 in Crownsville to continue their discussion of the County's RCA uses. If you have any questions, please telephone Mary Owens or myself at (410) 260-7516.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: 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
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July 13, 1999

Ms. Suzy Schappert
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 Ms. Schappert:

Subsequent to our discussion this afternoon concerning the above-referenced case, I am requesting that my letter to Mr. Kevin Dooley, dated May 24, 1999 be rescinded. I agree with your interpretation of the County Code in Article 28, Section 1A-103(e)(1). It states, "New development activities, except for water-dependent facilities, shall not be permitted in the buffer;...". Based on this language, the proposed deck is not permitted in the Buffer.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: AA 268-99

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

George John C. North, II
Chairman



Ren Serey
Executive Director

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July 9, 1999

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

Re: Crockett Brothers Boatyard
Oxford, Maryland

Dear Mr. Causey:

This office received a copy of the above-referenced request to install two floating piers, six mooring piles and to remove a portion of existing boat slips and convert it to dryboat storage. Also, the applicant proposes to remove 4,123 square feet of current gravel parking areas to convert to boat slips, replace 328' of bulkhead, and dredge the current active marina. In regard to the bulkhead, mooring and pier requests, we defer to your office.

I visited this site and met with the owner on Thursday, July 8, 1999. It appears the area proposed for excavation is currently compacted gravel. Given these existing conditions, and that the site is designated as an Intensely Developed Area and a Buffer Exempt Area this office does not oppose the proposal. Under normal circumstances, we would oppose excavation of the 100-foot Buffer, however it appears this proposal will not result in greater impacts to the existing Buffer.

Thank you for the opportunity to comment. Please contact me if you have questions or need additional information.

Sincerely,

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

Lisa A. Hoerger
Planner

cc: Tidal Wetlands File

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

John C. North, II
Chairman



Ren Serey
Executive Director

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July 9, 1999

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

Re: Christopher Napolitano, Revised Plan
1999-0186-V

Dear Ms. Miley:

Thank you for faxing the revised plans for the above-referenced case. It appears the applicant has shifted the dwelling in order to avoid the required 25-foot setback to steep slopes. However, it appears no additional efforts were made to shift the dwelling farther outside the expanded Buffer to steep slopes required by the County Code. As stated in my previous letter to Mr. Dooley concerning this project, this office has no objection to the siting of a single family dwelling on this lot; however the applicant should demonstrate to the satisfaction of your office that every effort was made to minimize disturbance to this Habitat Protection Area.

We understand and appreciate the applicant's desire to construct the proposed dwelling on this lot. We also understand that it may not be possible to accommodate this dwelling entirely outside of the expanded Buffer; however there appears to be additional area outside the expanded Buffer and the required zoning setbacks whereby a portion of the proposed dwelling and/or stormwater management system can be sited, as suggested by County staff. Minimizing disturbance to the expanded Buffer will also reduce the required mitigation.

Please call me if you require additional comments or recommendations. Please include this letter in your file and submit it as part of the record for variance.

Sincerely,

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

Lisa A. Hoerger
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

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July 9, 1999

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

Re: Garrigus Property
S #97-028

Dear Ms. Chalkley:

I have received the resubmittal for the above-referenced subdivision request and have the following comments.

- 1) In the letter dated June 28, 1999 from Greenhorne and O'Mara to Mr. Steve Callahan, there is a comment on page 3 that the 100-foot area measured from the water does not meet the definition of a buffer. That is correct in the sense that it is not a fully, naturally vegetated area; however all land above mean-high water measured 100-feet landward is considered the Buffer and is regulated as such regardless of its current condition. Therefore, the Buffer should be shown on the final plat and left undisturbed.
- 2) The revision eliminates the area set aside for stormwater management. How will stormwater be addressed since it is not shown on the revised plans?
- 3) As previously requested, plat notes should be provided to alert future homeowners to the no disturbance 100-foot Buffer for proposed lots 4 and 5 and to the 15% impervious surface limitations on each lot.

Thank you for the opportunity to comment. Please call if you have any questions regarding the above comments.

Sincerely,

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

Lisa A. Hoerger
Planner

cc: AA 355-99

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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

July 9, 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, Second Revision June 1999

Dear Ms. Chalkley:

I have received the revision for the above-referenced request to relocate the proposed driveway due to requirements of the State Highway Administration. From the information provided, it appears the relocation will reduce impervious surface and clearing on the lot; therefore this office has no objection to the relocation of the driveway to access lot 3.

Thank you for the opportunity to comment. Please call me if you have any questions or need additional information.

Sincerely,

Lisa A. Hoerger
Planner

cc: AA 25-99

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

Staff Correspondence: Lee Anne

July - December 1999

SI832-143-4



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

December 29, 1999

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

RE: Variance 1999-0414-V, Allen Bouchelle - CLARIFIED COMMENTS ON REVISED PLANS

Dear Ms. Diffenderfer:

Thank you for providing revised information on the above referenced variance application. This letter is meant to replace and correct my letter of December 27, 1999. The applicant is requesting a variance to permit a dwelling with less setbacks and Buffer than required. The property has a split designation of LDA and RCA 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, as required by the County Zoning Ordinance, the variance requested must be the minimum to provide relief. As indicated in the Critical Area report accompanying the site plan, the entire site is wetlands. Permits from the Maryland Department of the Environment should be obtained prior to any final approval.

The applicant has responded to the concerns and suggestions expressed in my original letter on this project dated November 8, 1999. In that letter, I stated that the proposed dwelling has a footprint of approximately 2100 square feet, calculated by multiplying the approximate width (35 feet) and length (60 feet) of the proposed house. I did not include any of the "bump out" architectural features. Instead of calculating the footprint in this way, I should have used the impervious surface calculations provided on the site plan which stated that the roof area of the house is 2294.6 square feet. On the revised plans (according to the impervious surface calculations), the proposed dwelling now has a roof area of 2214.5 square feet (a reduction of 80.1 square feet from the previous). While the revised plans appear to be an improvement over the original, it is not clear that every effort has been made to minimize the impacts.

Regardless of the ultimate size of the dwelling, appropriate mitigation should be provided for disturbance within the Buffer. This office recommends mitigation for disturbance within the Buffer at a 3 to 1 ratio. Because there are currently no trees on site, this mitigation will meet the 15% afforestation 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: AA554-99

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

December 27, 1999

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

RE: Variance 1999-0414-V, Allen Bouchelle

Dear Ms. Diffenderfer:

Thank you for providing revised information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling with less setbacks and Buffer than required. The property has a split designation of LDA and RCA 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, as required by the County Zoning Ordinance, impacts must be minimized as much as possible, and the variance requested the minimum to provide relief. As indicated in the Critical Area report accompanying the site plan, the entire site is wetlands. Permits from the Maryland Department of the Environment should be obtained prior to any final approval.

The proposed dwelling has a footprint of 2214.5 square feet (a reduction of 80 square feet from the previous) and, at three floors, will be over 6,600 square feet in floor space. It is my understanding that the average size of dwellings in this neighborhood is approximately 2,500 square feet. While the revised plans appear to be an improvement over the original, it is not clear that every effort has been made to minimize the impacts.

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: AA554-99

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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December 27, 1999

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

RE: Variance 1999-0411-V and Special Exception 1999-0410-S, Thomas Detrich

Dear Ms. Diffenderfer:

Thank you for providing corrected information on the above referenced variance and special exception applications. The applicant is requesting a variance to permit greater expansion of a nonconforming use than allowed and a special exception to permit the expansion of that nonconforming use. The property is designated LDA and is currently developed with a car repair shop and office.

This site is already developed with far greater impervious surface than permitted. It appears that the addition will be placed over existing impervious surface. Provided this is correct, this office does not oppose the variance and special exception requested. However, we do recommend that stormwater be addressed in some way, especially considering the use of the site and the potential pollutants coming from this type of use. For example, are there any existing stormwater concerns that may be exacerbated by the addition? Otherwise, this office supports the recommendations from Lori Allen of the County's Development 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 in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA552-99

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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December 27, 1999

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

RE: Variance 1999-0418-V, Keith Parker

Dear Ms. Miley:

Thank you for providing the revised plans for the above referenced variance application. The applicant is requesting a variance to permit a dwelling with less setbacks and Buffer than required. The property is designated IDA, is Buffer Exempt and is currently developed with a single family dwelling.

This office does not oppose redevelopment of this lot. However, impacts should be minimized as much as possible and the variance requested the minimum to provide relief. As suggested, the applicant has shifted the house towards the street, to the building restriction line set by the existing structure. Also, this office had recommended that the applicant consider installing a pervious deck instead of an impervious patio to further minimize new impervious in the Buffer. While this change has been made, the deck is now closer to the water (45 feet) than the previously proposed patio. Would it be possible to redesign the deck to maximize the distance from the water? Mitigation for new impervious surfaces should be provided on site within the Buffer in accordance with the County Zoning Ordinance.

Also, Section 1A-104(b)(3)(i) of the County Zoning Ordinance states, "with any redevelopment in intensely developed areas, the pollutant loading shall be at least 10% below the level of pollution from the site prior to redevelopment." Stormwater management should be provided to meet the 10% pollutant reduction rule.

Thank you for the opportunity to comment on the revised plans. 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: AA556-99

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

December 20, 1999

Dr. David Brownlee
Calvert County Planning & Zoning
150 Main Street
Prince Frederick, Maryland 20678

RE: Convention Center for Think Tank group in RCA

Dear Dr. Brownlee:

This letter is in response to the e-mail message you sent last week. Based on the minimal information you have provided, this project, a new institutional facility in the RCA, would require growth allocation. In 1993, the Critical Area Commission approved a policy which addresses the environmental impacts of institutional uses on the RCA. The Commission recognized that the impacts are identical to those of industrial and commercial uses. The Commission has required growth allocation for all such projects in other jurisdictions. For your information, I have enclosed a copy of the Commission's policy on uses in the RCA.

Commission staff would like to meet with you to go over the details of this project and any questions you may have regarding the policy on uses in the RCA. I will contact you in early January to set up a meeting.

Sincerely,

A handwritten signature in cursive script that reads "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

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

December 14, 1999 45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

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

RE: Griffin Property, 1999-0237-V REVISED PLANS

Dear Ms. Miley:

This office has received revised plans (dated November 99) for the above referenced variance application. The property owner is appealing the decision of the Administrative Hearing Officer which denied a variance to permit a dwelling, driveway, and stormwater management facility with less setbacks and Buffer than required. 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. 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 some of our previous concerns including slightly reducing the limits of disturbance within the Buffer. Due to the configuration of the lot and the required 80-foot front building restriction line, it does not appear possible to eliminate impacts to the Buffer. The Critical Area Commission would prefer a reduction in the footprint of the house to reduce impacts to the Buffer. However, it appears that the impact to the Buffer has been minimized given the proposed size of the house.

If the Board approves the variance as requested, this office recommends mitigation in the form of native plantings at a 3:1 ratio for all disturbance within the 100-foot Buffer. There is space on the property between the dwelling and the water to provide some on-site mitigation 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
Natural Resources Planner

cc: AA305-99

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

December 6, 1999

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

RE: Variance 1999-0445-V, Arundel Investments

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 than required. The property is designated LDA and is currently undeveloped.

Because the proposed impervious surface is below the maximum and because no habitat protection areas will be affected by this proposal, this office has no comment on the setback issue. Any vegetation removed should be replaced in accordance with the County Zoning Ordinance. Also, although density is not a Critical Area issue in the LDA, the application indicates the zoning as R1. If this is correct, why is this lot not being combined with Lot 5 (subject of variance case 1999-0446-V)?

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

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA612-99

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

December 6, 1999

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

RE: Variance 1999-0446-V, Arundel Investments

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 than required. The property is designated LDA and is currently undeveloped.

Because the proposed impervious surface is below the maximum and because no habitat protection areas will be affected by this proposal, this office has no comment on the setback issue. Any vegetation removed should be replaced in accordance with the County Zoning Ordinance. Also, although density is not a Critical Area issue in the LDA, the application indicates the zoning as R1. If this is correct, why is this lot not being combined with Lot 4 (subject of variance case 1999-0445-V)?

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

Sincerely,

LeeAnne Chandler
LeeAnne Chandler
Natural Resources Planner

cc: AA613-99

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

December 7, 1999

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

(410) 260-7516

Fax: (410) 974-5338

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

RE: Engh Family Partnership - Building & Grading Permits for access construction

Dear Mr. Swartz:

Thank you for providing information on the above referenced permit applications. The applicant is proposing a construct an access path down steep slopes to the shoreline. Commission staff has reviewed the site plan. Based on the site plan and the site visit which took place in September, Commission staff has the following comments and recommendations:

1. Again, our office recommends that the access be constructed at the time the lot is developed. In this way, the access can be designed to meet the needs of the property owner.
2. Regardless, the access should be designed to minimize clearing, grading and impacts to steep slopes. Use of heavy equipment should be avoided. Pervious materials should be used wherever possible.
3. We recommend that the project be constructed in stages, with regular inspection of work. Also, areas of disturbance and trees to be cut should be flagged and photographed. Mitigation should be provided for all disturbance in accordance with the County Zoning Ordinance. Given the history of clearing violations on this property, any unauthorized disturbance or clearing should be pursued as a violation and should require complete restoration of areas disturbed.

Thank you for the opportunity to review and comment on these applications. If additional or revised information becomes available, please forward it to this office for further review. If you would like to discuss these matters further, please contact me at (410) 260-7035.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: CA602-99

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
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December 7, 1999

Ms. Olivia Vidotto
Department of Planning and Zoning
Calvert County
150 Main St.
Prince Frederick, Maryland 20678

RE: MSD-98-38, Richard Hance - Final Plat

Dear Ms. Vidotto:

Thank you for the opportunity to review the above referenced subdivision. Our office has received a copy of the final plat. With 17.43 acres in the Critical Area, the portion of the parcel within the Critical Area may be subdivided into a total of 3 lots, two of which must be intrafamily lots. These lots may be created at different times. The creation of lot 5 containing 2.31 acres appears to be consistent with 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 subdivision. If you have any questions or concerns, please contact me at (410) 260-7035.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: Dean Wilkenson, R.A. Barrett & Assoc.
CA568-98

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

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
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December 7, 1999

Mr. Rick Dwyer
Salisbury-Wicomico County Department of
Planning, Zoning & Community Development
P.O. Box 870
Salisbury, Maryland 21803-0870

RE: Cooper Landing Growth Allocation request

Dear Mr. ~~Dwyer~~ *Rick*:

At its meeting on December 1, 1999, the Chesapeake Bay Critical Area Commission concurred with the Chairman's determination that the Cooper Landing Growth Allocation qualifies as a refinement to the Worcester County Critical Area Program. Chairman North has approved this refinement to the County's Program with the following condition:

A Wicomico County Critical Area Certificate of Compliance will not be issued to the developer until a copy of the final plat for this subdivision and a copy of the mitigation plan (i.e., a planting plan) is provided to the Commission. The plat must include notes clearly stating that forest mitigation is required at three times the area cleared.

A total of 24.59 acres of growth allocation will be deducted from the County's reserve.

Please keep me informed of progress made in finding a mitigation site and in obtaining final approval for this subdivision. If you have any questions or concerns, please contact me at (410) 260-7035.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: W1403-97
Wicomico 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

December 9, 1999

Mr. Douglas G. Wetmore
Charles County Planning Department
P.O. Box B
La Plata, MD 20646

RE: Maryland Forest Products, Sawmill on Fenwick Shores Road

Dear Mr. Wetmore:

Thank you for providing information on the above referenced site plan application. Commission staff has reviewed the information provided.

The Critical Area Criteria specify that new commercial and industrial uses are not permitted in the RCA without growth allocation. Sawmills are classified as an industrial use in the Charles County Zoning Ordinance. As such and because this site is designated RCA, growth allocation is required for this project.

Thank you for the opportunity to review and comment on this application. If you have any questions or would like additional information, please contact me at (410) 260-7035.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: CS634-99

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

December 9, 1999

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

RE: Variance 1999-0430-V, Marina Mulinos - ADDITIONAL COMMENTS

Dear Mr. Dooley:

This office would like to provide additional comments on the above referenced variance application. The site plan provided states that the driveway will be constructed of partially pervious pavers and that a description of the pavers is provided as an attachment to the Critical Area report. Please provide a description of the pavers the applicant proposes to use. What is the total area of the driveway? How pervious are the pavers? Does the lot area (listed as 23,655 on the site plan) include any of the tidal wetlands? Percentage impervious should be based on only those lands that are above mean high water. Areas below mean high water are considered to be property of the State. Our concern is that an impervious surface variance may also be necessary.

Thank you for the opportunity to comment. Please provide the information mentioned above to this office. 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: Jay Leshinskie
AA554-97

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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

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

December 10, 1999

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

RE: Variance 1999-0284-V, James Sherman - Revised Plans

Dear Ms. Miley:

Thank you for providing the revised plans for the above referenced variance application. The applicant is requesting a variance to permit a dwelling with less Buffer than required. The property is designated LDA and is currently undeveloped.

It appears that siting the dwelling in the additional area found during the property survey will decrease impacts to the Buffer. The dwelling should be designed and located to minimize clearing and grading. Our office supports the variance in the yard setback requirements in order to accommodate a house as far from the wetlands as possible. We recommend mitigation at a 3:1 ratio for all disturbance within the 100-foot Buffer to the tributary stream.

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: David M. Plott, Esq.
AA383-99

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

December 13, 1999

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

RE: Variance 1999-0450-V, William Peel

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 IDA and is currently developed with a single family dwelling.

Because no habitat protection areas will be affected by this proposal, this office has no comment on the setback issue. The 10% pollutant reduction rule must be addressed. Usually, on lots of this size, plantings are 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: AA629-99

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

December 17, 1999

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

RE: Variance 1999-0436-V, Michael & Katherine O'Brien

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a pool 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, driveway and large patio.

This office opposes the variance requested. The proposed swimming pool is a non- water-dependent accessory use and therefore should not be permitted in the Buffer. The property owner already has reasonable and significant use of the property without this accessory use. It does not appear that denial of the variance would deprive the property owners rights commonly enjoyed. Rather, during a site visit and drive through the community, it appeared that private swimming pools are the exception rather than the norm.

Additionally, from the site plan and a visit to the site, it appears that there is space to construct the pool to the western side of the house. This location would eliminate the need for the Buffer variance (i.e., because this lot is Buffer exempt and the location would be behind the Buffer line set by the dwelling) and perhaps eliminate the need for the steep slope variance. According to §2-406 of the County Zoning Ordinance, accessory structures such as swimming pools are permitted in a side yard if they are screened from the road and are at least 10 feet from any side lot line. The attached drawing shows the proposed swimming pool in the side yard location as well as some recommended plantings to provide mitigation and screening. (Mitigation should be provided for all disturbance within the 100-foot Buffer at a 2:1 ratio in accordance with the County Zoning Ordinance.) Clearly, it appears that this use can be accommodated without the need for a Buffer variance.

As noted in *Belvoir Farms Homeowners Association, Inc. v. North*, 355 Md. 259 (1999), "the need sufficient to justify a variance must be substantial and urgent and not merely for the convenience of the applicant... and a liberal construction allowing exceptions for reasons that are not substantial and urgent would have the tendency to cause discrimination and eventually destroy the usefulness of the ordinance." The granting of this variance would not be in harmony with the spirit and intent of the Critical Area program and would undermine its effectiveness.

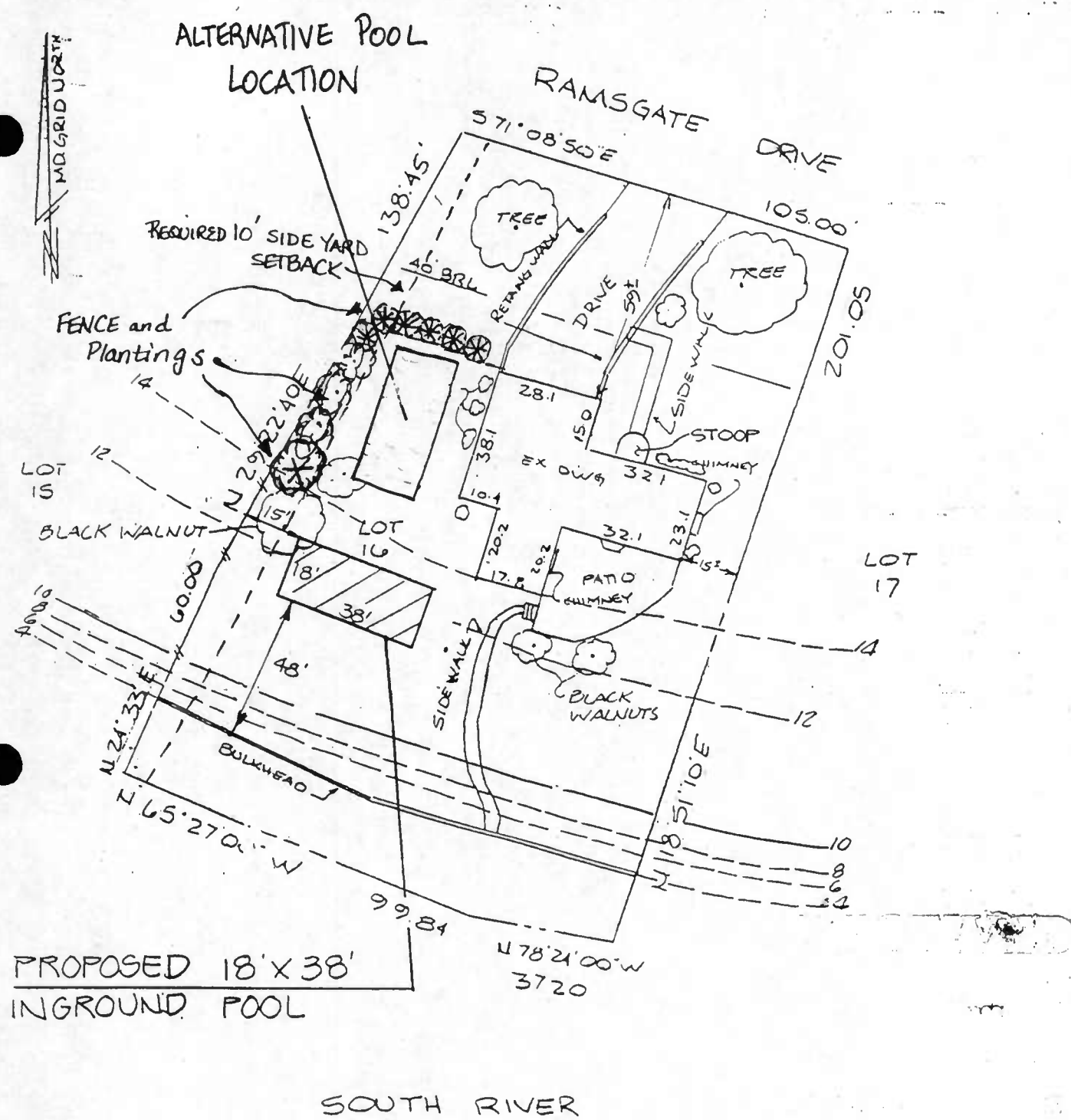
Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA589-99

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



PROPOSED 18' X 38'
INGROUND POOL

VARIANCE SITE PLAN

SURVEYOR'S CERTIFICATE

This is to certify that I, have surveyed the property shown hereon for the purpose of locating the improvements and the improvements are located as shown.

