

Staff Correspondence Reader File #2: Ren

2000

S1832-146-1

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

December 20, 2000

The Honorable George M. O'Donnell, President  
Queen Anne's County Board of Commissioners  
The Liberty Building  
107 N. Liberty Street  
Centreville, Maryland 21617

Dear Commissioner O'Donnell:

I am writing to make you aware of an issue of serious concern regarding implementation of the Queen Anne's County Chesapeake Bay Critical Area Program. On December 6, 2000, the Critical Area Commission approved the award of growth allocation for the Four Seasons at Kent Island project as an amendment to the County's program. The approval followed several months of evaluation and consideration by a panel of Commission members as well as lengthy discussion preceding the Commission's vote to approve.

During our consideration of the project, we became aware that requests for growth allocation receive what the County calls "concept approval" prior to submission to the Commission. It was made clear during the discussion that concept approval does not involve a public hearing or formal legislative action by the County Commissioners, and that projects can be denied subsequent permits necessary to implement the Critical Area Commission's approval.

The Commission expressed concern that this process is inconsistent with the process for program amendment used by other counties, and it appears to create a conflict with the provisions of §8-1809 of the Critical Area Act which states that:

"The local jurisdiction shall incorporate the approved program amendment into the adopted program within 120 days of receiving notice from the Commission that the program amendment has been approved."

Several Commission members who are local elected officials expressed strong opinions on the matter. They maintained that it is improper for the Critical Area Commission to take action

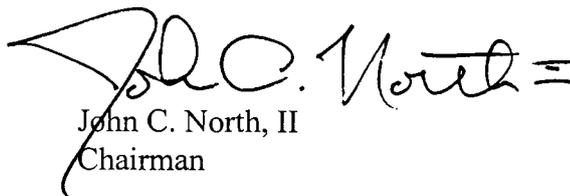
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The Honorable George M. O'Donnell  
December 20, 2000  
Page 2

on a local project of the significance of Four Seasons if the County Commissioners have not yet decided to approve it. Although we have discussed this issue with various Queen Anne's County officials in the past, I believe it is necessary to resolve the matter as quickly as possible.

I have asked Mr. Ren Serey, the Commission's Executive Director, to meet with County staff to attempt to develop a mutually agreeable resolution. In the interim, if you have any questions, please do not hesitate to call me at (410) 822-9047 or Mr. Serey at (410) 260-3462.

Very truly yours,



John C. North, II  
Chairman

cc: The Honorable Marlene F. Davis  
The Honorable John T. McQueeney, Jr.  
Mr. Steven Kaii-Ziegler  
Dr. James Foor  
Mr. Ren Serey



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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December 20, 2000

Mr. Steven Kaii-Ziegler  
Office of Planning and Zoning  
The Liberty Building  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Four Seasons at Kent Island Growth Allocation**

Dear Mr. Kaii-Ziegler:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the referenced amendment. On December 4, 2000, the Critical Area Commission voted to approve the growth allocation request with the following conditions:

1. The new IDA shall be located at least 300 feet beyond the landward edge of tidal wetlands and tidal waters adjacent to Cox Creek and Macum Creek. This 300 foot setback shall not be used for structures, roads, parking, utilities, active recreation areas or stormwater management except as shown on the site plan approved by the Commission. It may be used for passive recreation. This setback shall be established in multi-layered forest vegetation.
2. A fully forested 100-foot Buffer shall be established from the landward boundary of the structural erosion control measure on the Chester River. The Buffer shall be established in multi-layered forest vegetation.
3. A fully forested 150-foot setback shall be established from the edge of tidal or nontidal wetlands around the tidal pond (adjacent to the Chester River) in order to provide habitat protection. The edge of tidal or nontidal wetlands from which the 150-foot setback will be established shall be delineated in the field and approved by Commission staff. In addition, all phragmites on the area of the tidal pond shall be eradicated and the area established with appropriate native species.