LOT 16
SECTION ONE WATERGATE
PLAT BOOK 32 PAGE 84
2ND ELECTION, DIST A.A.20., MO
SCALE: 1" = 40' JUNE, 1999.

ROBERT N. JORDEN
PROPERTY LINE #345

Date

*A84 C
THE PROPERTY SHOWN HEREON IS LOCATED WITHIN
ZONE X AS SHOWN ON F.E.M.A. FLOOD RATE MAPS.

TERRAIN INC.

ENGINEERING AND DEVELOPMENT 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

November 29, 1999

Ms. Roxana Whitt
Calvert County Planning & Zoning
150 Main Street
Prince Frederick, Maryland 20678

RE: Variance Case No.99-2589, Keith Williams - REVISED PLAN

Dear Ms. Whitt:

Thank you for providing the revised site plan for the above referenced variance application. The applicant is requesting a variance to permit disturbance of steep slopes to construct a single family dwelling, garage and driveway. The swimming pool has been eliminated from the proposal. The property is designated LDA and is currently undeveloped and fully wooded.

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 must be minimized as much as possible and the variance should be the minimum to provide relief. It appears that with the elimination of the swimming pool and the tightening of the limits of disturbance, that impacts are reduced, as compared to earlier proposals. 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 official 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: CA493-99

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

November 29, 1999

(410) 260-7516

Fax: (410) 974-5338

Ms. Charlene Morgan
Anne Arundel County
Department of Planning and Code Enforcement
2664 Riva Rd., MS 6301
Annapolis, Maryland 21401

RE: Variance Case #1999-0334-V, Joseph Crawford

Dear Ms. Morgan:

Thank you for providing information on the above referenced variance application. The applicants are requesting a variance to permit an inground pool and patio with less setbacks and Buffer than required. Another variance (#1999-0333-V) on this property was approved with conditions to allow construction of a dwelling.

This office opposes the variance requested. The proposed swimming pool and associated concrete patio add to the previously approved disturbance within the Buffer. The Administrative Hearing Officer, in his Order dated October 13, 1999, required that the patio (located within the expanded Buffer) be constructed from porous pavers to mitigate some of the impacts. It is not possible to make a pool a pervious structure. The proposed swimming pool and patio are associated with an accessory use. The property owner would have reasonable and significant use of the property without this accessory use. New development should be designed according to the constraints of the site. It appears that the amount of development proposed simply is too extensive for this particular lot.

The Critical Area report enclosed with the variance request discussed a possible alternative location for the swimming pool. This area, east of the dwelling, is currently wooded and contains steep slopes. The Critical Area report states that the proposed location (i.e., within the Buffer) for the pool is better because it avoids disturbing a "forest community." However, significant clearing and grading is already occurring in this forest community in order to accommodate the desired design and extraneous circular driveway.

As was stated in our comments on the previous variance request, this office recommends that the applicant redesign the proposed development of this lot according to the constraints of the site. It appears that the dwelling could be shifted away from the water such that the entirety of the house and patio would be outside of the expanded Buffer. (For example, a relatively flat area lies to the north of the proposed driveway and development could be shifted in that direction.) The

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

Ms. Charlene Morgan

November 29, 1999

Page two

driveway as proposed is very extensive and includes a circular drive, rather than a more direct route to the garage. If the driveway were redesigned, again it appears possible that the need for a Buffer variance could be avoided. In addition, if the driveway were changed, the disturbance and grading of steep slopes could be further minimized. Another option would be to flip the house footprint and move it back slightly, which would also eliminate the Buffer variance. Please see the attached sketch for an illustration of how this could be done. Note that the pool is located off of the steep slopes and outside of the expanded Buffer.

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

Sincerely,



LeeAnne Chandler

Natural Resources Planner

cc: AA460-99



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

November 30, 1999

(410) 260-7516

Fax: (410) 974-5338

Ms. Charlene Morgan
Anne Arundel County
Department of Planning and Code Enforcement
2664 Riva Rd., MS 6301
Annapolis, Maryland 21401

RE: Variance Case #1999-0408-V, Michael Gallatin

Dear Ms. Morgan:

Thank you for providing information on the above referenced variance application. The applicants are requesting a variance to permit an inground pool with less setbacks and Buffer than required and with disturbance to steep slopes. The property is designated LDA, is Buffer Exempt and is extensively developed with a single family dwelling, garage, several decks and a private pier.

This office opposes the variance requested. The proposed swimming pool is not a water-dependent use and therefore should not be permitted in the Buffer. The property owner already has reasonable and significant use of the property without this accessory use. It does not appear that denial of the variance would deprive the property owners rights commonly enjoyed. Rather, during a site visit and drive through the community, it appeared that private swimming pools are the exception rather than the norm. Also, it is important to note that the community has a swimming pool that is available to its residents (i.e., an alternative is available to the property owner). It appears that permitting a private swimming pool would confer a special privilege to the applicant.

Any permitted disturbance within the Buffer should be mitigated at a 2:1 ratio in accordance with the County Zoning Ordinance. Also, how would heavy equipment gain access to the proposed pool location? Given the narrowness of this lot, it would not be easily accomplished. Again, we recommend denial of this 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 request. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler
LeeAnne Chandler
Natural Resources Planner

cc: AA543-99

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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November 29, 1999

Ms. Roxana Whitt
Calvert County Planning & Zoning
150 Main Street
Prince Frederick, Maryland 20678

RE: Variance Case #99-2597, Ramcoomair Chatoor

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance case. The applicant is requesting a variance from the steep slope and Buffer requirements in order to construct an addition to an existing home. The property is designated LDA and is currently developed with a single family dwelling and a walkway to the water.

Due to the extensive steep slopes on this property, it is completely encumbered by the extended Buffer and any additional development activity would require a variance. It appears that the proposed addition and garage would provide an expansion of living space without exceeding the impervious surface limits. This office does not oppose the variance requested provided that impacts are minimized. It is not clear why it is necessary to grade and clear such a large area in order to construct the driveway and addition, especially since the proposed contours are very similar to the existing. We recommend that the extra grading be eliminated and the limits of disturbance adjusted accordingly. Because the addition is entirely within the Buffer, we recommend mitigation for all disturbance in accordance with the County Zoning Ordinance.

Thank you for the opportunity to provide comments. 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: CA596-99

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





Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

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Fax: (410) 974-5338

November 29, 1999

Ms. Roxana Whitt
Calvert County Planning & Zoning
150 Main Street
Prince Frederick, Maryland 20678

RE: Variance Case #99-2599, Arlene Schamp and Brent Matthews

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance case. The applicant is requesting a variance from the Buffer and cliff setback requirements in order to construct a single family dwelling. 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 must be minimized as much as possible. Clearing and grading should be kept to the minimum necessary. Has the applicant considered alternative locations for the septic system? Additional drainage in the area of the cliff setback may increase the erosion rate. Also, though it is not a Critical Area issue, there is a well on the adjacent lot located only 15 feet from the proposed initial system. Has the area on the east side of the lot (where the label "Lot 5" appears on the site plan) been considered for the septic system? Though it is also in the Buffer, it appears that any effluent would drain to the wetland, where it could be filtered a bit before entering the Patuxent River. Any disturbance within the Buffer should be mitigated in accordance with the County Zoning Ordinance.

Thank you for the opportunity to provide comments. 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: CA598-99

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

November 24, 1999

Mr. Doug Wetmore
Charles County Planning & Growth Management
P.O. Box B
La Plata, MD 20646

RE: Garlenski, XRS #990153

Dear Mr. Wetmore:

Thank you for the information you have provided on the above referenced subdivision. The applicants propose to create two additional building lots from the parent parcel. Commission staff has reviewed the information provided and has the following comments:

1. Based on measurements taken from the site plan, it appears that there are approximately 8 acres within the Critical Area portion of this parcel. In accordance with the County's Program and the Critical Area Law, the County may approve a subdivision of this parcel into two lots (within the Critical Area). It appears that a house already exists on the parent parcel and the proposal is to create lots 1 and 2 as drawn on the site plan. The two additional lots would make a total of three lots, which is not consistent with the County's Program and the Critical Area Law. Lot 2 should be moved to be entirely outside of the Critical Area.
2. Also, to ensure that the new lot created is buildable without a variance, the following information should be provided: topography, soils, forest cover, habitats of threatened or endangered species and wetlands and their Buffers.

Thank you for the opportunity to comment. If you have any questions or would like additional information, please contact me at (410) 260-7035.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: CS599-99

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

November 29, 1999

(410) 260-7516

Fax: (410) 974-5338

Ms. Roxana Whitt
Calvert County Planning & Zoning
150 Main Street
Prince Frederick, Maryland 20678

RE: Variance Case #99-2598, Mary Cusato

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance case. The applicant is requesting a variance from the Buffer requirements in order to construct a shed. The property is designated LDA and is currently developed with a dwelling, associated septic system and well, driveway and a boat shed.

This office opposes the variance requested. From the information provided, it is not clear how close to the water the proposed shed location would be. Regardless, it is clear that there is room to put the shed outside of the Buffer. Also, the applicant already has a shed close to the water within the Buffer. It would not be an unwarranted hardship to be denied another one. This project also does not meet the required standards for the granting of a variance within the Critical Area. Therefore, we recommend that the proposed shed be placed outside of the Buffer. Any disturbance within the Buffer should be mitigated in accordance with the County Zoning Ordinance.

Thank you for the opportunity to provide comments. 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: CA597-99

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

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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

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

November 30, 1999

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

RE: Variance 1999-0409-V, Carlos Fernandez - REVISED PLANS

Dear Mr. Dooley:

Thank you for providing the revised plan for the above referenced variance application. The applicant is requesting a variance to permit a dwelling with less setbacks and Buffer than required and on steep slopes. The property is designated LDA and is currently developed with a house (to be replaced).

Provided new impacts to the expanded Buffer and steep slopes are minimized, this office does not oppose the redevelopment of this lot. From the site plan provided, it appears that the footprint of the new dwelling will slightly increase as compared to the existing. The site plan provided still does not show the proposed limits of disturbance. How much new grading will be done? New disturbance to steep slopes should be avoided wherever possible. Mitigation should be provided for all new disturbance in the expanded Buffer at a 3:1 ratio. Areas where impervious surfaces are removed should be a priority for planting 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
Natural Resources Planner

cc: AA544-99

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

John C. North, II
Chairman



Ren Serey
Executive Director

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

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November 30, 1999

Mr. John Swartz
Calvert County Planning & Zoning
150 Main Street
Prince Frederick, Maryland 20678

RE: Grading Permit, Lot 5 of Trueman Pointe

Dear Mr. Swartz:

Thank you for providing information on the above referenced grading permit. The applicants are proposing to clear 25,290 square feet of forest in order to building a single family dwelling on a 4.5 acre lot.

Commission staff has reviewed the plans and does not oppose the approval of a grading permit. It appears that the level of forest clearing is below the maximum of 30% in accordance with Section 4-8.07 of the Calvert County Zoning Ordinance. However, we recommend that the applicant comply with the restrictions on clearing as indicated on the plat. It appears that the restrictions were placed on these areas to provide additional protection to slopes and the Buffer. From the site plan, it seems that there is ample space to comply with the restrictions. Mitigation should be provided for this clearing on a 1:1 basis.

Thank you for the opportunity to comment on this permit application. If you have any questions or comments, or if the proposed project changes significantly, please contact me at (410) 260-7035.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: CA595-99

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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November 24, 1999

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

RE: Variance 1999-0427-V, Ciccarone, Annapolis Specialty

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 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. Impacts should be minimized as much as possible. During a site visit, it appeared that this lot is well forested with large trees and a healthy understory. The house should be carefully sited to maximize the distance from the tidal wetlands while also minimizing clearing on this low lying lot. After the dwelling is built, the rest of the lot should be left in its natural state (i.e., avoiding the creation of a large lawn) to maximize the infiltration of runoff. This office recommends mitigation at a 3:1 ratio for all 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 this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA586-99

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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November 24, 1999

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

RE: Variance 1999-0430-V, Marina Mulinos

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicants are requesting a variance to permit a dwelling and driveway 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. Impacts should be minimized as much as possible. This office recommends mitigation at a 3:1 ratio for all disturbance to the Buffer. At least some plantings should occur on site to create a well vegetated Buffer in the little space that remains between the development and the water.

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: AA554-97

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

George John C. North, II
Chairman



Ren Serey
Executive Director

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

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November 23, 1999

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

RE: Variance 1999-0437-V, Joseph & Anna Kunkel

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicants are requesting a variance to permit a deck addition with less setbacks and Buffer than required. The property is designated LDA, is Buffer Exempt and is currently developed with a single family dwelling.

Provided disturbance to the Buffer is minimized during construction, this office does not oppose the variance requested. The deck appears to be a reasonable expansion of living space and no trees will be removed for its construction. We recommend mitigation at a 2:1 for all new disturbance 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,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA590-99

Branch Office: 31 Creamery Lane, Easton, MD 21601
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TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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November 19, 1999

Ms. Julie Nelson
Non-point Source Program
Tawes Building, E-2
Annapolis, Maryland 21401

RE: Draft Nonpoint Source Management Plan

Dear Ms. Nelson:

Commission staff has reviewed the draft nonpoint source management plan. It is our understanding that the document is meant to provide a guide to the State's nonpoint source problems, pollution control programs, and future steps for nonpoint source pollution control or prevention. The document describes the various causes of nonpoint source pollution including agriculture, forestry, and development.

We have noted that the Critical Area Program is mentioned in Chapter 4 under each of the nonpoint sources; i.e., agriculture, forestry, developed lands, etc. While this describes the various controls specific to certain activities within the Critical Area, it does not accurately represent the comprehensive land use management which occurs under locally implemented Critical Area Programs. We strongly suggest that a full description of the Critical Area Program be included in Chapter 3, "Watershed Management Programs and Initiatives." The Critical Area Program sets forth mandatory standards, to be implemented at the local level, for land use control within the Critical Area. It is the only such program in the State. Land use planning and development review results in measurable benefits to water quality. Clearly, the Critical Area Program should be comprehensively described, along with the various voluntary initiatives currently described in Chapter 3. Commission staff is available to prepare or assist in preparing such a section for this document.

Notwithstanding the above, we would like to submit the following comments on the Critical Area sections of Chapter 4:

1. The lead agency for agriculture within the Critical Area should be local soil conservation districts.
2. With regard to forestry within the Critical Area, it should be mentioned that a sediment control plan is required for all harvests of 5,000 square feet or more of disturbed area in the Critical Area. Also, the timber harvest plan must include a description of the mitigation and details regarding afforestation and reforestation. The plans must be prepared by a registered professional forester and approved by the DNR project forester and the local Forestry Board.

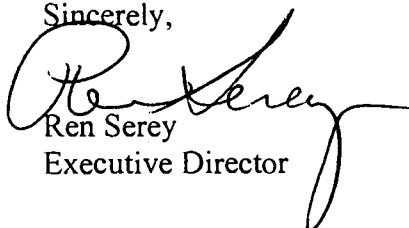
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(410) 822-9047 Fax: (410) 820-5093

Ms. Julie Nelson
Page Two
November 19, 1999

3. Under "Developed Lands," the first line under the Critical Area Program should state that "the Critical Area regulations under ... requires that activities ...". The 10% pollutant reduction requirement is known as the 10% rule. The last line of the first paragraph should read, "the 10% rule is required for all new development and redevelopment proposed in IDAs." The last three sentences of the second paragraph should be replaced with the following: "On State land, the 10% rule is required in areas of intense development, including new and expanded marinas, just as it is on private land." As currently written, this section only describes those controls within Intensely Development Areas. The Critical Area Criteria also establish a significant list of standards for development within Limited Development Areas (LDAs) and Resource Conservation Areas (RCAs). The standards include limits on impervious surfaces, limits on clearing, a prohibition on development on steep slopes and also, with regard to RCAs, a strict one (1) dwelling unit per twenty (20) acre density limitation. These standards were established to meet the goals of the Critical Area Program, one of which is "to minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyance or that have run off from surrounding lands." The Lead Agency for Developed Lands should be the local planning offices, along with the Critical Area Commission and the Maryland Department of the Environment.
4. Under "Marinas and Recreational Boating," in the second paragraph, the words "considered to be" should be deleted. Also, all existing marinas on RCA properties were grandfathered; the word "Some" should be deleted. The Lead Agency should be listed as the Maryland Department of the Environment, along with the Critical Area Commission.
5. The information under "Stormwater Management" on page 214 basically repeats what is written under "Developed Lands." Please see comment 3 above. Also, all developers must use the "10% worksheets" to determine consistency with the 10% rule. It is not clear why the issue of marina flushing is listed under stormwater management.
6. Under "Wetlands and Waterways," the Critical Area program is mentioned at the bottom of page 255. Local governments are required to establish regulations for maintenance of a minimum 100-foot Buffer from tidal waters, tidal wetlands and tributary streams within the Critical Area. Control of development within the 100-foot Buffer lies with the local governments.

Thank you for the opportunity to provide comments. If you have any questions, concerns, or would like additional information, please contact LeeAnne Chandler at (410) 260-7035.

Sincerely,


Ren Serey
Executive Director



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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

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

November 18, 1999

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

RE: Variance 1999-0425-V, John Lawrence

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a lot with less area than required. The property is designated IDA and is currently developed with a marina facility and a single family dwelling.

It does not appear that the lot line adjustment will significantly affect the future redevelopment of these lots. This office has no comment on the lot size variance. Critical Area requirements must be addressed at the time of development.

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: AA585-99

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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November 18, 1999

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

RE: Variance 1999-0438-V, Herbert & Virginia Smith

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 less setbacks than required. The property is designated LDA and is currently developed with a single family dwelling.

This office has no comment on the pier setback variance. We defer to the Maryland Department of the Environment Tidal Wetlands Division on this project. All appropriate permits should be obtained 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,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA591-99

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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November 18, 1999

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

RE: Variance 1999-0439-V, Zwingelberg Enterprises

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 than required. The property is designated LDA and is currently developed with a single family dwelling.

Because impervious surfaces are not an issue and no habitat protection areas will be disturbed, this office has no comment on this setback 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
Natural Resources Planner

cc: AA592-99

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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November 18, 1999

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

RE: Variance 1999-0434-V, Peter Kostopulos

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 one-story single family dwelling.

Because the proposed work is adding a second floor on top of the existing footprint, this office has no comment on the setback variance. Disturbance due to construction should be mitigation 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
Natural Resources Planner

cc: AA451-98

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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

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

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Fax: (410) 974-5338

November 17, 1999

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

RE: Variance 1999-0435-V, Donna Norman & Jay Rye

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicants are requesting a variance to permit dwelling additions with less setbacks than required. The property is designated IDA, is Buffer Exempt and is currently developed with a single family dwelling.

Because the additions are going no further waterward than the existing dwelling, this office has no comment on the setback issue. Mitigation for the new impervious surface within the Buffer should be provided in accordance with the County's Zoning Ordinance. Also, because this lot is designated IDA, the 10% pollutant reduction rule must be addressed. On lots 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: AA588-99

Branch Office: 31 Creamery Lane, Easton, MD 21601

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Fax: (410) 820-5093

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

November 16, 1999 45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

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

RE: Engh Family Partnership - Building & Grading Permits

Dear Mr. Swartz:

Thank you for providing information on the above referenced permit applications. The applicant is proposing a number of revetments and groins for the purpose of shore erosion control, a pier and a timber walkway. Commission staff has reviewed the site plan. Based on the site plan and the site visit which took place in September, Commission staff has the following comments and recommendations:

1. It is our understanding that the shore erosion control portion of this proposal has received permits from the Maryland Department of the Environment. However, for the record, Commission staff questions the need for structural shore erosion control over the entire shoreline of this property. The State Critical Area regulations encourage shore erosion control on rapidly eroding shorelines but also discourage it where no significant erosion occurs. The County ordinance in Section 4-4.05(G) contains similar language. During our site visit, it did not appear that Rollins Cove has a significant erosion problem.
2. The applicants are proposing a timber private pier for Lot 2. As you know, Lot 2 is not yet developed. Is a private pier permitted without a dwelling on the property? The County Zoning Ordinance in Section 5-4.07 states, "Private piers are permitted as an accessory structure to a single family dwelling on a buildable lot on any waterfront parcel for the use of the lot owner or his tenant only." How is this section of the County's ordinance interpreted? The current proposal does not appear to be consistent with the language in the ordinance.
3. This Office recommends that construction of the timber walkway from the pier through the Buffer be postponed until such time that a walkway is necessary. As stated in comment #2 above, Lot 2 is not developed at this time. As we discussed during our site visit, access to the water is permitted. However, access should be provided with the minimum disturbance necessary. As proposed, the walkway just stops at the 100-foot Buffer line. Who is it providing access for? How will access to the walkway be achieved? There are wooded steep slopes in a ravine-like area leading to the walkway.

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Mr. John Swartz
Page 2
November 16, 1999

Disturbance of those steep slopes is not permitted without a variance. This office recommends that the County deny a building permit for the walkway at this time. The Buffer should remain in its current fully forested condition. Access to the shoreline for Lot 2 should be designed at the time development is proposed. The design of the boardwalk as shown on sheet 3 of 4 is excessive for a private access-way to the water. Building such a structure (e.g., installation of 3-foot deep concrete footings) in the Buffer would require a variance, while a simple pathway to the water would not.

4. This office recommends that the County require that all work related to the shore erosion control project be conducted from the water as a condition of both permits. No grading or unauthorized clearing should occur during the construction of this project.

Thank you for the opportunity to review and comment on these applications. If additional or revised information becomes available, please forward it to this office for further review. If you would like to discuss these matters further, please contact me at (410) 260-7035.

Sincerely,



LeeAnne Chandler
Natural Resources Planner

cc: CA572-99

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

November 15, 1999

(410) 260-7516

Fax: (410) 974-5338

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 the revised plans for 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. 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 revised plan provided. It appears that our previous primary concern with regard to Lot 20 has been addressed through the addition of a pipestem driveway which allows access to the lot without impacting steep slopes.

However, another issue has arisen. It involves the platting of lot lines within the RCA when the intrafamily transfer provisions are being used. In addition to Lots 17, 19 and 20, portions of Lots 15, 16, 18 and Lot 2-R (of a separate subdivision owned by the same developer) are also located within the RCA, resulting in a total of seven(7) lots being platted within the RCA. After a careful reading of Natural Resources Article (NRA) §8-1808.2, and a consultation with our attorney, it appears that the proposed subdivision of seven lots is not permitted. The NRA at §8-1808.2(e) states:

(e) Approval of subdivisions of parcels. -

(1) A local jurisdiction:

(i) May approve the subdivision of a parcel of land into the number of lots indicated in this subsection by means of a bona fide intrafamily transfer; and (ii) May not approve any greater subdivision of the parcel of land or any portion of the parcel of land.

(2) A parcel that is 7 acres or more and less than 12 acres in size may be subdivided into 2 lots.

(3) A parcel that is 12 acres or more and less than 60 acres in size may be subdivided into 3 lots. The lots may be created at different times.

The language in NRA §8-1808.2 appears in Section 4-9.08 of the County's Zoning Ordinance.

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Ms. Olivia Vidotto
Page 2
November 15, 1999

It appears that the applicant intends to site the dwellings on Lots 15, 16, 18, and 2-R outside of the Critical Area; however the NRA does not appear to allow subdivision (through the intrafamily transfer provisions) of the RCA into greater than three lots, even if some of the dwellings are outside of the RCA. This is in contrast to the standard RCA density requirements which states under COMAR 27.01.02.05(C)(4), "Land within the resource conservation area may be developed for residential uses at a density not to exceed one dwelling unit per 20 acres. Within this overall density, minimum lot sizes may be determined by the local jurisdiction..." (emphasis added). Under a typical 1 dwelling unit per 20 acre RCA subdivision, as long as the dwelling unit density does not exceed 1 per 20, the number of lots or portions of lots within the RCA is not an issue. However, because the applicant is using the intrafamily transfer provisions to get an additional dwelling unit within the Critical Area portion of the site, the specific rules for intrafamily transfers must be used.

This is an issue which must be resolved prior to any approvals of this subdivision. It appears that the applicant has two initial options. One, the subdivision could be revised to eliminate one of the dwelling units within the RCA (i.e., Lot 17, 19 or 20). This would then be a typical 1 per 20 RCA subdivision and the portions of the other lots could remain in the RCA. Two, the subdivision could be redesigned to move all of the other lots entirely outside of the Critical Area, making the subdivision consistent with the Critical Area Law and the County's Zoning Ordinance.

Also, please note, the long narrow area marked as non-tidal wetlands between lots 16 and 17 may actually be a stream. (The Calvert County soil survey shows this area as an intermittent stream.) This office recommends a field determination to verify this as a stream. If it is determined to be a stream, it should have at least a 100-foot Buffer. The buildable area on Lot 17 may be impacted by the Buffer. This office can not support variances for development on newly created lots.

Thank you for the opportunity to comment. Please contact me if you have any questions or would like to discuss this matter further. I can be reached at (410) 260-7035. Please forward revised plans to this office for review as they become available.

Sincerely,



LeeAnne Chandler
Natural Resources Planner

cc: CA97-99



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

November 15, 1999 45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

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

RE: Variance 1999-0415-V, Arundel Community Development

Dear Mr. Dooley:

Thank you for providing information on the above-referenced subdivision. The applicant is requesting a variance to permit a dwelling with disturbance to steep slopes and with less setbacks and Buffer than required. The property is designated IDA and was once the site of a water-treatment plant. All above ground structures have been removed, though from the site plan it appears that the foundation remains.

Provided the lots are properly grandfathered, this office does not oppose the siting of a single family dwelling on them. Impacts should be minimized as much as possible. In this case, because the lots are bisected by the Critical Area line, that would mean building primarily on the non-Critical Area portion of the site. As proposed, the house is located 28 feet from the western side property line. Given a minimum setback of 7 feet in an R5 district, would it be possible to move the house closer to that side property line? Some disturbance may occur within the Critical Area, but it would be less than is currently proposed. Also, because these lots are designated IDA, the 10% pollutant reduction rule must be addressed.

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: AA555-99

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

November 10, 1999

Mr. Rick Dwyer
Salisbury-Wicomico County Department of
Planning, Zoning & Community Development
P.O. Box 870
Salisbury, Maryland 21803-0870

RE: Cooper Landing Growth Allocation

Dear Mr. ~~Dwyer~~ *Rick*:

The Critical Area Commission has received the Cooper Landing Growth Allocation requesting 24.59 acres to be reclassified from RCA to LDA. We are accepting the application as a complete submittal, and Chairman North will make a refinement determination prior to the next meeting of the full Commission. At that meeting, if it has been determined to be a refinement, the request would be brought to the Commission for their concurrence.

As we discussed on November 8, 1999, the issue of forest mitigation has not been completely resolved. In accordance with the Wicomico County Ordinance at §125-20(F)(5)(e), if more than thirty (30) percent of the forest on a site is cleared, the forest is required to be replanted at three (3) times the total areal extent of the cleared forest. Because the applicant is proposing to clear 8.78 acres of 23.5 acres of forest on site (37%), mitigation at a 3:1 ratio for a total of 26.34 acres is required. Obviously, off-site mitigation will be necessary. Information on the mitigation site should be available in order to answer any questions which may arise. Potential concerns or problems should be resolved prior to the Commission meeting to avoid any postponement of their decision.

The question regarding Forest Interior Dwelling Birds (FIDs) has been answered. Claudia Jones, Critical Area Science Advisor, had a discussion with Scott Smith of the Department of Natural Resources' Wildlife and Heritage Division regarding FID habitat on this site. Since the property has been managed for loblolly pine, is bisected by a utility right-of-way, and because adjacent forests have been cleared, he felt that it would not be classified as FID habitat. In reviewing the site plan, Claudia has raised another issue. The lot lines for Lots 1 through 8 go through the 100-foot Buffer all the way to the Creek. It should be made clear to future property owners that the Buffer must be maintained in natural vegetation and that no disturbance to the Buffer is permitted. Due to the difficulty of enforcement, the platting of lots within the Buffer is generally discouraged by the Commission. (I just wanted to bring the issue to your attention as it may be raised as a question at the Commission meeting.)

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

Mr. Rick Dwyer
Page 2
November 10, 1999

Also, could you please send us a copy of the most recent site plan, showing the entire subdivision (Section Two)? The most recent plan in our file shows only the Critical Area portion of the project. The full site plan I have is dated February 1997 (under the name "Gary Chandler") and the plans have obviously been revised since then. The Commission prefers to see a site plan for the entire project rather than just the Critical Area portion in order to assess its consistency with the Critical Area requirements for growth allocation. Please send the plan as soon as possible so I can put together a staff report on the project.

The next meeting of the full Commission will be held on December 1, 1999 in the Officers Club at the United States Naval Academy. It would be helpful if County staff could attend the meeting, along with the applicant if you think it necessary, to answer any questions the Commission may have. I will provide you with an agenda and directions as they become available.

Please contact me if you have any questions or need clarification on the comments listed above. Commission staff is available to work with you and the applicant to resolve any outstanding issues prior to the December 1st meeting.

Sincerely,



LeeAnne Chandler
Natural Resources Planner

cc: WI403-97
Amendment file



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

November 10, 1999

Mr. Rick Dwyer
Salisbury-Wicomico County Department of
Planning, Zoning & Community Development
P.O. Box 870
Salisbury, Maryland 21803-0870

RE: Beazer East, Inc.

Dear Mr. Dwyer:

According to our files, a Critical Area Certificate of Compliance was issued to Beazer East, Inc. in 1993 to perform a feasibility study at its property on Pemberton Drive. A variance was obtained to modify drainage within the 100-foot Buffer. Additional work is now proposed in order to continue cleanup of the site, including some new disturbance to the Critical Area Buffer.

Due to the unique circumstances under which this work is proposed (i.e., it is required as part of an Environmental Consent Order from the Maryland Department of the Environment), this Office does not think an additional variance is necessary. It is our understanding that the additional work at the site will be reviewed by the County through an amendment to an existing Special Exception. The Critical Area Commission wholly supports the efforts to clean up and contain the hazardous contaminants at the former Koppers Wood Treating Plant. The clean-up project will be of great benefit to the water quality of the Wicomico River and is consistent with the spirit and intent of the Critical Area Program.

If you have any outstanding issues of concern or would like to discuss this matter further, please contact me at (410) 260-7035.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: WI454-92

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

November 8, 1999

Ms. Karen Wiggen
Charles County Planning & Growth Management
P.O. Box B
La Plata, MD 20646

RE: Uses in the RCA and Shore Erosion Control Regulations

Dear Ms. ~~Wiggen~~ *Karen*:

Pursuant to our meeting on November 2, 1999, I have enclosed information on other Counties' policies for uses in the RCA. You will see that each County addresses allowable uses in the RCA in different ways. For example, some jurisdictions use a table of uses, some use lists, while others use plain language in their ordinances.

I have also included a copy of the Maryland Department of the Environment's regulations with regard to tidal wetlands and specifically shore erosion control. Kevin Vienneau asked me to send this to him to assist him in establishing shore erosion control regulations for the County.

I hope this information is useful to you. If you have any questions or would like additional information, 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

John C. North, II
Chairman



Ren Serey
Executive Director

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

November 8, 1999

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

RE: Variance 1999-0418-V, Keith Parker

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. The property is designated IDA, is Buffer Exempt and is currently developed with a single family dwelling.

This office does not oppose the redevelopment of this lot. However, impacts should be minimized as much as possible and the variance requested the minimum to provide relief. The distance from the edge of the pond may not accurately reflect the setback from tidal wetlands. Regardless, redevelopment should maximize the distance between the water and the house. As proposed, it does not appear that this has been done. This office recommends that the applicant shift the house towards the street, to the building restriction line set by the existing structure. This would minimize the additional impervious surface closer to the shoreline. While the adjacent dwellings are set further back from the street, other dwellings in close proximity to the site (including some large recently built ones), are as close to the street as this one would be. Also, this office recommends that the applicant consider installing a pervious deck instead of an impervious patio to further minimize new impervious in the Buffer. Mitigation for new impervious surfaces should be provided on site within the Buffer in accordance with the County Zoning Ordinance.

Also, Section 1A-104(b)(3)(i) of the County Zoning Ordinance states, "with any redevelopment in intensely developed areas, the pollutant loading shall be at least 10% below the level of pollution from the site prior to redevelopment." Stormwater management should be provided to meet the 10% pollutant reduction rule.

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: AA556-99

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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November 8, 1999

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

RE: Variance 1999-0414-V, Allen Bouchelle

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 a driveway in an open space district. The property has a split designation of LDA and RCA 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, impacts must be minimized as much as possible, and the variance requested the minimum to provide relief. As indicated in the Critical Area report accompanying the site plan, the entire site is wetlands. Permits from the Maryland Department of the Environment should be obtained prior to any final approval.

As currently proposed, it does not appear that impacts have been minimized. The proposed dwelling has a footprint of approximately 2100 square feet and it dwarfs the houses surrounding it. It does not appear that it would be in character with the neighborhood. It would be appropriate to reduce the footprint of the dwelling, pulling it forward towards the street, and including a front entrance garage to minimize site impacts. Also, please note, this site has a split Critical Area designation of LDA and RCA. Facilities serving the development in the LDA should not be located in the RCA. If the house were redesigned, it appears that the limits of disturbance could be contained on the LDA portion of the property. Because there are currently no trees on site, 15% afforestation must be provided.

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,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA554-99

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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November 8, 1999

Ms. Charlene Morgan
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 1999-0290-V, Joan & Robert Murray - REVISED PLANS

Dear Ms. Morgan:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling with less setbacks than required and on steep slopes. The property is designated LDA and is currently developed with a house (to be demolished), with several attached patios and a driveway.

This office has no comment on the setback issue. From the information provided, it appears that the proposed house will intrude no further onto steep slopes than the existing house. This office does not oppose the variance requested, provided that new impacts to steep slopes are minimized as much as possible. Given that a dwelling already exists on the site, is all of the proposed grading necessary? Also, the site plan shows a block wall structure running the entire width of the property running parallel to the steep slopes. Is it necessary for structural stability of the house? As stated above, additional impacts to steep slopes should be kept to a minimum. Lastly, areas where impervious surfaces are removed should be revegetated 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
Natural Resources Planner

cc: AA396-99

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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November 8, 1999

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

RE: Variance 1999-0420-V, John Kibby

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 on steep slopes. The property is designated LDA and is currently developed with a house (to be demolished).

Provided new impacts to the expanded Buffer and steep slopes are minimized, this office does not oppose the redevelopment of this lot. From the information provided, it appears that there may be opportunities to further minimize new impacts. For example, could the proposed driveway be brought in from the southern side of the house to avoid additional clearing and grading? That may also eliminate the need for the extensive retaining walls. Also, is the retaining wall on the western side of the house necessary? If that were eliminated, it appears that new clearing and grading on that side of the house could be avoided. Mitigation should be provided for all new disturbance in the expanded Buffer at a 3:1 ratio. Areas where impervious surfaces are removed should be a priority for planting 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
Natural Resources Planner

cc: AA558-99

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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November 8, 1999

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

RE: Variance 1999-0409-V, Carlos Fernandez

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 on steep slopes. The property is designated LDA and is currently developed with a house (to be replaced).

Provided new impacts to the expanded Buffer and steep slopes are minimized, this office does not oppose the redevelopment of this lot. The site plan provided does not show the proposed limits of disturbance, nor does it clearly show the existing house footprint versus the new footprint. New disturbance to steep slopes should be avoided if possible. Mitigation should be provided for all new disturbance in the expanded Buffer at a 3:1 ratio. Areas where impervious surfaces are removed should be a priority for planting 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
Natural Resources Planner

cc: AA544-99

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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

November 4, 1999

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

RE: Variance 1999-0411-V and Special Exception 1999-0410-S, Thomas Detrich

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance and special exception applications. The applicant is requesting a variance to permit greater expansion of a nonconforming use than allowed and a special exception to permit the expansion of that nonconforming use. The property is designated IDA and is currently developed with a car repair shop and office.

Section 1A-104(b)(3)(i) of the County Zoning Ordinance states, "with any redevelopment in intensely developed areas, the pollutant loading shall be at least 10% below the level of pollution from the site prior to redevelopment." This office does not oppose the variance and special exception requested with the condition that stormwater management is provided to meet the 10% pollutant reduction rule.

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,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA552-99

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

November 4, 1999

Mr. John Swartz
Calvert County Planning & Zoning
150 Main Street
Prince Frederick, Maryland 20678

RE: Building Permit, Sandpiper/Patrick Buehler, Lot 1

Dear Mr. Swartz:

Thank you for providing information on the above referenced building permit. The applicants are proposing to clear 37,720 square feet of forest in order to building a single family dwelling on a 13.288 acre lot.

Commission staff has reviewed the plans and does not oppose the approval of a building permit. It appears that the level of forest clearing is below the maximum of 30% in accordance with Section 4-8.07 of the Calvert County Zoning Ordinance. Mitigation should be provided for this clearing on a 1:1 basis. It does appear however, that the amount of clearing could be further minimized if the applicant would consider condensing the limits of disturbance and reducing the amount of clearing in the front of the house.

Thank you for the opportunity to comment on this application. 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: CA545-99

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

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

November 4, 1999

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

RE: Variance 1999-0419-V, Julian Williams

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a garage addition with less setbacks than required. The property is designated LDA and is currently developed with a single family dwelling.

This office has no comment on the setback variance. It appears that there is no issue with the amount of impervious surfaces and no habitat protection areas will be affected. Any vegetation removed should 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: AA557-99

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

November 4, 1999

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

RE: Variance 1999-0406-V, Michael Nathans

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit mooring pilings with less setbacks than required. The property is designated LDA and is currently developed with a single family dwelling.

This office has no comment on the setback variance and defers to the Maryland Department of the Environment (MDE) with regard to the setback for the mooring pilings. The applicant should obtain all appropriate permits 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,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA542-99

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

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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

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

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Fax: (410) 974-5338

November 1, 1999

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

RE: Variance 1999-0359-V, Belvoir Farms Homeowners Association

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit an extension of time for the implementation and completion of a previously approved special exception and variance.

This office has no comment on the variance to permit the extension of time for implementation of the previous 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 case. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler

Natural Resources Planner

cc: AA473-99

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**

October 28, 1999

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

Ms. Roxana Whitt
Calvert County Planning & Zoning
150 Main Street
Prince Frederick, Maryland 20678

RE: Variance Case No. 99-2593, Olive Barnes

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The applicant is requesting variances from the Critical Area Buffer requirements and the cliff setback requirements for construction of a house, pool, driveway, septic system and well. The property is designated LDA, is 2.1 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 proposed, it does not appear that impacts have been minimized nor are the variances requested the minimum necessary to provide relief.

From the site plan, it does not appear that consideration has been given to the location of the extended Buffer. New development should be designed according to the constraints of the site. The proposed footprint of development on this parcel is over 13,000 square feet. It is recommended that the house be redesigned to minimize impacts to the Buffer and cliff setback area. For example, if the house and garage were redesigned and the loop in the driveway eliminated, it could be pulled forward an additional 35 feet, significantly reducing the intrusion into the expanded Buffer. The size of the house also does not minimize impacts to the site. The "lanai" (actually spelled "lanai"), deck and pool area could be combined and reduced in size, while accommodating the proposed use. It would be appropriate to reduce the footprint of the dwelling and attached decks, driveway, and garage in order to minimize impacts 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 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
Natural Resources Planner

cc: CA540-99

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

John C. North, II
Chairman



Ren Serey
Executive Director

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

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

October 20, 1999

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

RE: Variance 1999-0376-V, Michael Lawson

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit deck additions with less setbacks and Buffer than required. The property is designated LDA and is developed with a single family dwelling with an attached deck, a private pier and a driveway.

It appears that the requested variance is for two different proposed projects. The first is an extension of decking over existing sidewalks adjacent to the dwelling. The second appears to be a free-standing 12' by 12' grade level deck located 31 feet from the water. This office does not oppose the first of these projects (the decking over the existing sidewalk) as it appears that impacts would be minimal and the new decking would be no further waterward than the existing deck.

However, this office opposes the granting of the variance to permit the freestanding deck in the Buffer. The Anne Arundel County Zoning Ordinance in Article 28, Section 1A-103(e)(1) states "New development activities, except for water-dependent facilities, shall not be permitted in the Buffer." The proposed deck is not a water-dependent facility and therefore is not permitted in the Buffer. In addition, the applicants already have a deck located only 7 feet from the proposed location of the new deck. Denial of a second deck within the Buffer would not be an unwarranted hardship. In addition, the applicants can not meet, in general or otherwise, the other Critical Area variance standards. Therefore, due to the fact that a deck is not water-dependent and because the applicant can not meet the standard of unwarranted hardship, this office recommends denial of the variance to the Buffer requirements.

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,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA508-99

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

George John C. North, II
Chairman



Ren Serey
Executive Director

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

October 20, 1999

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

RE: Variance 1999-0382-V, Gary Probst

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 disturbance to 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 must be minimized and the variance requested the minimum to provide relief. As currently proposed, it does not appear that impacts have been minimized. On the contrary, it appears (on the site plan and in the field) that the house has been sited on the steep slopes in order to obtain a water view. This is not consistent with the Anne Arundel County Zoning Ordinance which at Article 28, Section 1A-105(c) states "Development on slopes of 15% or greater as measured before development is not permitted in limited and resource conservation areas unless the project is the only effective way to maintain or improved the stability of the slope...". The slopes in question appear to be stable in their current forested state.

The proposed impervious coverage is 2,385 square feet and includes a moderately sized dwelling and a driveway while the area of disturbance is over three times this amount for a total of 7,850 square feet. If the house were shifted off of the steep slopes towards the southern side of the lot, much of the grading could be eliminated and the limits of disturbance reduced. If the limits of disturbance were kept to the minimum necessary, it appears that the need for stormwater management could be eliminated, thus further reducing the impacts. There is ample space on this lot to move the proposed dwelling off the steep slopes. In addition, the dwelling could be placed 15 feet closer to the front building restriction line.

As stated above, this office does not oppose the siting of a single family dwelling on this lot. However, there are opportunities to reduce impacts and perhaps eliminate the need for the variance in question.

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,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA512-99

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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

October 20, 1999

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

RE: Variance 1999-0382-V, Clifford Clevenger

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit an addition with less setbacks and Buffer than required. The property is designated LDA and is heavily developed with a large single family dwelling, extensive patios, a pool, and a large circular driveway.

The amount of impervious surfaces on this lot already exceed the limit established in County regulations and cover 35.5% of the property. The site plan indicates that the area to be enclosed is over a deck, though the application filled out states that the area is already impervious. This should be verified. This office does not oppose the variance requested because the proposed addition appears to be of reasonable size and will be built over existing structures. However, if this enclosure will create new impervious surfaces and an impervious surface variance will be required. It is recommended that other impervious be removed from elsewhere on the property. Mitigation should be provided 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,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA511-99

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

John C. North, II
Chairman



Ren Serey
Executive Director

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

October 20, 1999

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

RE: Variance 1999-0377-V, Burley Creek Citizens Association

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 and Buffer than required. The property is designated LDA and consists of a community property improved with a playground, a turnaround driveway and an 11-slip community pier.

The Anne Arundel County Zoning Ordinance in Article 28, Section 1A-103(e)(1) states "New development activities, except for water-dependent facilities, shall not be permitted in the Buffer." While a canoe/dingy storage rack is associated with the water, it is not a water-dependent facility. Water-dependent facilities are defined as "those structures or uses associated with industrial, maritime, recreational, educational, or fisheries activities that require location at or near the shoreline, such as launching ramps, ...". It would be more convenient for the storage rack to be placed within the Buffer, but it does not need to be in the Buffer to function as such. At commercial marinas for example, certain structures such as ramps, hoists, or marine fueling areas are permitted in the Buffer but new dry dock storage facilities are not. Therefore, because new non-water-dependent facilities are not permitted in the Buffer, this office recommends denial of the variance requested. It is recommended that the storage rack be moved outside of 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,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA509-99

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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October 20, 1999

Mr. James Cobey
4440 Garfield Street
Washington, DC 20007

Dear Mr. Cobey:

Mr. Doug Wetmore of the Charles County Department of Planning and Growth Management asked me to send you the enclosed information. This document gives a good summary of what the Critical Area Law and regulations are all about. Also, additional information can be found on our (in progress) website at www.dnr.state.md.us/criticalarea/.

Implementation of the Critical Area Law occurs at the County level, with oversight by the Critical Area Commission. I am the Planner in this office who works with Charles County and Doug Wetmore is the local contact. Questions regarding development of property should be directed to the local planning office, though the Commission staff is always available to provide further assistance.

I hope the enclosed information is useful to you. If you have any questions or would like additional information, I may be reached at (410) 260-7035.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

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

George John C. North, II
Chairman



Ren Serey
Executive Director

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

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

October 20, 1999

Mr. Douglas Wetmore
Charles County Planning & Growth Management
P.O. Box B
La Plata, MD 20646

RE: Helen La Valley Variance

Dear Mr. Wetmore:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit the construction of an addition to an existing single family dwelling within the 100-foot Buffer. The property is designated LDA and is Buffer Exempt.

From the site plan provided, it appears that nearly the entire lot is within the 100' Buffer. Because the addition appears to be a reasonable expansion of living space and locations outside of the Buffer are not available, this office does not oppose the variance requested. Mitigation should be provided as indicated in Section 131(b)(iv) of the Charles County Zoning Ordinance. This mitigation should occur on-site within the Buffer 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 this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: CS539-99

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

Oct. 20, 1999
~~July 22, 1999~~

Mr. Ken McLawhon, Town Manager
Town of Indian Head
4195 Indian Head Highway
Indian Head, Maryland 20640

RE: Robinson Terminal - 10% Pollutant Reduction Computations

Dear Mr. McLawhon:

Thank you for providing a copy of the 10% Pollutant Reduction Rule calculations to this office for our review. Commission staff has reviewed the information provided and it appears that the proposed stormwater management for the Robinson Terminal property will be adequate to meet the required 10% pollutant reduction. It is recommended that final designs be approved by the appropriate authority. I believe that the Charles County Natural Resource Conservation Service would be this authority, though the Town may have other review mechanisms in place.

I also wanted to apologize again for not getting back to you sooner with a response. I incorrectly assumed that you were providing the calculations to me for information purposes only and that you were relying on your consultant for review. In the near future, I would like to meet with you to get an update on the progress of the Comprehensive Review (i.e., new ordinance) and also to discuss the review process to streamline projects in the future.

Thank you again for the opportunity to review the 10% calculations. I will contact you within the next two weeks to set up a meeting. Please contact me at (410) 260-7035 if you have any questions or concerns.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: IH60-98

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

John C. North, II
Chairman



Ren Serey
Executive Director

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Fax: (410) 974-5338

October 18, 1999

Mr. Douglas Wetmore
Charles County Planning & Growth Management
P.O. Box B
La Plata, Maryland 20646

RE: Intrafamily subdivisions, Eastview Farms

Dear Mr. Wetmore:

Commission staff has again reviewed the proposed Eastview Farms intrafamily transfer. To follow up on our conversation of October 15, 1999, below I have listed the issues which must be considered for the portion of this parcel within the Critical Area:

1. The portion of this parcel within the Critical Area totals 27 acres. According to the Critical Area law (Annotated Code of Md., Natural Resources Article §8-1808.2), the 27 acres may be subdivided into a total of 3 lots, 2 of which must be "intrafamily lots."
2. The two (2) intrafamily lots, one for each son in this case, may not be subsequently conveyed to any person other than a member of the owner's immediate family, except under the strict procedures established by the County. The deeds for these two lots must contain a covenant stating that the lot is created subject to the intrafamily provisions of the Critical Area law.
3. The third lot, the one retained by the present owner, may be sold to an outside party.
4. As stated in our previous comments on this subdivision, the plat note on the plan submitted to this office indicates that only Lot 3 is intrafamily. Again, two of the three lots must be intrafamily.

Thank you for the opportunity to provide additional comments. If you have any questions or would like further clarification, please contact me at (410) 260-7035.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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October 18, 1999

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

RE: Variance 1999-0404-V, Mackowiak

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 disturbance to steep slopes and with less setbacks and Buffer than required. The property is designated LDA and is currently developed with a single family dwelling (to be replaced).

This office has no comment on the setback issue. With regard to the disturbance of steep slopes and the expanded Buffer, impacts of redeveloping this lot should be minimized as much as possible. While the lot has obviously been altered in the past, new disturbance should be avoided where possible. As proposed, redevelopment will involve disturbing 72% of the lot and clearing 58% of the tree coverage currently on-site. Are there opportunities to reduce this disturbance? Given that a house already exists on site, is the new grading on the northwestern side of the house necessary? This office does not oppose the variance requested but recommends that impacts be further minimized. Further, mitigation for new disturbance within the expanded Buffer should be provided 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 this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: Dave Plott, Esq.
AA538-99

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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October 18, 1999

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

RE: Variance 1999-0390-V, Richard Ainsworth

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit an extension in time for the implementation and completion of a previously approved special exception and variance.

Provided that the plans have not changed and site conditions remain the same, this office does not oppose this variance. If the plans change, please forward them to this office for further review.

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: AA532-99

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

October 15, 1999

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

RE: Variance 1999-0386-V, Annapolis Specialty Houses

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. 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. Impacts should be minimized as much as possible. Due to the fact that the majority of the lot is within the 100-foot Buffer, it appears that any type of development would require a variance. The proposed house is modest in size and it appears that any stormwater will flow away from the wetlands. Because this lot is designated IDA, the 10% pollutant reduction requirement must be met. Usually on lots of this size, plantings are 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: AA531-99

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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October 15, 1999

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

RE: Variance 1999-0394-V, Joanna Washburn

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 and accessory structure with less setbacks than required. The property is designated IDA and is currently developed with a single family dwelling.

This office has no comment on the setback issue. Please note that because this lot is designated IDA, the 10% pollutant reduction rule must be met. Usually, on lots of this size, plantings are sufficient to meet the 10% requirement. Also, despite the lot being IDA, mitigation is required for new impervious surfaces within the 100-foot Buffer at a 2:1 ratio and at a 1:1 ratio for newly developed impervious surfaces outside the 100-foot Buffer. This mitigation should occur on-site within the Buffer to the extent possible.

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

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA533-99

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

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

John C. North, II
Chairman



Ren Serey
Executive Director

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

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

October 15, 1999

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

RE: Variance 1999-0400-V, Eva Tom

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a deck addition with less setbacks than required. The property is designated LDA and is currently being developed with a single family dwelling.

This office has no comment on the setback issue. However, please note that the percentage of clearing for development of this lot is 22% of the existing forest on site. (This is reflected in the Critical Area Site Tabulations on the most recent site plan.) Clearing at this level should be mitigated at a 1.5 to 1 ratio in accordance with §1A-104(c)(3) of the County Zoning Ordinance. This differs from the condition required in the approval of the variance granted earlier this year.

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,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA535-99

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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October 15, 1999

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

RE: Variance 1999-0402-V, Herbert Scurlock

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.

Because the addition appears to be of reasonable size and because the majority of the lot falls within the Buffer, this office does not oppose the variance requested. Also, the narrative states that there is an existing concrete pad in the location of the proposed addition. Nonetheless, mitigation should be required for new impervious surfaces within the 100-foot Buffer at a 2:1 ratio and at a 1:1 ratio for new impervious surfaces outside the 100-foot Buffer in accordance with the County's Buffer Exemption policy. This mitigation should occur on-site within the Buffer to the extent possible. Also, given that this is a recently built dwelling (1992), the County may wish to check previous records for variances on this property to ensure that the addition would be consistent with any conditions placed on a previous approval.

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,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA536-99

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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October 15, 1999

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

RE: Variance 1999-0399-V, Roland & Margaret Davies

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit additions with less setbacks and Buffer than required and on steep slopes. The property is designated LDA and is currently developed with a single family dwelling.

It appears that the proposed work on this property has been designed to minimize impacts, i.e., the decks are cantilevered, foundation will be hand-dug for the steps, and the addition is of reasonable size and on a level portion of the property. Therefore, this office does not oppose the variance requested. Mitigation should be provided for disturbance within the expanded Buffer 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
Natural Resources Planner

cc: AA534-99

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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October 15, 1999

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

RE: Variance 1999-0386-V, Annapolis Specialty Houses

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. 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. Impacts should be minimized as much as possible. Due to the fact that the majority of the lot is within the 100-foot Buffer, it appears that any type of development would require a variance. The proposed house is modest in size and it appears that any stormwater will flow away from the wetlands. Because this lot is designated IDA, the 10% pollutant reduction requirement must be met. Usually on lots of this size, plantings are 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: AA531-99

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

Ren Serey
Executive Director

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October 15, 1999

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

RE: Variance 1999-0394-V, Joanna Washburn

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 and accessory structure with less setbacks than required. The property is designated IDA and is currently developed with a single family dwelling.

This office has no comment on the setback issue. Please note that because this lot is designated IDA, the 10% pollutant reduction rule must be met. Usually, on lots of this size, plantings are sufficient to meet the 10% requirement. Also, despite the lot being IDA, mitigation is required for new impervious surfaces within the 100-foot Buffer at a 2:1 ratio and at a 1:1 ratio for newly developed impervious surfaces outside the 100-foot Buffer. This mitigation should occur on-site within the Buffer to the extent possible.

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

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA533-99

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Executive Director

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October 15, 1999

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

RE: Variance 1999-0400-V, Eva Tom

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a deck addition with less setbacks than required. The property is designated LDA and is currently being developed with a single family dwelling.

This office has no comment on the setback issue. However, please note that the percentage of clearing for development of this lot is 22% of the existing forest on site. (This is reflected in the Critical Area Site Tabulations on the most recent site plan.) Clearing at this level should be mitigated at a 1.5 to 1 ratio in accordance with §1A-104(c)(3) of the County Zoning Ordinance. This differs from the condition required in the approval of the variance granted earlier this year.

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: AA535-99

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Chairman



Ren Serey
Executive Director

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October 15, 1999

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

RE: Variance 1999-0402-V, Herbert Scurlock

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.

Because the addition appears to be of reasonable size and because the majority of the lot falls within the Buffer, this office does not oppose the variance requested. Also, the narrative states that there is an existing concrete pad in the location of the proposed addition. Nonetheless, mitigation should be required for new impervious surfaces within the 100-foot Buffer at a 2:1 ratio and at a 1:1 ratio for new impervious surfaces outside the 100-foot Buffer in accordance with the County's Buffer Exemption policy. This mitigation should occur on-site within the Buffer to the extent possible. Also, given that this is a recently built dwelling (1992), the County may wish to check previous records for variances on this property to ensure that the addition would be consistent with any conditions placed on a previous approval.

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,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA536-99

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



Judge John C. North, II
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Ren Serey
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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October 15, 1999

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

RE: Variance 1999-0403-V, Bryan Richter

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 a stormwater management outfall on steep slopes. The property is designated partially LDA and partially RCA and is currently undeveloped.

This office has no comment on the setback issue. With regard to the outfall on steep slopes, it is recommended that alternative stormwater management designs be considered. For example, would it be possible to move the house slightly further from the road to allow some type of facility (e.g., infiltration trench) in the front yard? The amount of disturbance which would be necessary to install the proposed device seems to be excessive. If the proposed outfall is the alternative which minimizes overall site impacts, this office does not oppose the variance requested but again recommends that alternatives be explored. Mitigation should be provided for all clearing at a 1:1 ratio.

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

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA537-99

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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

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

October 15, 1999

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

RE: Variance 1999-0399-V, Roland & Margaret Davies

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit additions with less setbacks and Buffer than required and on steep slopes. The property is designated LDA and is currently developed with a single family dwelling.

It appears that the proposed work on this property has been designed to minimize impacts, i.e., the decks are cantilevered, foundation will be hand-dug for the steps, and the addition is of reasonable size and on a level portion of the property. Therefore, this office does not oppose the variance requested. Mitigation should be provided for disturbance within the expanded Buffer 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
Natural Resources Planner

cc: AA534-99

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
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October 14, 1999

Mr. John Swartz
Calvert County Planning & Zoning
150 Main Street
Prince Frederick, Maryland 20678

RE: Building Permit, Sandpiper/Patrick Buehler

Dear Mr. Swartz:

Thank you for providing information on the above referenced building permit. The applicants are proposing to clear 30,713 square feet of forest in order to building a single family dwelling on a 3.3 acre lot.

Commission staff has reviewed the plans and does not oppose the approval of a building permit. It appears that the level of forest clearing, 28.25% of the total forest on site, is below the maximum of 30% in accordance with Section 4-8.07 of the Calvert County Zoning Ordinance. Mitigation should be provided for this clearing on a 1.5:1 basis. It does appear however, that the amount of clearing could be further minimized if the applicant would consider condensing the limits of disturbance (especially along the waterfront side of the house) and eliminating the large circular driveway.

Thank you for the opportunity to comment on this application. If you have any questions or comments, or if the proposed project changes significantly, please contact me at (410) 260-7035.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: CA514-99

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

October 14, 1999

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

RE: Variance 1999-0385-V, William Dillon

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, is Buffer Exempt and is currently developed with a single family dwelling.

Because the addition appears to be a reasonable expansion of living space and because the majority of this lot is located within the Buffer, this office does not oppose the variance requested. Mitigation in the form of native plantings should be provided at a 2:1 ratio for all the newly developed impervious surface within the 100' Buffer and at a 1:1 ratio for newly developed impervious surfaces outside the 100' Buffer. This mitigation should occur on-site within the Buffer to the extent possible.

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

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA513-99

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

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

October 14, 1999

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

RE: Variance 1999-0381-V, Sandra Haskell

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit decks with less Buffer than required.

Because the attached decks are of reasonable size, this office does not oppose the variance requested. Mitigation in the form of native plantings should be performed at a 3:1 ratio for the disturbance 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,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA510-99

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

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John C. North, II
Chairman

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Executive Director

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October 14, 1999

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

RE: Variance Case No. 1999-0330-V, Jeff Halpern - REVISED COMMENTS

Dear Ms. Miley:

Thank you for providing clarification on the above referenced variance application with regard to the questions raised in our previous letter. The applicant is requesting a variance to disturb steep slopes in the Critical Area for construction of a driveway. The property is designated RCA and is currently undeveloped. Our previous comments expressed concern regarding the grandfathered status of this lot as well as the legal status of the access easement. It appears that the easement proposed to be used is the only one available to the property owners at this time.

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 as much as possible. Strict sediment and erosion controls should be used to ensure that the new driveway does not create future erosion problems. Also, please note: the soils on this site are identified as Monmouth fine sand loam, 15 to 40 percent slopes (MvE), Monmouth clay loam, 5 to 10 percent slopes, severely eroded (MwC3), and Monmouth clay loam, 10 to 15 percent slopes, severely eroded (MwD3). These soils are listed as highly erodible by the Anne Arundel County Soil Survey. It may be appropriate to expand the Buffer on this site for highly erodible soils. If so, a Buffer variance would also be necessary. If it is determined that a Buffer variance is necessary, this office would appreciate the opportunity to provide additional comment.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. If additional or revised information becomes available, please submit it to this office for further review. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA412-99

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

George John C. North, II
Chairman



Ren Serey
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION

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October 13, 1999

Mr. Doug Wetmore
Charles County Planning & Growth Management
P.O. Box B
La Plata, MD 20646

RE: Charleston Partnership, XRS #990126

Dear Mr. Wetmore:

Thank you for the information you have provided on the above referenced subdivision. It is our understanding that the new lot will be conveyed to the County for use as a park. While a full environmental analysis may not be necessary to complete the subdivision, the following information should be provided prior to moving forward with any type of development: topography and steep slope analysis; soils information; the mean high water mark and associated 100-foot Buffer; information on forest cover; and information on habitat protection areas.

Also, to ensure that the subdivision is consistent with the local Critical Area Program, the following information should be provided:

1. Acreage of the parent parcel. As you know, density in the RCA is limited to 1 dwelling per 20 acres. Will subdividing change the allowed development potential of the parent parcel? This should be considered by the applicant.
2. A general site plan showing topography and environmental features (such as wetlands) of the site. A copy of the USGS quad for this area may suffice. It is important to ensure that the new parcel is developable at some level (i.e., not entirely encumbered by steep slopes or wetlands), whether for passive or recreational use.

The Critical Area Criteria encourage the creation of natural parks as well as public access to the water. When plans are developed for the park in the future, it should be kept in mind that the land has an RCA designation and the plans must comply with RCA requirements including limits on tree clearing and impervious surfaces. Please forward any future development plans for this land to this office for review. At the time development is proposed, a full environmental analysis should be done.

Thank you for the opportunity to comment. If you have any questions, please contact me at (410) 260-7035.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: CS495-99

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

John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
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October 13, 1999

Mr. Kevin Vienneau
Charles County Planning & Growth Management
P.O. Box B
La Plata, Maryland 20646

RE: Variance #991, Mr. Wayne Rison

Dear Mr. Vienneau:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling to remain within the Critical Area Buffer. The property is designated LDA and is currently developed with two structures (one of which is the subject of this variance request) that are considered dwellings.

This office received notice of this violation over a year ago. The property owner has improved a boat house/fishing shack such that it is considered a dwelling. It is located partially within the Buffer and partially over tidal wetlands. Another structure has been constructed on the property as well, though its location was not shown. A consent order from the court indicated that the violations on this property (Critical Area as well as other zoning requirements) must be corrected. The subject variance would permit the dwelling to remain within the Buffer and tidal wetlands.

A site plan with an appropriate scale showing all property lines, wetlands, Buffers, and all development is necessary in order for this office to provide final comments. However, based on the available information, this office opposes the variance requested. The Charles County Zoning Ordinance prohibits new non-water dependent structures within the Buffer and the applicants can not meet the standards for the granting of a Critical Area Variance.

The applicant's proposal 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 416 of the County's Zoning Ordinance. COMAR 27.01.11.01(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 and significant use of the property. There are no special circumstances peculiar to this property such that denial of this variance would remove all reasonable use of the land. The property is already developed with another structure that is considered a dwelling. Also, the subject property is 3.2 acres so the property could be developed without a variance. The standard of unwarranted hardship can not be met.

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Mr. Kevin Vienneau

Page 2

COMAR 27.01.11.01(2) addresses the rights of the variance applicant with respect to the rights commonly shared by other owners of property within the Critical Area. Denial of this variance will not deprive the property owner of rights enjoyed by other property owners in the Critical Area. All property owners within the Critical Area are similarly limited by the Critical Area Law and the County's program. New development activities may only be permitted in the Buffer if they are water-dependent. Water-dependent facilities are those structures that require location at or near the shoreline. A dwelling is not a water-dependent facility.

COMAR 27.01.11.01(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 locating new non-water-dependent structures within the Buffer.

COMAR 27.01.11.01(4) addresses conditions or circumstances which are the result of actions by the applicant and conditions or circumstances related to adjacent properties. The need for this variance is self-imposed, as the applicant has constructed the dwelling without all necessary County approvals and now needs an after-the-fact variance.

COMAR 27.01.11.01(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. The Buffer is a habitat protection area established by state and local regulation for the purpose of protection of water quality and habitat. These functions are compromised when new development occurs within the Buffer. Although it is literally impossible to measure impacts to water quality and habitat from this structure, it is not necessary to do so. 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.

In summary, the applicant has failed to meet the variance standards. Variances are not granted lightly. The justification for a variance must be substantial and not merely for convenience, inasmuch as the aim of the law is to prevent exceptions as much as possible. Again, the Commission recommends denial of this variance. The structure should be removed and the area restored with native Buffer plantings at a 3:1 ratio.

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
Natural Resources Planner

George John C. North, II
Chairman



Ren Serey
Executive Director

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

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

VIA FACSIMILE

MEMORANDUM

To: Roxana Whitt, Calvert Co. Environmental Planner
From: LeeAnne Chandler *LAC*
Subject: Solomon's Landing - revisions dated 9-28-99
Date: October 8, 1999

As indicated in our conversation today regarding revisions to development plans for Solomon's Landing, the Commission has no objection to the changes proposed. The changes appear to be minor in nature that will not significantly increase impacts from this development. Consideration is also given to the fact that Solomon's Landing is an "interim" project and previous approvals had been obtained.

Please contact me if you have any questions or concerns. Thank you.

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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

October 5, 1999

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

Ms. Roxana Whitt
Calvert County Planning & Zoning
150 Main Street
Prince Frederick, Maryland 20678

RE: Variance Case No.99-2589, Keith Williams

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit disturbance of steep slopes to construct a single family dwelling, garage and swimming pool. The property is designated LDA and is currently undeveloped and fully wooded.

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 must be minimized as much as possible and the variance should be the minimum to provide relief. As currently proposed, it does not appear that impacts have been minimized nor is the variance requested the minimum to provide relief.

Due to the scattered locations of the steep slopes on this lot, it appears that a dwelling and associated septic system would have some unavoidable impact to the steep slopes. However, the proposed 55' by 35' swimming pool, deck and associated retaining walls are associated with an accessory use. The property owner would have reasonable use of the property without this accessory use. New development should be designed according to the constraints of the site. It does not appear that this has been done. A smaller pool with less decking could perhaps be placed on the north side of the lot without any impact to steep slopes.

This office has recently reviewed several other steep slope variance applications in this subdivision. In those cases, only a house was proposed and plans were revised as recommended to minimize impacts to steep slopes. This office strongly recommends that the applicant redesign the proposed development of this lot according to the constraints of the site. Without the swimming pool, impacts would be significantly reduced. Again, as stated above, this office does not oppose the siting of a single family dwelling on this lot but as currently proposed, impacts are not minimized and the variances requested are not 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 official 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: CA493-99

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

George John C. North, II
Chairman



Ren Serey
Executive Director

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

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

October 4, 1999

Mr. Doug Wetmore
Charles County Planning & Growth Mgmt.
P.O. Box B
La Plata, MD 20646

RE: XRS - 990138, Land of Schaumburg

Dear Mr. Wetmore:

Thank you for providing information on the above referenced subdivision. The applicants are proposing to subdivide a 3.7 acre RCA parcel for the purposes of real estate transfer. Commission staff has reviewed the information provided and would like to offer the following comments:

1. It is our understanding that no buildable lots are being created. Rather, as stated in Note #3, the acreage of lot A-1 will be added to an existing parcel. The acreage of that existing parcel was not given.
2. The new acreage added to the existing parcel can not be used to create another development right.
3. Information was not provided as to the environmental features of Lot A (i.e., topography, forest cover, Buffers, wetlands, etc.). Subdividing this lot will remove any grandfathered rights and any future development must fully comply with all Critical Area regulations. This office can not support variances on non-grandfathered lots.

Thank you for the opportunity to comment. Please contact me at (410) 260-7035 if you have any questions or concerns.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: CS505-99

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

George John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

October 1, 1999

(410) 260-7516

Fax: (410) 974-5338

Ms. Roxana Whitt
Calvert County Planning & Zoning
150 Main Street
Prince Frederick, MD 20678

RE: Variance Case #99-2586, Bertrand Berube

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The property owner is requesting a variance to permit disturbance to steep slopes, the 100-foot Buffer and clear more than 30% of the lot. The property is currently undeveloped. A previous plan was approved under variance case 97-2311.

This office does not have a copy of the findings of the previous case. Nonetheless, provided the lot is properly grandfathered, this office does not oppose the siting of a single family dwelling on it. However, impacts should be minimized as much as possible. The site plan included with the application does not show the proposed limits of disturbance. Based on the previous plan, the revised plan seems to further increase impacts to the sensitive site. As stated in previous comments regarding the development of this site, this office recommends the applicant consider an alternative dwelling design to reduce the amount of clearing and impacts to the Buffer. For example, the deck could be shifted to sit completely on the back of the house to avoid impacting the 100-foot Buffer. Mitigation should be provided on-site within the Buffer at a 3:1 ratio (if clearing remains over 30% of the site) for all disturbance 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,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: CA490-99

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

October 1, 1999

Ms. Roxana Whitt
Calvert County Planning & Zoning
150 Main Street
Prince Frederick, MD 20678

RE: Variance Case #99-2587, Sandy Simmons

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The property owner is requesting a variance to permit disturbance to the 100-foot Buffer to construct an addition to an existing dwelling. The property is designated LDA and is currently developed with a house, carport, shed and driveway.

This office does not oppose the variance requested because the property is almost entirely encumbered by the Buffer and it appears that placement of the addition no closer to the water minimizes impacts to the Buffer. Mitigation should be provided for all disturbance within the Buffer (including the disturbance for the new force main) in accordance with the County Zoning Ordinance. Ideal placement of the mitigation is 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,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: CA492-99

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

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Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

October 1, 1999

Ms. Roxana Whitt
Calvert County Planning & Zoning
150 Main Street
Prince Frederick, MD 20678

RE: Variance Case #99-2588, Richard Devoe

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The property owners are requesting a variance to permit roofs over recently built decks within the 100-foot Buffer. The property is developed with a single family dwelling, driveway, and carport. The subject decks were approved under previous variance case number 97-2322.

This office does not have a copy of the findings of the previous case. Will placing roofs on these decks be in violation of any conditions placed on the previously approved variance? Placing a roof over these decks will create additional impervious surfaces within the 100-foot Buffer. Because no clearing or grading is proposed and enclosing the deck appears to be a reasonable expansion of living space, this office does not oppose the variance requested provided appropriate mitigation occurs. Mitigation should be provided on-site within the Buffer at a 2:1 ratio for all disturbance in accordance with the Calvert County Zoning Ordinance and Conservation Manual.

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,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: CA 73-97

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

George John C. North, II
Chairman



Ren Serey
Executive Director

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

October 1, 1999

Ms. Roxana Whitt
Calvert County Planning & Zoning
150 Main Street
Prince Frederick, MD 20678

RE: Variance Case #99-2590, Bascombe Padgett

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The property owner is requesting a variance to permit disturbance to the 100-foot Buffer to construct an addition to an existing dwelling. The property is designated RCA and is currently developed with a house, garage and driveway.

This office does not oppose the variance requested because it appears that placement of the addition minimizes impacts to the Buffer and is a reasonable expansion of living space. If feasible, the entirety of the new septic recovery area should be moved outside of the 100-foot Buffer. Mitigation should be provided for disturbance within the Buffer in accordance with the County Zoning Ordinance. Ideal placement of the mitigation is within the Buffer, perhaps in the area of the existing septic system (i.e., if and after it is abandoned).

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,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: CA494-99

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



George John C. North, II
Chairman



Ren Serey
Executive Director

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October 1, 1999

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

RE: Variance 1999-0340-V, Bruce and June Allen - REVISED PLANS

Dear Mr. Dooley:

Thank you for providing the revised plans for the above referenced variance application. The applicant is requesting a variance to permit a dwelling with disturbance to steep slopes and less setbacks and Buffer than required. The property is designated LDA and is currently undeveloped. The revised plans include a handicap accessible ramp and a back deck. It also appears that the house has been slightly increased in size.

Provided these lots are properly grandfathered, this office does not oppose the siting of a single family dwelling on them. Because the newly proposed features will be within the previous limits of disturbance, it does not appear that the revised plans will cause significantly more impact. Impacts to steep slopes and the extended Buffer should be minimized as much as possible. Strict sediment and erosion controls should be provided during construction. Mitigation should be provided 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,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA430-99

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

Ren Serey
Executive Director

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

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

To: H. Grant Dehart, Program Open Space
From: LeeAnne Chandler *LAC*
Subject: Local POS Project #3632-23-124
Date: October 1, 1999

Thank you for providing information on the above referenced POS project. It appears that State funding will be used to purchase land to be added to an existing city park. While it was not clear if construction of the education center is proposed at this time, it should be noted that if state funding is used to construct the facility, it would require review and approval by the Critical Area Commission. If funding will be provided by another source (i.e., local or private funds), this office should receive notice of the project and it should be constructed in a manner consistent with the spirit and intent of the Critical Area regulations. Please forward additional information to this office for review as it becomes available.

If you have any questions or would like additional information, please contact me at (410) 260-7035. Thank you.

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

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John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

September 27, 1999

Charlene Morgan
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

RE: Variances 1999-0333-V and 1999-0334-V, Joseph and Judy Crawford

Dear Ms. Morgan:

Thank you for providing information on the above referenced variance applications. The applicants are requesting variances to permit a dwelling and an inground pool with less setbacks and Buffer than required and on steep slopes. The property is designated RCA and is currently undeveloped, though it has been partially graded under a previously approved grading permit. The grading permit has now expired.

Provided the lot is properly grandfathered, this office does not oppose the siting of a single family dwelling on it. However, impacts must be minimized as much as possible and the variance 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.

This office strongly recommends that the applicant redesign the proposed development of this lot according to the constraints of the site. It appears that the dwelling could be shifted away from the water such that the entirety of the house and patio would be outside of the expanded Buffer. (For example, a relatively flat area lies to the north of the proposed driveway and development could be shifted in that direction.) The driveway as proposed is very extensive and includes a circular drive, rather than a more direct route to the garage. If the driveway were redesigned, again it appears possible that the need for a Buffer variance could be avoided. In addition, if the driveway were changed, the disturbance and grading of steep slopes could be further minimized. Another option would be to flip the house footprint and move it back slightly, which would also eliminate the Buffer variance. (See attachment drawing)

With regard to the variance for the swimming pool, the proposed location will significantly disturb steep slopes of 15% or greater. According to §1A-105 of the Anne Arundel County

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

Ms. Morgan
September 27, 1999
Page two

Zoning Ordinance, "Development on slopes of 15% or greater as measured before development is not permitted in limited and resource conservation areas unless the project is the only effective way to maintain or improve the stability of the slope and all proposed designs have been approved by the Office of Planning and Zoning." If the house were redesigned as suggested in the paragraph above, it appears possible to move the pool off of the steep slopes and out of the Buffer.

Again, as stated above, this office does not oppose the siting of a single family dwelling on this lot. However, it appears there are opportunities to minimize the impacts of developing this sensitive site.

Sincerely,



for LeeAnne Chandler
Natural Resources Planner

cc: AA460-99



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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

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September 13, 1999

Kevin Dooley, Chief, Zoning
Department of Planning and
Code Enforcement
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

RE: Variance 1999-0375-V, Candace Gibbin

Dear Mr. ~~Dooley~~ *Kevin*:

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. The lot is designated IDA and is currently developed with a single family dwelling (to be replaced) and driveway.

This office has no comment on the setback issue. Due to the small size of the lot, redevelopment could not occur without impact to the Buffer. Because the new dwelling will be no closer to the water than the existing, and because there will be a net decrease in impervious surfaces, this office does not oppose the variance requested. Because this lot is in an IDA, the 10% pollutant reduction rule must be addressed. Usually, on lots of this size, native plantings are sufficient to meet the 10% 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
for LeeAnne Chandler
Natural Resources Planner

LACP/kkd

cc: AA480-99

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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Chairman



Ren Serey
Executive Director

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September 13, 1999

Kevin Dooley, Chief, Zoning
Department of Planning and
Code Enforcement
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

RE: Variance 1999-0373-V, Gerald Delahoussaye

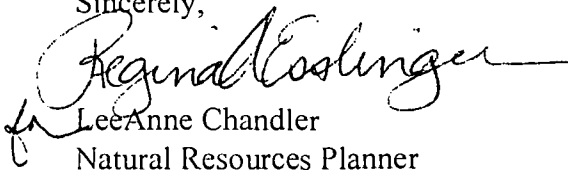
Dear Mr. ^{Kevin:} Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a shed with less setbacks than required. The lot is designated IDA and is currently developed with a single family dwelling and driveway.

This office has no comment on the setback issue. Because this lot is in an IDA, the 10% pollutant reduction rule must be addressed. Usually, on lots of this size, native plantings are sufficient to meet the 10% 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

LACP/jjd

cc: AA479-99

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





Judge John C. North, II
Chairman

Ren Serey
Executive Director

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September 13, 1999

Kevin Dooley, Chief, Zoning
Department of Planning and
Code Enforcement
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

RE: Variance 1999-0372-V, Centenary United Methodist Church


Dear Mr. ^{Kevin:} Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a building with less setbacks than required. The parcel is designated LDA and is currently developed with a church, cemetery, and parking lot.

Because there will be a net decrease in impervious surfaces and no clearing is involved, 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
Natural Resources Planner

LACP/jjd

cc: AA478-99

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





Judge John C. North, II
Chairman

Ren Serey
Executive Director

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September 13, 1999

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

RE: Variance 1999-0371-V, Mark Misener

Dear Mr. ^{Kevin}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 lot is designated LDA and is currently developed with a single family dwelling and driveway.

Because impervious surfaces are not an issue, this office has no comment on the setback issue. Any vegetation that 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,


for LeeAnne Chandler
Natural Resources Planner

LACP/jjd

cc: AA477-99

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

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Judge John C. North, II
Chairman

Ren Serey
Executive Director

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September 13, 1999

Kevin Dooley, Chief, Zoning
Department of Planning and
Code Enforcement
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

RE: Variance 1999-0365-V, Raymond Hiebler


Dear Mr. ^{Kevin} 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 lot width than required. The lot is designated IDA and is currently developed with a single family dwelling and driveway.

This office has no comment on the lot width issue. Because this lot is in an IDA, the 10% pollutant reduction rule must be addressed. Usually, on lots of this size, native plantings are sufficient to meet the 10% 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,


for LeeAnne Chandler
Natural Resources Planner

LACP/jjd

cc: AA476-99

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

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



Judge John C. North, II
Chairman



Ren Serey
Executive Director

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September 14, 1999

Kevin Dooley, Chief, Zoning
Department of Planning and
Code Enforcement
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

RE: Variance 1999-0361-V, Thomas Norris

Dear Mr. ^{Kevin} Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit an addition with less setback and Buffer than required. The property is designated LDA and is currently developed with a large dwelling and driveway.

Because this lot is encumbered almost entirely by the expanded Buffer and because the proposed addition appears to be a reasonable expansion of living space, this office does not oppose the variance requested. Mitigation in the form of native plantings should be provided at a 3:1 ratio for all new disturbance within the expanded Buffer.

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

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler for".

LeeAnne Chandler
Natural Resources Planner

LACP/jjd

cc: AA474-99

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
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Ren Serey
Executive Director

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September 16, 1999

Mr. Andy Hanas
DNR - Engineering & Construction
Tawes Building, D-3
580 Taylor Ave.
Annapolis, MD 21401

RE: Hallowing Point Boat Ramp Parking Lot Improvements

Dear Mr. Hanas:

Thank you for providing information on the above referenced project. Due to the fact that there will be no increase in impervious surfaces, it will not need formal Critical Area Commission review and approval. Staff has reviewed the final 10% Rule calculations and found that the project is consistent with the Critical Area regulations for State-owned lands in areas of intense development.

No further action by the Commission is required on this project unless it significantly changes. After the parking lot is constructed, we would be interested in hearing how the porous pavers are working, i.e., how they hold up to high tide, what type of maintenance is required, etc. Thanks again to you and your consultant for coordinating this project with our office.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: Bill Ashby, Century Engineering
Tom Schanno, DGS
DNR 018-99

Branch Office: 31 Creamery Lane, Easton, MD 21601
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TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450

Judge John C. North, II
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Ren Serey
Executive Director

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September 13, 1999

Mr. Robert Tabisz
Maryland Department of the Environment
Water Mgmt. Admin., Tidal Wetlands Division
2500 Broening Highway
Baltimore, Maryland 21224

RE: Critical Area Workshop - October 12, 1999

Dear Mr. Tabisz:

Thank you in advance for your participation in the Critical Area workshop to be held at Adkins Arboretum on October 12, 1999. I have enclosed the most recent agenda for the day. From the registration forms I've received so far, it appears that the audience will be County and Town planners as well as a few consultants and Critical Area Commission members.

As you can see, the session on shore erosion control will be held immediately following lunch from 12:30 to 1:30 pm. I plan on giving a brief introduction, a summary of the Critical Area regulations for shore erosion control, and a few words on protecting the Buffer during shore erosion control construction. It would be useful if you could go over the application process, the various shore erosion control measures and how to determine the right measure for a particular site. A large portion of the audience will be from the Eastern Shore, so you may wish to tailor your presentation to the environmental features commonly seen on the shore. Lastly, Rob Schnabel from ESA, Inc. will give a presentation on some innovative methods, including marsh creation and the use of coconut fiber rolls or "bio-logs" to stabilize a shoreline.

Please contact me if I can be of any assistance in the preparation of your presentation. When we spoke on the phone, you had mentioned that the prepared MDE slide presentation was missing. We have many slides in our office if it has not been found. I can be reached at (410) 260-7035. Thank you again for your assistance with this workshop.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

September 13, 1999

Mr. John Swartz
Calvert County Planning & Zoning
150 Main Street
Prince Frederick, Maryland 20678

RE: Grading Permit, Lot 117, St. Leonard Shores

Dear Mr. Swartz:

Thank you for providing information on the above referenced grading permit. The applicants are proposing to clear 19,179 square feet of forest in order to building a single family dwelling on a 4.89 acre lot.

Commission staff has reviewed the plans and does not oppose the approval of a grading permit. It appears that the level of forest clearing, 9.79% of the total forest on site, is below the maximum of 30% in accordance with Section 4-8.07 of the Calvert County Zoning Ordinance. Mitigation should be provided for this clearing on a 1:1 basis. It does appear however, that the amount of clearing could be further minimized if the applicant would consider condensing the limits of disturbance, especially along the back of the house.

Thank you for the opportunity to comment on this application. If you have any questions or comments, or if the proposed project changes significantly, please contact me at (410) 260-7035.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: CA465-99

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
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September 10, 1999

Mr. Doug Wetmore
Charles County Planning & Growth Management
P.O. Box B
La Plata, Maryland 20646

RE: Building Permit, Lands of Dennis Woodruff

Dear Mr. Wetmore:

Thank you for providing information on the above referenced building permit. The applicants are proposing to construct a single family dwelling on a property adjacent to a designated Natural Heritage Area (NHA-19).

With regard to protection of the NHA, this office defers to the expertise of the Heritage Division of the Department of Natural Resources. From the site plan it appears that the property is currently in agricultural use and already has a trailer on it. Because the house is proposed well out of the Buffer and involves no clearing of forest, this office does not oppose the granting of the building permit. The 15% afforestation requirement should be addressed at the time of building permit approval.

Thank you for the opportunity to comment on this application. If you have any questions or comments, or if the proposed project changes significantly, please contact me at (410) 260-7035.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: CS458-99

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

September 8, 1999

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

Mr. Jonathan A. McKnight
Heritage and Biodiversity Conservation Program
Maryland Department of Natural Resources
580 Taylor Ave., E-1
Annapolis, Maryland 21401

RE: Canoe Storage Rack at Warrior's Rest in Calvert County

Dear Mr. McKnight:

Thank you for providing information on the above referenced proposal. As you know, because this project is proposed on State-owned lands, Critical Area Commission review is necessary. Commission staff has reviewed the sketch plan and has seen the site. This office recommends that the canoe rack be placed outside of the required 100-foot Buffer. This Buffer is measured from the edge of the tidal wetlands surrounding Parkers Creek as well as the Chesapeake Bay. It seems that a location adjacent to the existing building would be ideal for the canoe rack. The area is already used for some storage and it would reduce disturbance and activities within the 100-foot Buffer.

Usually, projects such as this one are reviewed by Commission staff and formal review and approval by the Critical Area Commission are not necessary. If this project as currently presented was proposed on County or privately-owned land, it would require a variance from the local Critical Area Buffer regulations from the local Board of Appeals. Because this project is on state-owned lands and there is no variance process, it requires formal Commission review and approval under COMAR 27.02.06 "Conditional Approval of State or Local Agency Programs in the Critical Area." In order to be considered under this section of the regulations, it must be shown that the site has special features or there are special circumstances such that the enforcement of the Critical Area regulations would prevent a project from being implemented. As stated above, it appears that there are alternative locations for the canoe rack that would fully comply with all regulations. As you clearly stated in your letter, it is important that the State set a good example for our neighbors.

Commission staff recommends that an alternative location, outside of the 100-foot Buffer, be considered for the canoe rack. If this is possible, please provide this office with a rough sketch showing the new location. If the location remains as proposed, please contact me to put this project on the Commission agenda. Thank you for the opportunity to review this project. Please forward additional or revised information as it becomes available. If you have any questions or concerns, please contact me at (410)260-7035.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

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



John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

August 27, 1999

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

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

RE: Variance 1999-0350-V, Kathy Piera

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a common easement access with less width than required. The property is designated RCA and is currently developed with two single family dwellings. Although the Critical Area report states that the property is within a Buffer exemption zone, only three small sections (i.e., where existing development is within the Buffer) of the extensive shoreline are Buffer exempt.

Because two dwellings already exist on this property and the common driveway is already in use, this office has no comment on this variance request. With regard to the redevelopment of Lot 1, the site plan shows a mound septic system (and its two replacement locations) proposed within the 100-foot Buffer. Septic systems are not permitted within the Buffer. Though information on results of the perc tests was not provided, this office recommends that the applicant examine alternative locations for the new septic system. This may have an effect on the subdivision of this parcel. If the location of the septic system remains within the Buffer, this will require a variance from the Critical Area Buffer regulations. This office would appreciate the opportunity to provide comments on such a variance request. Also, please note that although the overall amount of proposed clearing warrants replacement on a 1:1 ratio, a portion of the proposed clearing is within the 100-foot Buffer and would require replacement 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 this variance. If additional or revised information becomes available, please forward it to this office for further review. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA444-99

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



John C. North, II
Chairman



Ren Serey
Executive Director

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

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August 27, 1999

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

RE: Variance 1999-0349-V, Jeffrey Weber

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. 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, impacts should be minimized as much as possible. Over 50% of the lot is proposed to be cleared. Some mitigation should be provided on-site to revegetate those areas cleared for grading. Mitigation should occur 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,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA443-99

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



John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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August 27, 1999

Ms. Roxana Whitt
Calvert County Planning & Zoning
150 Main St.
Prince Frederick, Maryland 20678

RE: Variance Case No. 99-2579, Rubio Jolauta & Marian Zaczekiewicz

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a 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. However, impacts must be minimized as much as possible. It appears that the house is proposed to be on the steepest portion of the site. It is recommended that the house be moved forward, towards Santa Cruz Lane, to reduce the amount of clearing and grading on steep slopes. This office is concerned that the extensive proposed clearing will cause future erosion problems. Mitigation should be provided for all disturbance as required by 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
Natural Resources Planner

cc: CA439-99

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

August 27, 1999

Ms. Roxana Whitt
Calvert County Planning & Zoning
150 Main St.
Prince Frederick, Maryland 20678

RE: Variance Case No. 99-2550, Hank Fallek

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a detached garage on steep slopes within the expanded Buffer. The property is currently developed with a single family dwelling, gravel driveway and shed.

From the site plan provided, it is difficult to assess the impacts of this proposed garage. This office recommends that an alternative location, perhaps an area adjacent to the house that has already been graded, be considered for the garage. Additional clearing and grading should be avoided. Because this garage will be in the expanded Buffer, this office recommends mitigation for all disturbance 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,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: CA440-99

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

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

John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

August 26, 1999

(410) 260-7516

Fax: (410) 974-5338

Mr. Rudy Espinoza
Worcester County Planning, Permits & Inspections
Room 116, Court House
One West Market Street
Snow Hill, MD 21863-1070

RE: Potential Mapping Mistake, response to Growth Allocation question

Dear Mr. Espinoza:

This office is in receipt of your letter dated August 24, 1999 with regard to the return of growth allocation in the case of a finding of a mapping mistake. Growth allocation could be returned to the County's reserve if a mapping mistake is found and approved by the Critical Area Commission. It would not be returned if the correct designation (as determined by the County) is Limited Development Area (LDA), while the growth allocation was used to change the designation to Intensely Developed Area (IDA). It could be returned if the new designations match. The return of growth allocation would occur only at the request of the County; it would not occur automatically if the mapping mistake was approved.

Also, please be aware that if a mapping mistake is found and an area currently designated Resource Conservation Area (RCA) is redesignated LDA or IDA, the overall amount of growth allocation for the County will decrease (this of course could be offset by a return of growth allocation). The amount of growth allocation is 5 percent of the acreage of RCA within a local jurisdiction. If, for example, 20 acres of RCA are redesignated IDA, then the County's total amount of growth allocation would decrease by one (1) acre.

Also, I want to take this opportunity to provide further clarification of the required findings to determine a mapping mistake. In developing their Critical Area programs, local jurisdictions were required to determine, **based on land uses and development in existence on December 1, 1985**, which land areas fall within the three types of development areas. The Worcester County Critical Area Program provides specific mapping standards for each of the designations. In preparing their Critical Area maps, local jurisdictions used aerial photographs, on-site inspections, and land use and zoning maps. The actual physical condition of the land was used as a basis for its designation. For example, a 100-acre parcel may have been zoned industrial but was vacant and completely forested on December 1, 1985. It is likely that this parcel would have been correctly designated RCA. Zoning, by itself, is not a basis for determining the correct designation, rather it is the developed uses physically on the site.

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

Mr. Rudy Espinoza

Page 2

August 26, 1999

Another important issue to consider are those parcels which contain State or private tidal wetlands. For example, a 10-acre RCA parcel may contain 5 acres of upland and 5 acres of tidal wetlands. The upland portion is heavily developed and has been since December 1, 1985. It would be appropriate to consider a mapping mistake on the upland portion of the parcel but not on the wetland portion of the parcel. Tidal wetlands should be designated RCA. The final result in this hypothetical example would be a parcel with 5 acres IDA and 5 acres RCA.

I hope this information and my letter dated August 20, 1999 are useful to you and the Planning Commission as you consider this potential mapping mistake. Please contact me at (410) 260-7035 if you have any questions or would like additional information.

Sincerely,



LeeAnne Chandler

Natural Resources Planner

cc: Worcester County file

John C. North, II
Chairman



Ren Serey
Executive Director

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

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

August 26, 1999

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

RE: Variances 1999-0351-V and 1999-0352-V, Donald Messenger

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance applications. The applicant is requesting variances to permit dwellings with less setbacks and Buffer than required. The properties are designated LDA and are currently undeveloped.

Provided these lots are properly grandfathered, this office does not oppose the siting of two single family dwellings on them. However, impacts should be minimized as much as possible. Due to the constraints of the site, it appears that any development on these lots will require a variance. While some lot consolidation has occurred, building one dwelling rather than two would reduce impacts. Clearing on these lots is proposed to be over 50% of the forest on site. It appears that clearing could be further reduced. (Clearing this much of the site may result in ponding in this already wet area.) With the entire site being so flat in topography, it is not clear how stormwater will flow towards the proposed retention structures. Mitigation should be provided at a 3:1 ratio for all disturbance.

Also, please note, the letter of authorization from the Maryland Department of the Environment (MDE) included in the Critical Area report expired June 5, 1999. A new letter of authorization should be obtained from MDE prior to final local 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 in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA445-99

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



John C. North, II
Chairman



Ren Serey
Executive Director

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

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

August 26, 1999

(410) 260-7516

Fax: (410) 974-5338

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

RE: Variance 1999-0356-V, Schultz and Santin

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicants are requesting a variance to permit additions with less setbacks than required. The property is designated LDA and is currently developed with a single family dwelling, carport and detached garage.

Because it appears that there will be no increase in impervious surfaces and no clearing of existing vegetation, this office has no comment on the variance requested.

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,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA447-99

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

John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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August 26, 1999

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

RE: Variance 1999-0358-V, Herman Majerowicz

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicants are requesting a variance to permit an addition to an accessory structure with less setbacks and on a lot without a principal structure. The property is designated LDA and is currently developed with a garage.

Because it appears that impervious surfaces are not an issue and no clearing of existing vegetation will occur, this office has no comment on the variance requested. If vegetation is removed during the course of construction, it is recommended that mitigation be provided on a 1:1 ratio.

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

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA448-99

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

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



John C. North, II
Chairman



Ren Serey
Executive Director

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

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

August 26, 1999

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

RE: Variance 1999-0348-V, Julian Samuels

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicants are requesting a variance to permit dwelling additions with less setbacks than required. The property is designated IDA and is currently developed with single family dwelling and driveway.

Because this property is designated IDA, Buffer Exempt and the proposed additions are no further waterward than the existing dwelling, this office has no comment on the setback issue. However, the 10% pollutant reduction rule must be addressed. Usually, on lots of this size, plantings are sufficient to meet the 10% requirement. However, with the amount of impervious surfaces on this lot, it is questionable whether this will be adequate. Other stormwater management facilities may be necessary. This should be addressed prior to variance approval. Also, despite the lot being IDA, mitigation is required for new impervious surfaces within the 100-foot Buffer at a 2:1 ratio in accordance with Section 1A-109 c (5) of 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,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA442-99

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

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

John C. North, II
Chairman



Ren Serey
Executive Director

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

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

August 26, 1999

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

RE: Variance 1999-0355-V, Stephen Mackowiak

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 and on steep slopes. The property is designated LDA and is currently developed with single family dwelling, patio, carport and driveway.

Because the addition appears to be of reasonable size and is being placed partially over existing impervious surface, this office does not oppose the variance requested. Impacts to the Buffer should be minimized as much as possible. Mitigation should be provided at a 3:1 ratio for disturbance 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,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA446-99

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

George John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

August 26, 1999

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

RE: Variance 1999-0322-V, Richard Duvall

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit dwellings on lots with less width at the front building line, less lot area and less setback than required. The property is designated LDA and is currently developed with two (2) single family dwellings and a driveway.

Because two dwellings already exist on this property, this office does not oppose the variances requested. Please note that the impervious surface limit has already been exceeded on this parcel as a whole. It appears that any future development on the proposed lot 19A will require a variance from the impervious surface limits.

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,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA425-99

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

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

John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

August 25, 1999

Mr. Albert P. Cohen
Town Manager
Municipal Building
P.O. Box 348
Snow Hill, Maryland 21863

RE: Critical Area 100' Buffer Tree Cutting Violation
Tax Map 200, Parcels 139 and 142

Dear Mr. Cohen:

It has recently come to our attention that a Buffer violation, dating back to July of 1998 has gone unresolved for more than a year. A property owner cut trees and removed natural vegetation within the Critical Area 100' Buffer. The violation was called into this office by a concerned citizen. Local and state representatives inspected the site on July 21, 1998. At that time, it was agreed upon that the situation would be pursued by the Town as a violation of its Critical Area Program. Despite numerous attempts by the Town's circuit rider, Ms. Tracey Greene, this incident has not been pursued by the Town. The Critical Area Commission is concerned by the Town's lack of enforcement action.

The 100-foot Buffer is the cornerstone of the Critical Area Program. The Buffer provides an area of infiltration between development and the water to provide protection of water quality and fish, wildlife and plant habitat. In establishing the 100-foot Buffer, the General Assembly acknowledged the cumulative impacts of shoreline development and aimed to minimize further adverse impacts to the water quality and natural habitats of the shoreline and adjacent lands. So rather than examine the impacts of each particular tree removed, we must look at the cumulative impacts if every shoreline property owner removed all the trees and vegetation from their Buffer. By failing to address this unauthorized tree cutting and clearing within the Buffer, it gives the impression to other waterfront property owners that this type of activity is permissible. The Critical Area regulations specifically state that the Buffer shall be maintained in natural vegetation. Creating a lawn where woodlands once existed is not acceptable.

This office strongly encourages the Town to take action on this outstanding violation under the provisions of its Critical Area Program. Autumn is the ideal time of year to plant trees and shrubs. The Governor's Smart Growth initiative has increased the public focus on municipalities

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



Mr. Albert Cohen

Page 2

RE: Buffer Violation

and is encouraging important investments in Towns. Towns, like all the Counties, are responsible for implementing their Critical Area program as required by State Law.

Please keep this office informed of the action taken on this violation. If assistance is needed, please contact Tracey Greene at (410) 749-4618 or me at (410) 260-7035. Thank you for your attention to this matter.

Sincerely,



LeeAnne Chandler

Natural Resources Planner

cc: Joe Jackson, Worcester County Commission Member
Jim Doughty, Code Enforcement Officer
Tracey Green, Regional Planner/Circuit Rider

John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

August 24, 1999

(410) 260-7516

Fax: (410) 974-5338

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

RE: Variance Case No. 1999-0330-V, Jeff Halpern

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to disturb steep slopes in the Critical Area for construction of a driveway. The property is designated RCA 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 as much as possible. The soils on this site are identified as Monmouth fine sand loam, 15 to 40 percent slopes (MvE), Monmouth clay loam, 5 to 10 percent slopes, severely eroded (MwC3), and Monmouth clay loam, 10 to 15 percent slopes, severely eroded (MwD3). These soils are listed as highly erodible by the Anne Arundel County Soil Survey. It may be appropriate to expand the Buffer on this site for highly erodible soils. If so, a Buffer variance would also be necessary. If it is determined that a Buffer variance is necessary, this office would appreciate the opportunity to provide additional comment.

With regard to the variance to disturb steep slopes for a driveway, it appears that the driveway is not located in the easement provided by deed to the owners of Lot 3. In trying to determine the grandfathered status of lot 3 (because Parcel 327 is shown without any lots on the tax maps in our office), the deed for lots 1 and 2 (liber 7886, folio 431) was examined. The deed, dated April 30, 1997, appears to provide for an access easement to the owners of lot 3. It states, "The easement shall be over the existing gravel driveway for a distance of 65 feet from Mountain Laurel Lane, and then leaving the existing gravel drive and running west northwest to intersect the common boundary with the Second Parcel (lot 3)." If the new driveway was located 65 feet down the existing drive on lots 1 & 2, it appears that disturbance to steep slopes could be completely avoided, thus eliminating the need for a variance.

Also, the deed continues to state, "This easement is personal to Edith Gordine Blount, Clarence W. Blount, and their children, and shall be extinguished at such time as they, either jointly or individually, own less than 100% of the ownership of the Second Parcel (lot 3)." It is not clear

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Mr. Kevin Dooley
Page 2
Variance 1999-0330-V

who owns lot 3 because the owner listed on the County application printout died November 12, 1988. The specific legal details of the easement and this lot in general are not clear. This should be clarified prior to variance approval.

Again, as stated above, provided this lot is properly grandfathered, this office does not oppose the siting of a single family dwelling on it. It appears, through the current easement or other easement negotiation, that disturbance to steep slopes could be avoided. This office recommends that the applicant attempt to avoid the steep slopes.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. If additional or revised information becomes available, please submit it to this office for further review. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



LeeAnne Chandler
Natural Resources Planner

cc: AA421-99

John C. North, II
Chairman



Ren Serey
Executive Director

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

August 23, 1999

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

RE: Variance 1999-0284-V, James Sherman - **ADDITIONAL COMMENTS**

Dear Mr. Dooley:

Please accept these additional comments on the above referenced variance application. The applicant is requesting a variance to permit a dwelling with less Buffer than required. The property is designated LDA and is currently undeveloped. The entire lot is within the Buffer due to the presence of non-tidal wetlands and a tributary stream.

It has come to our attention that this parcel may not be grandfathered under the Critical Area regulations. According to the Critical Area report and the site plan, the subject property is Tax Map 40, Block 24, Parcel 235. According to the County printout accompanying the application, the subject property is Tax Map 41, Block 13, Parcel 48. I have reviewed the deed referenced on the application (Liber 6333, Folio 111). It appears that at one time Parcel 235 contained approximately 56 acres. Over the years, pieces of the parcel were conveyed to other parties, including the Federal government and the State Highway Administration. According to the deed, which was recorded October 1, 1993, the present property owner, James Sherman, purchased the property and paid an agricultural transfer tax for 7.136 acres (tax account no. 03-000-17467800). Further, after visiting the County tax assessors office, it appears that in 1997, 0.54 acres were separated from the parent parcel (tax account no. 03-000-17467800) and given a new parcel number and new tax account no. (03-000-90097992). Thus, it appears that this parcel may not be grandfathered.

If this parcel is not properly grandfathered, this office opposes the variance requested. New lots within the Critical Area must fully comply with all Critical Area regulations. Creating a lot which requires a variance in order to be developed does not meet the standards set forth in the County's Zoning Ordinance for Critical Area variances, nor does it meet the standards set forth in COMAR 27.01.11.

Thank you for the opportunity to submit additional comments. Please include this letter in your file (along with our previous letter) and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA383-99

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

John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

August 20, 1999

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

Mr. Rudy Espinoza
Worcester County Planning, Permits & Inspections
Room 116, Court House
One West Market Street
Snow Hill, MD 21863-1070

RE: Potential Mapping Mistake

Dear Mr. Espinoza:

I have enclosed information which you may find useful with regard to correcting the potential mapping mistake that we have discussed. Case law has established the standards used to determine whether there was a mistake in the existing zoning. Please see *Bellanca v. County Commissioners*, 86 Md. App. 219, 229-233, *cert. denied* 323 Md. 33 (1991) for a full discussion of this topic. I have enclosed a copy of this case and have highlighted the areas which you may find of interest.

If the Planning Commission finds that there is strong and compelling evidence that a mistake was made in the original mapping (based on the mapping standards found in the Worcester County Critical Area Program), such findings should be forwarded to the County Commissioners. The County Commissioners, as the local approving authority, may grant a Critical Area map amendment only on proof of mistake. The mapping standards set forth in the County's program should also be used in determining, if necessary, the correct Critical Area designation. It would be appropriate, as with all rezonings, to hold a public hearing and to notify affected property owners. After findings and a final decision are made by the County Commissioners, a request for a map change should be sent to the Critical Area Commission for approval as a change to the County's Critical Area Program.

I have enclosed a copy of a staff report for a recent mapping mistake that was brought to the Commission by Queen Anne's County. As you will see, the specific findings made by the Planning Commission were provided as supporting evidence of the mistake and as evidence of what the parcel should have been designated. This particular mapping mistake was approved as a refinement to the County's Program by Chairman North.

I hope you find this information useful. Please let me know when the Planning Commission and County Commissioners will be considering this issue, as I would like to attend those meetings. If you have any questions or would like additional information, please contact me at (410) 260-7035.

Sincerely,

A handwritten signature in cursive script that reads "Lee Anne Chandler".

LeeAnne Chandler
Natural Resources Planner

enc.

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

John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

August 19, 1999

(410) 260-7516

Fax: (410) 974-5338

Ms. Karen Wiggen
Charles County Planning & Growth Management
P.O. Box B
La Plata, Maryland 20646

RE: FID and Bald Eagle Conservation Guidelines

Dear Ms. ~~Wiggen~~ *Karen*:

I have enclosed two documents for your use as you continue the Comprehensive Review of the Charles County Critical Area Program. The first, *Bald Eagles in the Chesapeake: A Management Guide for Landowners*, contains the drawing showing the recommended protection zones for Bald Eagle nest sites. It also contains other useful information that can be reproduced for affected property owners.

The second document is the **DRAFT** of *A Guide to the Conservation of Forest Interior Dwelling Birds in the Chesapeake Bay Critical Area*. As you know, the Critical Area regulations require local jurisdictions to protect FIDs and conserve their habitat. The first FID guidance paper was written in 1986 and included a list of protected species and general protection guidelines. The enclosed guidelines are meant to update the original guidance paper and provide a recommended method of conserving FIDs, based on the experience gained during the last 14 years of Critical Area implementation. Commission staff is available to work with the County to discuss these guidelines or other conservation options. As stated above, these guidelines are in draft form. In the next few months, they will be presented to the Commission for their approval and also sent to local jurisdictions for review.

I hope you find this information useful. If you have any questions or would like additional information, please contact me at (410) 260-7035. Also, if you have specific questions on the FID guidance paper, please contact Claudia Jones, our Science Advisor, at (410) 260-7018.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: Charles Comp. Review 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

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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

August 19, 1999

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

RE: Variance 1999-0331-V, John and Lois Simpson

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit an attached garage with less setback than required. The property is designated LDA, is Buffer Exempt and is currently developed with a single family dwelling, detached garage and driveway.

It appears that the construction of the proposed garage and removal of the existing garage and driveway will result in a net decrease in total impervious surface area on this lot. This office does not oppose the variance requested, on the condition that the areas where impervious surfaces are removed are restored and revegetated to ensure perviousness. New impervious surfaces within the Buffer should be mitigated at a 2:1 ratio in accordance with the County's 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
Natural Resources Planner

cc: AA426-99

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

George John C. North, II
Chairman



Ren Serey
Executive Director

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

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
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August 19, 1999

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

RE: Variance 1999-0336-V, Lawrence

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 disturbance to steep slopes and 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 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. From the site plan provided, it appears that a house of similar size and layout could be accommodated on the flatter (i.e., towards the road) part of the site. This would eliminate much of the grading and perhaps reduce the amount of clearing. At its present location, the proposed house appears to be located at the top of a ravine-like area. With the highly erodible soils on this site, it is likely that this area would become eroded in the future after clearing and construction of the house in its presently proposed location.

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 at a 3:1 ratio for all disturbance in the expanded Buffer 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,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA428-99

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

George John C. North, II
Chairman



Ren Serey
Executive Director

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

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August 19, 1999

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

RE: Variance 1999-0340-V, Bruce and June Allen

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 disturbance to steep slopes and less setbacks and Buffer than required. 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. Impacts to steep slopes and the extended Buffer should be minimized as much as possible. Strict sediment and erosion controls should be provided during construction. Mitigation should be provided 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,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA430-99

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

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

John C. North, II
Chairman.



Ren Serey
Executive Director

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

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

August 19, 1999

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

RE: Variance 1999-0332-V, Jill and Robert Somers

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a deck with less setbacks and Buffer than required. The property is designated LDA, is Buffer Exempt and is currently developed with a single family dwelling and a detached garage.

In order to minimize impacts to the Buffer, it is recommended that this deck be scaled down to reasonable rectangular proportions. As proposed, the deck will intrude 26 feet further into the Buffer than the existing dwelling. In addition, the site sketch shows a spa existing on a pad, closer to the water than the dwelling. When was this spa placed in this location? Was it placed on existing impervious surface? If not, it may be appropriate to require a variance for it or require it to be moved no closer to the water than the existing dwelling. Mitigation should be provided for disturbance in 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 of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA427-99

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

August 19, 1999

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

RE: Variance 1999-0338-V, Michael Cohn

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a deck addition and screened porch with less setbacks and Buffer than required. The property is designated LDA, is Buffer Exempt and is currently developed with a single family dwelling with garage, several retaining walls and a path to the water.

In order to minimize impacts to the Buffer, it is recommended that this deck be scaled down. It is expanding an already existing deck to a large 32' by 20' deck plus a screened patio. This office often does not oppose decks of reasonable size, provided impacts to the Buffer are minimized and the variance requested is the minimum to provide relief. It appears that the amount of impact could be reduced while still providing a reasonable expansion of living space. Mitigation should be provided for disturbance in 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 of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA429-99

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

George John C. North, II
Chairman



Ren Serey
Executive Director

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

August 18, 1999

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

Mr. Rick Dwyer
Salisbury/Wicomico County
Dept. of Planning, Zoning, and Community Development
P.O. Box 870
Salisbury, Maryland 21803

RE: Brew River Site Plan

Dear Mr. ^{Rick} Dwyer:

Thank you for providing the site plan and Critical Area report for the proposed Brew River Restaurant. Commission staff has reviewed the information provided. It appears that the proposed stormwater management (i.e., the french drain in the eastern corner of the site) will be adequate to meet the 10% pollutant reduction requirement for this property. However, with regard to the 10% worksheet provided, I wanted to bring the following to your attention. First, in calculating the pre- and post-development pollutant load, the I_{pre} and I_{post} figures (site imperviousness) should be a whole number. For example, pre-development the site is 20% impervious so the I_{pre} should have been 20 instead of 0.20. Post development the I_{post} should have been 35.2 instead of 0.352. This has increased the pollutant removal requirement to 1.55 lbs. In using the revised numbers with the proposed BMPs, it appears that the french drain will remove 1.83 lbs., thus meeting the 10% requirement. Pollutant removal "credit" cannot be given for the grass swale, as this BMP is offsite and already in existence. I have enclosed revised 10% worksheets with these corrections for your use.

Also, in reviewing the site plan, it appears that the drainage area served by the onsite stormwater facility is less than 93% of the site. The corner which will drain offsite, by my rough measurements is approximately 5000 square feet, or 10.4% of the site. If the french drain serves only 89.6% of the site, the 10% requirement will still be met but the additional stormwater flow from this site may be an issue for the City of Salisbury's Public Works Department.

Lastly, as you know, this site is within a Buffer Exemption Area (BEA). In accordance with the City of Salisbury's Critical Area Program and Ordinance, development within a BEA requires offsets as listed in SS149-12 (C)(5) to mitigate impacts to the Buffer. The area between the building and the water is required to be established in natural vegetation. This office requests the opportunity to review the proposed landscaping plan for this site.

Thank you for the opportunity to review this site plan. Please forward a copy of the landscaping plan when it is submitted. If you have any questions or concerns, please contact me at (410) 260-7035.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: SA431-99

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

idge John C. North, II
Chairman



Ren Serey
Executive Director

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

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

August 9, 1999

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

RE: Variance 1999-0323-V, Bateman Builders

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 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 as much as possible. The two different site plans provided have two different proposed clearing amounts. This office recommends that the limits of clearing be kept as close to the proposed dwelling (as shown on the signed plans). Mitigation should be provided for all disturbance within the expanded Buffer at a 3:1 ratio.

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

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA409-99

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

August 9, 1999

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

RE: Variance 1999-0325-V, Stephen Michelsen

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 RCA 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 as much as possible. Limits of clearing should be kept as close to the proposed dwelling as possible. Mitigation should be provided for all disturbance within the expanded Buffer at a 3:1 ratio. From the site plan, it appears that there may be some room to accomodate some mitigation on site within the access easement.

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

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA411-99

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

August 9, 1999

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

RE: Variance 1999-0311-V, Naomi and David Parry

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 and is currently undeveloped.

The Critical Area report seems to request a variance to disturb steep slopes in the Critical Area while the application request is for a Buffer variance. It appears that the proposed dwelling will be within an expanded Buffer. Provided these lots are properly grandfathered, this office does not oppose the siting of a single family dwelling on them. However, impacts should be minimized as much as possible. As currently proposed, it does not appear that the variance requested is the minimum to provide relief. This office recommends that the house and garage be redesigned to reduce impacts to this sensitive site. Also, due to the steepness of this site, stormwater management should be provided to minimize future erosion problems. Mitigation should be provided for all disturbance within the expanded Buffer at a 3:1 ratio (similarly the proposed level of clearing -- 32%-- requires mitigation at a 3:1 ratio). The reforestation fees as stated on the site plan are incorrect. They should be assessed at \$1.80 per square foot or a total of \$17,089.49 for the currently proposed plan.

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

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA407-99

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

August 5, 1999

Mr. Andy Hanas
Engineering & Construction Program
Maryland Department of Natural Resources
Tawes State Office Building, D-3
Annapolis, MD 21401

RE: Smallwood State Park Marina Parking Lot Expansion

Dear Mr. Hanas:

At its meeting on August 4th, 1999, the Chesapeake Bay Critical Area Commission approved, with one condition, the proposed marina parking lot at Smallwood State Park in Charles County. The condition is as follows: final approval of all stormwater and sediment and erosion control permits by the Maryland Department of the Environment. Also, attached, please find a copy of the "Planting Agreement for State Projects" which I have completed for this project. This is a new effort on the part of the Commission to ensure plantings do occur. Two annual site visits will be conducted by Commission staff to ensure that the trees survive for at least two growing seasons.

Thank you and your consultant for your kind assistance in coordinating review and approval of the project by the Commission. If you have any questions or concerns, I may be reached at (410) 260-7035.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: Thomas Schanno, DGS (w/o att)
Timothy McShane, Brudis & Associates, Inc. (w/o att)
17-99

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

John C. North, II
Chairman



Ren Serey
Executive Director

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

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

August 5, 1999

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

RE: Variance 1999-0324-V, Lee and Georganna Carroll

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit an addition with less setbacks than required. The property is designated IDA, is Buffer Exempt and is currently developed with a single family dwelling, gravel driveway, sheds, patios and decks.

Although the Critical Area report seems to request a variance for additional impervious surfaces, it appears that such a variance is not necessary because the property is designated IDA. This office has no comment on the setback issue. However, the 10% pollutant reduction requirement must be addressed. On residential lots of this size, plantings are usually sufficient to meet this requirement. Also, because new impervious surfaces are being placed within the Buffer, mitigation at a 2:1 ratio should be provided.

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

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA410-99

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

John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

August 5, 1999

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

RE: Variance 1999-0320-V, Richard Merryman

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a deck with less setbacks and Buffer than required. The property is designated IDA, is Buffer Exempt and is currently developed with a single family dwelling, driveway and garage.

It is not clear from the site plan if there is already a deck on the water side of the dwelling. It is recommended that the existing deck (on the side of the house) be slightly expanded if possible, rather than further intruding further into the Buffer with a new deck. Because this parcel is designated IDA, the 10% pollutant reduction requirement should be addressed. 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 of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA408-99

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

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

John C. North, II
Chairman



Ren Serey
Executive Director

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

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

August 5, 1999

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

RE: Variance 1999-0321-V, West River Holding Company

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. The property is designated LDA and is currently undeveloped.

Provided this lot is properly grandfathered, this office does not oppose siting a single family dwelling on it. Impacts should be minimized as much as possible, and disturbance to the Buffer should be the minimum necessary to afford relief to the applicant. The plan depicts the dwelling to be 40 feet long. We recommend reducing the length of the dwelling in order to minimize encroachment. Mitigation at a 3:1 ratio should be provided for all new disturbance. Also, we recommend that a plat note alert future homeowners that this lot is within the 100 foot Buffer and that any future improvements must be approved by your department.

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

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA413-99

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

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



John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

August 5, 1999

(410) 260-7516

Fax: (410) 974-5338

Mr. Rick Dwyer
Salisbury-Wicomico County
Department of Planning, Zoning
and Community Development
P.O. Box 870
Salisbury, Maryland 21803-0870

RE: Kevin Green property

Dear Mr. Dwyer:

Thank you for keeping this office informed of the enforcement activities on the above referenced property. The property owner has filled tidal and non-tidal wetlands and has disturbed the Critical Area 100-foot Buffer. According to the site plan filed at the time the certificate of compliance was issued, the house was to be set back at least 100 feet from the edge of the wetlands. From the site plan that you have sketched, it appears that two-thirds of the house is located within the Buffer. Additionally, from the pictures of the site, it appears that significant clearing has taken place, in addition to the filling of the wetlands. In developing this property in this manner, the property owner has violated the conditions as stated on the signed Critical Area Certificate of Compliance. This office fully supports the County in pursuing this enforcement action.

Pursuant to §125-48 of the Wicomico County Zoning Ordinance, it appears that the County may pursue this violation as a misdemeanor and include fines or imprisonment upon conviction. It appears that the County has two options to remedy this situation. First, the County may require the applicant to apply for a variance from the Critical Area Buffer regulations. Second, the County may require the applicant to move the house and all associated development at least 100-feet from the original edge of tidal wetlands, remove all fill from the wetlands and reforest all cleared areas.

If the applicant applies for a variance from the Critical Area Buffer requirements, this office would recommend denial of such a variance. State and County Critical Area regulations establish strict standards which must be met in order to grant a variance. The proposed project does not meet the standards set forth in Section 27.01.11.01 of COMAR nor does it meet the principal criteria in Section 125-36 of the County's implementation ordinance. All of the standards must be met in order for a variance to be granted.

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

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

Mr. Rick Dwyer

Page 2

RE: Kevin Green property

1. Section 125-36.A addresses site features that are unique to the subject property or structure and the unwarranted hardship resulting from denial of the variance. To our understanding, there is nothing unique about this 7.48 acre property. Denial of this variance would not result in an unwarranted hardship because the property could have been developed without impacting the wetlands or Buffer. Unwarranted hardship results only when denial of an applicant's variance request would result in denial of all reasonable use of the property. As stated above, a house could have been easily accommodated without a variance from the Critical Area Buffer requirements. There is ample space on this 7.5 acre property to relocate the house.
2. Section 125-36.B 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 owners 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. New development activities are not permitted in the Buffer, unless they are water-dependent. Water-dependent facilities are those structures that require location at or near the shoreline. A house is not a water-dependent facility.
3. Section 125-36.C 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 within the Buffer.
4. Section 125-36.D addresses conditions or circumstances which are self imposed and conditions or circumstances related to adjacent properties. Obviously the need for this variance is self-imposed. The applicant has constructed his house in violation of the County and State Critical Area Law as well as the signed Critical Area Certificate of Compliance.
5. Section 125-36.E addresses adverse impacts to water quality and fish, wildlife, or plant habitat that may result from the granting of the variance and the consistency of the variance approval with the spirit and intent of the Critical Area Program. The construction of a house within the Buffer will adversely impact water quality by reducing the area available for infiltration and increasing the area that contributes to the quantity and velocity of stormwater runoff. Although it is literally impossible to measure impacts to water quality from this house, it is not necessary to do so. 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.

Mr. Rick Dwyer

Page 3

RE: Kevin Green property

In summary, this office would oppose a variance to allow this house to remain within the Critical Area Buffer. As shown above, the required variance standards can not be met. This office would recommend that the County require removal of all development within the 100-foot Buffer, restoration of the wetlands, and full reforestation for all areas cleared. A professionally surveyed site plan should be provided by the applicant to establish accurate wetland boundaries and associated Buffers.

This office is available to assist the County as necessary on this project. Please contact me at (410) 260-7035 if you have any questions or concerns.

Sincerely,



LeeAnne Chandler

Natural Resources Planner

cc: Marianne Mason, Esq.
MDE - Enforcement
ACOE - Enforcement

George John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

August 5, 1999

Mr. Edward Tudor, Planning Director
Worcester County Planning, Permits, & Inspections
Room 116, Court House
One West Market Street
Snow Hill, Maryland 21863-1070

RE: YMCA Growth Allocation request

Dear Mr. Tudor:

At its meeting on August 4, 1999, the Chesapeake Bay Critical Area Commission concurred with the Chairman's determination that the YMCA Growth Allocation qualifies as a refinement to the Worcester County Critical Area Program. Chairman North has approved this refinement to the County's Program. A total of 4.77 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 Worcester County program within 120 days of receipt of this letter.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: Worcester 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

August 5, 1999

Mr. Rudy Espinoza
Worcester County Planning, Permits, & Inspections
Room 116, Court House
One West Market Street
Snow Hill, Maryland 21863-1070

RE: YMCA Growth Allocation request

Dear Mr. Espinoza:

As you can see from the enclosed letter, Chairman North has approved the YMCA growth allocation request as a refinement to the County's Program. A total of 4.77 acres of growth allocation will be deducted from the County's reserve.

This office recommends that the building permit for this facility be conditioned on the use of native species for all landscaping within the Critical Area. The landscaping plan provided to this office included primarily non-native species. This should be corrected prior to building permit approval.

Thank you for attention to this matter. Please contact me at (410) 260-7035 if you have any questions or concerns.

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: WO216-99

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

George John C. North, II
Chairman



Ren Serey
Executive Director

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

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

August 5, 1999

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

RE: Special Exception 1999-0317-S, Holly Point Community Association

Dear Mr. Dooley:

Thank you for providing information on the above referenced special exception. The applicants are requesting a special exception to permit the expansion of a community pier.

As stated in our comments on County Variance Case No. 1999-0238, 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,

A handwritten signature in cursive script that reads "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

John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

August 5, 1999

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

RE: Variance 1999-0310-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 than required. 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, impacts including clearing and grading within the expanded Buffer must be minimized to the greatest extent possible. This office review two other plans for houses on this property under County Variance Case No. 1999-0026. The current plan appears to improve on previous plans by further minimizing the impacts to this site, though the limits of disturbance are not clearly identified. Mitigation in the form of native forest plantings should occur at a 3:1 ratio for the disturbance within the expanded Buffer 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,

A handwritten signature in cursive script that reads "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

George John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

August 5, 1999

Ms. Olivia Vidotto
Calvert County Planning & Zoning
150 Main Street
Prince Frederick, Maryland 20678

RE: SD-99-08, Holland Cliff Shore, Lot 1 - resubdivision

Dear Ms. Vidotto:

Thank you for providing information on the above referenced subdivision. Commission staff has reviewed the site plan. The proposed subdivision appears to be consistent with the Calvert County Critical Area Program. Any trees removed in the Critical Area should be replaced on a 1:1 ratio.

Thank you for the opportunity to provide comments. If you have any questions or concerns, please contact me at (410) 260-7035.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: CA402-99

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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August 3, 1999

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

RE: Griffen Property, 1999-0237-V REVISED PLANS

Dear Ms. Miley:

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, and stormwater management facility with less setbacks and Buffer than required and with greater height than allowed. 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 some of our previous concerns including slightly reducing impacts to the 100-foot Buffer, and slightly reducing the limit of disturbance. It appears that two stormwater management facilities are still proposed, including an outfall directly into tidal waters. If the footprint of the house was 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 disturbance within the 100-foot Buffer. It appears that there is space to provide some on-site mitigation 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,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA305-99

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

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

John C. North, II
Chairman



Ren Serey
Executive Director

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45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
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August 3, 1999

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

RE: Variance 1999-0284-V, James Sherman

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 Buffer than required. The property is designated LDA and is currently undeveloped.

Provided this parcel is properly grandfathered, this office does not oppose the siting of a single family dwelling on it. The tributary stream on this parcel is not clearly identified on the site plan, but it appears that much of the parcel would be within the 100-foot Buffer. Impacts to the Buffer should be minimized as much as possible. Would it be possible to shift the house further away from the wetland, to decrease impacts to the non-tidal wetland buffer? Mitigation should be provided for disturbance within the 100-foot Buffer to the tributary stream 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 this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA383-99

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

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

August 2, 1999

Ms. Roxana Whitt
Calvert County Planning & Zoning
150 Main Street
Prince Frederick, Maryland 20678

RE: Fences in the Buffer

Dear Ms. Whitt:

This letter is meant to resolve the issue regarding fences in the Buffer. It is my understanding that at some time in the past, the Commission opposed the granting of variances for fences in the Buffer because they were considered "structures" and were not water-dependent. I have been unsuccessful in my search for documentation of the reason for that position. To my knowledge, no other County requires variances for fences in the Buffer and the Commission has not opposed variances for fences for some time.

If the County wishes to change its policy and allow fences within the Buffer without a variance, this office would support the County in that decision. As indicated in our comments on Variance Case No. 98-2504 for a fence within the Buffer, provided that no grading or clearing within the Buffer will occur, this office would not oppose a variance for a fence. Fences, such as split-rail and chain link, typically involve little or no ground disturbance, can be installed by hand and generally do not disturb habitat within the Buffer. Excluded from this definition are structural walls which require foundations and installation with heavy equipment. These walls physically disturb the topography and ground cover of the site and should be discouraged within the Buffer. It may be appropriate for the County to establish guidelines or a policy for fences within the Buffer to provide clear directions to property owners.

Commission staff is available to meet with you if you would like to discuss this matter further. Please contact me at (410) 260-7035 if you have any questions or concerns.

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: Eddie Dichter
John Swartz
Regina Esslinger
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
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August 2, 1999

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
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Mr. Rick Dwyer
Salisbury-Wicomico County
Department of Planning, Zoning
and Community Development
P.O. Box 870
Salisbury, Maryland 21803-0870

RE: Cooper Landing Subdivision / Growth Allocation

Dear Mr. Dwyer:

Thank you for providing the environmental assessment report and the latest site plan for the Cooper Landing Subdivision. It is our understanding that this project has received preliminary approval for 24 acres of growth allocation. The Critical Area Commission will consider the growth allocation upon receipt of an official request from the County. Notwithstanding the growth allocation issue, there are still outstanding concerns regarding the plans for this subdivision.

1. While part of one subdivision proposal, the two sections of Cooper Landing must be considered separately for environmental assessment purposes. They are actually two separate non-contiguous parcels and mitigation and other requirements must be met on each parcel independent of the other. The mitigation listed in the report will need to be revised as I have listed in Numbers 2 and 3 below.
2. Section One of Cooper Landing will not require growth allocation provided it is developed with one (1) single family dwelling. It appears that impervious surfaces on this parcel will be only 0.30 acres or 1.3%. Forest clearing is proposed to be a maximum of 1 acre or 4.4%. Mitigation for this clearing should occur at a 1:1 ratio.
3. Section Two of Cooper Landing will require 24 acres of growth allocation to be developed at the proposed density. Proposed impervious surfaces total 3.16 acres or 13.2% of this parcel. This will provide only 0.44 acres of leeway for any future development (sheds, pools, additions, etc.) on all of these lots and future property owners should be properly notified. Proposed forest clearing totals 8.78 acres or 37.4% of the forest currently on this parcel. Section 125-20 (F)(5)(e) of the County's Critical Area ordinance states, "If more than thirty (30) percent of the forest on a site is cleared, the forest is required to be replanted at three (3) times the total area extent of the cleared forest. Required mitigation is therefore 26.34 acres.

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Mr. Rick Dwyer


Page 2

Cooper Landing Subdivision/ Growth Allocation

4. The environmental assessment report includes a letter dated May 1997 from the Department of Natural Resources stating that the forest on this site contains potential Forest Interior Dwelling Bird Habitat and lists the guidelines to be followed to protect this habitat. However, the report states that "No forest interior dwelling birds are likely present for the following reasons:...". Please provide a letter from a qualified professional or the Department of Natural Resources which confirms that no FIDs are present.
5. On page 4 of the report, it lists the existing conditions of the site. For Section One, it states that 22.71 acres are within the Critical Area, yet the tidal wetlands, cleared land, and forest acreages add up to 25.7 acres. Similarly, for Section Two, it states that 24 acres are within the Critical Area, yet the tidal wetlands, non-tidal wetlands, and forest acreages add up to 24.59 acres. This should be clarified. Only private tidal wetlands should be counted as part of the site. State tidal wetlands should not be included.
6. In the preliminary approval stages, the proposed growth allocation amount was 29.05 acres. How did the amount get reduced to 24 acres?
7. Please provide this office with a site plan reflecting the topography of the site. New development should not impact steep slopes (15% or greater).

Thank you for the opportunity to review this project and for arranging the site visit. Commission staff would be happy to meet with you and the applicant to resolve these issues without undue delay. Please contact me at (410) 260-7035 if you have any questions or concerns, or if you would like to arrange a meeting.

Sincerely,



LeeAnne Chandler

Natural Resources Planner

cc: WI403-97

John C. North, II
Chairman



Ren Serey
Executive Director

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

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

July 30, 1999

Ms. Roxana Whitt
Calvert County Planning & Zoning
150 Main Street
Prince Frederick, MD 20678

RE: Variance Case No. 99-2574, Anne Johnston

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance request. The applicant is requesting a variance to construct two additions to an existing house within the expanded Buffer and within the cliff setback. The property is designated LDA and is currently developed with a house, several retaining walls, and an extensive driveway.

Much of this lot is within the expanded Buffer and the cliff setback. Currently the lot has excessive impervious surfaces and any new impervious surfaces should be avoided. What type of material will be used to replace the driveway? Is it 100% pervious? If possible, the applicant should consider placing the additions over existing impervious surfaces. Impacts to the Buffer should be minimized as much as possible. Mitigation should be provided for the new disturbance within the Buffer 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 official record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: CA364-99

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

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

John C. North, II
Chairman



Ren Serey
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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July 30, 1999

Ms. Roxana Whitt
Calvert County Planning & Zoning
150 Main Street
Prince Frederick, MD 20678

RE: Variance Case No. 99-2567, Stephen Rhoades

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance request. The applicant is requesting a variance to replace an existing house with a new, larger house within the 100-foot Buffer. The property is designated LDA and is 1.34 acres in size.

Much of this large lot is within the 100-foot Buffer and some may be within the expanded Buffer (on the western side of the point). It appears that any redevelopment would involve some impact to the Buffer. However, redevelopment of this property should minimize new disturbance within the Buffer. The new house appears to be no closer to the water than the existing and seems to provide a reasonable expansion of living space. However, the new grading and large area of disturbance within the Buffer is a cause of concern. Why is this grading necessary? It is recommended that the excess grading be eliminated, and the area of disturbance further minimized. In addition, mitigation should be provided for the clearing (the area of the initial septic system appears to be wooded) and for the new disturbance within the Buffer.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: CA363-99

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

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



John C. North, II
Chairman

Ren Serey
Executive Director

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

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

July 30, 1999

Ms. Roxana Whitt
Calvert County Planning & Zoning
150 Main Street
Prince Frederick, MD 20678

RE: Variance Case No. 99-2577, Michael Pello

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance request. The applicant is requesting a variance to build a single family dwelling, deck, driveway and septic system that will impact steep slopes. 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 on steep slopes 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? Mitigation should be provided for the forest 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 official 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: CA366-99

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

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



John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

July 30, 1999

Ms. Roxana Whitt
Calvert County Planning & Zoning
150 Main Street
Prince Frederick, MD 20678

RE: Variance Case No. 99-2576, Marvin Moyers

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance request. The applicant is requesting a variance to build a single family dwelling which impacts steep slopes and requires more clearing than permitted. The property is designated LDA and is 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 as much as possible. Though it was not shown on the site plan, the lot is currently forested. Clearing of existing vegetation should be further minimized because the limits of disturbance and grading shown on the site plan (particularly around the house) appear to excessive. Mitigation should be provided 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 official record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: CA365-99

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

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



John C. North, II
Chairman



Ren Serey
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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

July 30, 1999

Ms. Roxana Whitt
Calvert County Planning & Zoning
150 Main Street
Prince Frederick, MD 20678

RE: Variance Case No. 99-2575, Charles Wicker

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance request. The applicant is requesting a variance to build a single family dwelling within the 100-foot 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 the Buffer should be minimized as much as possible. As proposed, it does not appear that the variance is the minimum that would provide relief. It would be appropriate to redesign the house to provide additional space between the house and the water. Neighboring properties are at least 40 feet from the water on virtually the same size lot so it appears that a dwelling can be accommodated with less impact to the Buffer. Mitigation must be provided at a 3:1 ratio for all disturbance within the Buffer in accordance with Section 4-8.07(A)(3)(e)(i) of the County Zoning Ordinance. This mitigation should occur on-site within the Buffer to the extent possible. At least 15% of the site is required to be planted in woodland cover.

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

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: CA367-99

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

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

John C. North, II
Chairman



Ren Serey
Executive Director

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July 30, 1999

Ms. Charlene Morgan
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 1999-0240-V, Albert Lee - REVISED COMMENTS

Dear Ms. Morgan:

Thank you for providing clarification on the above referenced variance application. This office would like to retract previous comments on this case (dated June 29, 1999) and submit the following instead. 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 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 total impervious surfaces but will create significant additional disturbance within the Buffer. This office recommends that the amount of new disturbance within the 100-foot Buffer be reduced, especially because this lot is not grandfathered. 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 accommodated with less impacts to steep slopes and less new disturbance within the Buffer.

Mitigation at a 3:1 ratio 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,

Handwritten signature of LeeAnne Chandler in cursive script.
LeeAnne Chandler
Natural Resources Planner

cc: AA327-99

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

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



John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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July 30, 1999

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

RE: Variance 1999-0276-V, Terry and Deborah Whittington

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicants are requesting a variance to permit a swimming pool in the Buffer and front yard of a MA2 property. The property is designated IDA, Buffer Exempt, and is currently developed with a house with a screened patio, a 2 story garage with an attached deck, two sheds and extensive driveways.

Title 5 of the County Zoning Ordinance outlines regulations for all maritime group districts. In each of the districts (including MA1, MA2, MA3, MB and MC) swimming pools are permitted **outside of the required Buffer**. These regulations were written in accordance with COMAR 27.01.03 "Water Dependent Facilities" and COMAR 27.01.09 "Habitat Protection Areas." New development activities are prohibited in the Buffer except for those associated with water-dependent facilities. While the marina on this property is obviously a water-dependent facility, a swimming pool is not. According to COMAR, non-water dependent structures or operations associated with water-dependent activities should be located outside of the Buffer. This office recommends denial of this variance because a pool is a non-water dependent structure.

In addition, under the County's Buffer exemption and enhancement program, new development within a BEA should be designed and located to maximize the distance from the shoreline. While the dwelling is located 6 feet from the shoreline in one corner, this is due to the irregular shape of the shoreline. In the area where the proposed pool is located, the house is located nearly 60 feet from the shoreline. It is recommended that the proposed pool be relocated to at least 60 feet from the shoreline. The parcel in question is over 400 feet in depth from the water to the road. It appears that another location for the pool would be more appropriate. The purpose of the Critical Area program is to minimize adverse impacts on water quality, conserve plant, fish, and wildlife habitat, and foster more sensitive development activity for shoreline areas. As stated above, this office opposes new non-water-dependent structures within the Buffer.

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Mr. Kevin Dooley

Page 2

1999-0276-V

Because this property is designated IDA, the 10% pollutant reduction requirement must be met. From the site plan it appears that the applicants plan to provide plantings in lieu of stormwater management. In addition, mitigation is required at a 2:1 ratio for newly developed impervious surface within the 100-foot Buffer. 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

Natural Resources Planner

cc: AA374-99

ge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
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July 30, 1999

Mr. Rudy Espinoza
Worcester Co. Planning, Permits, & Inspections
Room 116 Court House
One West Market St.
Snow Hill, Maryland 21863-1070

RE: Critical Area Ordinance

Dear Mr. Espinoza:

I have enclosed the information you requested at our meeting on June 29th. I apologize that it has taken me so long to get it to you. Enclosed, please find the following:

1. Project notification form
2. Summary of notification requirements
3. Example plat notes which should be used for Critical Area site plans
4. A copy of Calvert County's "Conservation Manual" and St. Mary's County's "Customer Assistance Guide" for obtaining a building permit in the Critical Area. (These are meant to provide examples of the Critical Area review process.)
5. New growth allocation language (which includes a process) to be inserted into ordinance
6. New implementation language (which includes application requirements) to be inserted into ordinance.

I hope the County finds this information useful. I have also enclosed a copy of the agenda for the Wednesday, August 4, 1999 Commission meeting. You are welcome to attend, though I do not foresee any problems in obtaining approval of the YMCA growth allocation.

Mary Owens and I are planning on attending the Planning Commission meeting on Thursday, August 5th, as they begin discussing the new Critical Area Ordinance. Please advise if plans for that meeting are changed. If you have any questions on any of the above, please contact me at (410) 260-7035.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
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45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
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July 28, 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 the revised site plan for the above referenced variance application. The applicant is requesting variances from the Critical Area steep slope and extended Buffer 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 revised, it does not appear that impacts have been minimized nor are the variances requested the minimum necessary to provide relief. While the revised site plan includes field-run topography and woodline, it does not appear that the house and driveway have been located to minimize impacts to this site. (It is difficult to assess impacts to steep slopes as areas of 15% or greater are not marked.) As stated in our previous comments, 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 will eliminate the largest wooded section of this site and does not take advantage of the areas that have already been cleared. Does the 17,000 square feet of proposed clearing (as listed in the Critical Area notes) include the areas that were cleared previously? The proposal still necessitates at least 10,000 square feet of grading. While there is a "bridge" to cross steep slopes, grading of those steep slopes is still proposed.

As stated above, this office does not oppose the siting of a single family dwelling on this parcel. However, such a dwelling should be sited according to the constraints of the site. It appears that there are remaining opportunities to further minimize impacts to this sensitive site. For example, it appears that the driveway could be re-designed to take advantage of the areas already cleared. Also, the loop in the driveway is not an essential feature. It would be appropriate to reduce the

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

Ms. Roxana Whitt

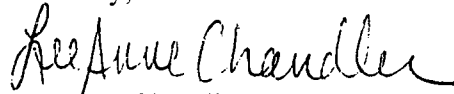
Page 2

Variance Case No. 99-2556, John Schwenk

footprint of the driveway, dwelling and garage. As proposed, the garage is as large as the house would be. This office recommends denial of the variances requested as they do not appear to be the minimum necessary 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 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,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler

Natural Resources Planner

cc: CA271-99

George John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

July 27, 1999

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

Ms. Bobbie Hutchison
Calvert County Planning & Zoning
150 Main Street
Prince Frederick, Maryland 20678

RE: SPR 99-26, Asbury at Solomons, Phase II

Dear Ms. Hutchison:

Thank you for providing information on the above referenced project. Commission staff has reviewed the information and has also talked to Mary Beth Cook of the County's Public Works Department. From the site plan, it was difficult to assess whether or not there was an increase in the impervious surfaces since the original plan in 1994. The Commission did not receive a copy of the 10% calculations for Phase II and must defer to the County Public Works Department for approval. However, there are two comments we would like to submit:

1. Sheet 3 of the site plan (southeastern corner of the site) shows the removal of an existing stormwater management facility. Is the 10% requirement satisfied for both the present and proposed development without this facility? What is taking its place?
2. Sheet 2 of the site plan (northeastern corner of the site) shows the removal of several trees for construction of the new parking lot. Were these trees used to meet planting requirements in 1994? If so, they should be replaced along with the other required landscaping.

Thank you for the opportunity to comment on this site plan. If additional or revised information becomes available, please submit it to this office for further review. If you have any questions or concerns, please contact me at (410) 260-7035.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: Mary Beth Cook
CA341-99

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

July 27, 1999

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

RE: Variance 1999-0289-V, Wagner Properties

Dear Mr. Dooley:

This office has received plans for the above referenced variance application. However, it does not appear that the proposed project is within the Critical Area. Therefore, this office has no comment on this variance.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA395-99

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

John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

July 27, 1999

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

RE: Variance 1999-0304-V, Linda Hoskins

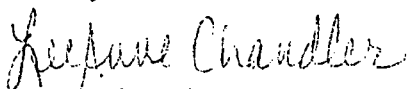
Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit decks with less Buffer than required.

Because the attached decks are of reasonable size, this office does not oppose the variance requested. Mitigation in the form of native plantings should be performed at a 3:1 ratio for the disturbance 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
Natural Resources Planner

cc: AA399-99

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

John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

July 27, 1999

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

RE: Variance 1999-0290-V, Joan & Robert Murray

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 than required and on steep slopes. The property is designated LDA and is currently developed with a house (to be demolished), with several attached patios and a driveway.

This office has no comment on the setback issue. From the information provided, it appears that the proposed house, with the exception of the deck, will intrude no further onto steep slopes than the existing house. This office does not oppose the variance requested, provided that new impacts to steep slopes are minimized as much as possible. For example, the footers for the new deck could be hand dug to reduce disturbance. Also, the site plan shows a structure running the entire width of the property running parallel to the steep slopes. Is this another retaining wall? Is it necessary for structural stability of the house? As stated above, impacts to steep slopes should be kept to a minimum. Lastly, areas where impervious surfaces are removed should be revegetated 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,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA396-99

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

July 27, 1999

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

RE: Variance 1999-0297-V, John Jaeger

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 than required. The property is designated IDA and is currently developed with a house (to be demolished), an attached deck and a driveway.

This office has no comment on the setback issue. Mitigation should be provided at a 2:1 ratio for any trees which are removed.

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,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA397-99

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

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

John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

July 27, 1999

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

RE: Variance 1999-0302-V, John B. Lauer

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a patio with less setbacks and Buffer than required. The property is designated IDA and is currently developed with a house, an attached deck and a driveway. Also, according to the Buffer Exemption maps, the property is Buffer Exempt.

Within a BEA, expansion of impervious surfaces should be designed and located to maximize the distance from the shoreline or enhance and protect the environmentally sensitive features on the site. This office does not oppose the variance requested for the patio under the existing deck, but would encourage no further encroachment into the Buffer. The 10% pollutant reduction requirement should be addressed in addition to mitigation in the form of native plantings at a 2:1 ratio for the new impervious surfaces 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,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA398-99

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

July 27, 1999

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

RE: Variance 1999-0287-V, Sarah Rosenberg

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit an addition with less setbacks and Buffer than required and to disturb steep slopes. The property is designated LDA and is currently developed with a house, with an attached deck and a garage.

From the information provided, it appears that the addition will be constructed with minimal disturbance. This office does not oppose the variance requested, provided that impacts to the expanded Buffer are minimized as much as possible. Mitigation in the form of native plantings should be provided at a 3:1 ratio for the new disturbance in the expanded Buffer.

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

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA394-99

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

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



John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

July 26, 1999

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

RE: Variance 1999-0285-V, Michael Helfrich

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 disturbance to steep slopes and 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. From the information provided, it appears that the entire lot is located within the expanded Buffer. However, impacts should be minimized to the extent possible. For example, it appears that the house could be moved 25 feet closer to the road, greatly reducing the limits of disturbance and the impacts to steep slopes (this would also bring this dwelling in line with the others on the street). Due to the steepness of this lot, it is recommended that some stormwater management be provided on site and that strict erosion control measures be used during construction. Mitigation for disturbance within the expanded Buffer should be provided at a 3:1 ratio. This mitigation should occur on-site to the extent possible.

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

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA384-99

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450

John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

July 26, 1999

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 1999-0283-V, Steve Washington

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 disturbance to steep slopes in 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. Siting of such a dwelling should minimize impacts to steep slopes. From the site plan provided, it appears that the lot is constrained by steep slopes over much of its area. However, it does appear that the house could be moved closer to the road and the driveway could be reduced in length and width. Due to the steepness of this lot, it is recommended that some stormwater management be provided on site and that strict erosion control measures be used during construction. Mitigation for clearing 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,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA382-99

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

July 26, 1999

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 1999-0277-V, Melissa Salvesen

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, garage, driveway and shed.

Because the proposed rebuilt section of the house will be placed over the existing footprint, this office does not oppose the variance requested. Any vegetation removed during the course of construction should 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,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA375-99

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450

John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

July 26, 1999

Mr. Edward A. Tudor, Director
Worcester Co. Planning, Permits, & Inspections
Room 116 Court House
One West Market St.
Snow Hill, Maryland 21863-1070

RE: YMCA Growth Allocation

Dear Mr. Tudor:

The Critical Area Commission is in receipt of the request to reclassify 4.77 acres of Limited Development Area (LDA) to Intense Development Area (IDA). We have accepted the application as a complete submittal and Chairman North, with the concurrence of the full Commission, will make a refinement determination at the August 4, 1999 Commission meeting. I will notify you subsequent to his decision.

Sincerely,

A handwritten signature in cursive script that reads "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

John C. North, II
Chairman



Ren Sercy
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

July 23, 1999

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 1999-0286-V, Michael Murphy

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a deck addition with less setbacks and Buffer than required. The property is designated LDA, is Buffer Exempt, and is currently developed with a single family dwelling and associated driveway.

In order to minimize impacts within the Buffer, it is recommended that the size of the deck be scaled down. Mitigation in the form of native plantings should be performed at a 2:1 ratio for the disturbance 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,

A handwritten signature in cursive script, appearing to read "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA385-99

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450



John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

July 23, 1999

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 1999-0271-V, Edward McCaffrey

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit decks with less Buffer than required.

Because the attached decks are of reasonable size, this office does not oppose the variance requested. Mitigation in the form of native plantings should be performed at a 3:1 ratio for the disturbance 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,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA371-99

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450



John C. North, II
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

July 23, 1999

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 1999-0275-V, Richard Phelan

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a carport addition to an existing garage with less setbacks than required. The property is designated LDA and is currently developed with a single family dwelling and garage.

Because no habitat protection areas will be affected by this proposal and because the carport roof will be placed over an existing impervious surface, this office has no comment on this setback 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
Natural Resources Planner

cc: AA373-99

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

July 23, 1999

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 1999-0272-V, Ralph Beam

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 IDA and is currently developed with a single family dwelling and driveway.

Because this property is designated IDA, the 10% pollutant reduction requirement must be addressed in accordance with the Anne Arundel County Zoning Ordinance. On a lot of this size, plantings are usually sufficient to meet this requirement. If the 10% rule is addressed, this office does not oppose the variance requested.

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,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA372-99

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

July 23, 1999

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 1999-0278-V, John England

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit pilings closer to the center of the cove than allowed.

Because it appears that no Habitat Protection Areas would be affected by this proposal and because water access is permitted, this office defers to the Maryland Department of the Environment (MDE) as the permitting agency on 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 this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA381-99

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450

John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

July 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 forwarding a copy of Tony Redmond's comments on the latest submittal for the Robinson Terminal Property.

From the clarification provided in Mr. Zanecki's letter dated June 3, 1999, it appears that most of our previous comments have been addressed. If in fact, total clearing within the LDA portion of the site totals 0.68 acres, including pier access and stormwater outfalls, 1:1 mitigation is satisfactory. However, as stated in Mr. Redmond's comments and as I have stated previously, stormwater management calculations and the 10% worksheets must be submitted 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. The 10% worksheets are necessary in order to confirm that on-site compliance is not feasible.

Thank you again for keeping me informed on this project. 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,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: IH60-98

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450



John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

July 22, 1999

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

Ms. Bobbie Hutchison
Calvert Co. Dept. of Planning & Zoning
150 Main Street
Prince Frederick, Maryland 20678

RE: DeBord Marina

Dear Ms. Hutchison:

Thank you for providing information on the above referenced project. The applicants propose to install parking and add additional boat slips to an existing pier in order to create a commercial marina. The property is designated Limited Development Area and is currently developed with an existing driveway, shed and apartment.

Information has not been provided with regard to this project meeting the requirements of the Water-Dependent Facilities section of the County Zoning Ordinance (Section 5-4.08). For example, has it been proven that water circulation patterns will not be affected or that Back Creek has adequate flushing to support a commercial marina? Please provide this office with documentation on these issues. Also, the County Zoning Ordinance (Section 3-1.06) requires that disturbance to wetlands, submerged aquatic plant beds, or other areas of important aquatic habitats will be minimized. It is our understanding that there is submerged aquatic vegetation which will be impacted by the shading created by this 68 foot by 24 foot boathouse. It is recommended that the size of the boathouse be scaled down to minimize impacts to sensitive aquatic resources. This office can not provide conclusive comments until the requirements of the Water-dependent facilities section of the Zoning Ordinance have been adequately addressed.

Also, additional paving is proposed within the 100 foot Buffer. It is recommended that mitigation at a 2:1 ratio be required for any new impervious surfaces within the 100 foot Buffer at the time of permit review. Any future expansion of the commercial marina use should be conditioned on additional site plan review.

Thank you for the opportunity to review this project. Please forward additional information to this office for review. Please include this letter in the project file. If you have any questions, please contact me at (410) 260-7035.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: Phil Mohler, MDE
Kate Meade, DNR
CA354-99

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

July 12, 1999

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 1999-0258-V, Michael Stoll

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.

Because no habitat protection areas will be affected by this proposal and impervious surface limits are not an issue, this office has no comment on this setback 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,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA361-99

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

July 12, 1999

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 1999-0253-V, Sidney & Janet Leech

Dear Mr. Dooley:

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 with less setbacks and Buffer than required. The property is designated LDA, is Buffer Exempt, and is currently developed with a single family dwelling and garage (to be removed).

The existing house on this parcel intrudes approximately 20 feet into the 100-foot Critical Area Buffer. If possible, it is recommended that the replacement dwelling be moved outside of the 100-foot Buffer. Otherwise, in accordance with §1A-109(c)(5) of the County Zoning Ordinance, mitigation in the form of native plantings is required at a 2:1 ratio for all new impervious surfaces within the 100-foot Buffer and at a 1:1 ratio for all new impervious surfaces outside of the 100-foot Buffer. This mitigation should occur on-site within the Buffer if possible. Provided that appropriate mitigation occurs, this office does not oppose the variance requested.

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,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA360-99

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John C. North, II
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July 12, 1999

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 1999-0248-V, James Flannery

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.

Because no habitat protection areas will be affected by this proposal and because impervious surfaces will be decreased, this office has no comment on this setback variance. The area of the existing driveway and sidewalk that will be removed should be revegetated with native vegetation to ensure future 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,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA359-99

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Judge John C. North, II
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Ren Serey
Executive Director

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July 2, 1999

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 1997-0424-V, George Obrecht

Dear Mr. Dooley:

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 with less setbacks and Buffer than required and on steep slopes. The property is designated RCA and is currently undeveloped.

Provided this parcel is properly grandfathered, this office does not oppose the siting of a single family dwelling on it. The lot is located entirely within the expanded Buffer and any development would require a variance. Impacts to the expanded Buffer should be minimized as much as possible. The proposed house is 97 feet long and has a footprint of 2,400 square feet. It appears the dwelling can be reduced and/or reconfigured to reduce impacts to the steep slopes and expanded Buffer.

While it appears that the utilities have been sited to avoid the non-tidal wetland and wetland buffer, it is not clear why the utilities are extended across additional steep slopes up to Holly Farm Road. Also, please note, the Critical Area report states that one-to-one mitigation would be required. Because this parcel is within the expanded Buffer, mitigation of native species should be provided at a 3:1 ratio for all new disturbance. New disturbance includes grading, footprint, and clearing.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA338-99

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ge John C. North, II
Chairman



Ren Serey
Executive Director

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July 1, 1999

Mr. Tim McShane
Brudis & Assoc.
9220 Rumsey Road
Suite 210
Columbia, MD 21045

RE: Critical Area Application Checklist

Dear Mr. McShane:

Enclosed, please find the checklist of required information for Critical Area Commission review and approval. Please submit this information to the address listed above. For your information, the Chesapeake Bay Critical Area Commission meets the first Wednesday of every month.

If you have any questions or require clarification on any of the items, please feel free to contact me at (410) 260-7035.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

enc.

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July 1, 1999

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 1999-0251-V, Anne Arundel County

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a water storage tank with greater height than allowed.

Because no Critical Area resources are affected by this proposal, this office has no comment on this height 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
Natural Resources Planner

cc: AA339-99

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

George John C. North, II
Chairman



Ren Serey
Executive Director

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July 1, 1999

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 1999-0260-V, David Auld & Michael Pace

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicants are requesting a variance to permit an offsite joint use pier from a water access easement.

Because it appears that no Habitat Protection Areas would be affected by this proposal and because water access is permitted, this office defers to the Maryland Department of the Environment (MDE) as the permitting agency on this issue. A 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,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA340-99

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