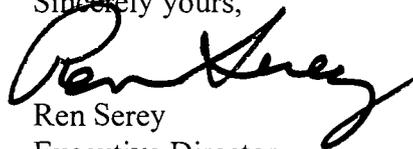
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4. A fully forested 100 foot Buffer shall be established on each side of all tributary streams, and the stream crossing and any development activity within the Buffer shall be eliminated.
5. The Commission shall coordinate with the Maryland Department of the Environment (MDE) and the Department of Natural Resources (DNR) regarding the assessment of the environmental impacts associated with a community pier and compliance with the standards set forth in the Critical Area Criteria. The applicant agrees to ensure that these standards are met and to comply with the recommendations and/or conditions of approval of MDE and DNR regarding the community pier. The applicant also agrees to comply with MDE regulations for community marinas in COMAR 26.24.04.03G.
6. Best Management Practices for stormwater shall be located outside of the 100-year floodplain or shall be designed in such a way that a flood event would not inundate the ponds or detention structures causing pollutants to be flushed out unless staff determines after a review of detailed stormwater engineering plans that a superior water quality or habitat benefit can be achieved through other techniques.
7. At least half of the site shall incorporate Best Management Practices for stormwater that provide habitat benefits in addition to water quality benefits. Best Management Practices that provide habitat benefits include bioretention, shallow marsh, extended detention, wetlands, and pond/wetland systems.
8. Shoreline access within the approved setback and/or Buffer shall be designed and constructed to minimize impacts to the 100-foot Buffer and to maintain the "Resource Conservation Area " character of the setback and/or Buffer. Pathway widths shall be limited to six feet in width (including the path itself and associated clearing) within the setback and should be constructed of pervious or semi-pervious materials wherever possible. Tree canopy shall be maintained over pathways. Prior to recordation of any subdivision plats or final approval of any site plans, building permits, or grading permits, a Buffer Management Plan for the entire Buffer and/or setback area of the project shall be reviewed and approved by the full Critical Area Commission.
9. Structural shore erosion control measures shall be limited to those that currently exist on the site. If additional erosion control measures are warranted, non-structural measures shall be used.
10. The final plan for the Four Seasons at Kent Island growth allocation request that is approved shall contain each of the conditions of this approval and shall be submitted for review by the Critical Area Commission.

Mr. Kaii-Ziegler  
December 20, 2000  
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Pursuant to Natural Resources Article §8-1809(o)(2), Annotated Code of Maryland, the County shall implement this amendment and make appropriate changes to the County Critical Area Maps within 120 days of the date of this letter. Commission staff are available to assist you in meeting the conditions set forth in this letter. More detailed site plans demonstrating compliance with the conditions should be submitted to the Commission as they are developed. If you have any questions regarding this matter, please feel free to contact me at (410) 260-3460

Sincerely yours,

A handwritten signature in black ink, appearing to read "Ren Serey", written in a cursive style.

Ren Serey  
Executive Director

George John C. North, II  
Chairman



Ren Serey  
Executive Director

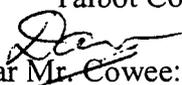
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**CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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December 15, 2000

Mr. Daniel R. Cowee  
Planning Officer  
Office of Planning & Zoning  
Courthouse  
Easton, Maryland 21601-3178

Re: Talbot County Comprehensive Review

  
Dear Mr. Cowee:

At its meeting on November 1, 2000, you met with the Program Subcommittee of the Chesapeake Bay Critical Area Commission to discuss the status of the Talbot County Comprehensive Review. At that time, you indicated to the subcommittee that the comprehensive review would be completed and sent to the Critical Area Commission staff by December 31, 2000.

Critical Area Commission staff anticipate reporting the status of the comprehensive review to the subcommittee at its January 3, 2001 meeting and to the full Commission in the afternoon. We would appreciate it if you could address the Commission at that time regarding the status of the comprehensive review. It is anticipated that the Commission may elect to take some formal action at its afternoon meeting if the Comprehensive Review is not received by that time.

If you have any questions, please telephone me at (410) 260-3462.

Sincerely,

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

Ren Serey  
Executive Director

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Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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December 8, 2000

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

**RE: Compliance with Conditions for Tidewater Homes  
Buffer Exemption Area Approval**

Dear Mr. Blitz:

I am writing in response to your letter concerning the Chesapeake Bay Critical Area Commission's review of Chesapeake Beach Ordinance 0-97-6. It is my understanding that there are motions still pending in the Circuit Court for Calvert County regarding this ordinance. When the Court's review is complete, we will determine whether Ordinance 0-97-6 must be returned to the Commission for further action. In the meantime, I wanted to remind you that the Commission's initial approval of the Buffer Exemption Area amendment on May 6, 1998 included five conditions, three of which have not been addressed.

At this time, no permits may be issued or construction activity may take place on the site until these conditions are satisfied. The following conditions still need to be addressed:

*Condition #2*

*The developer shall work with Commission staff during the design phase of the building and site to further minimize the extent of intrusion into the BEA. Buffer mitigation shall be based on impervious surface area within the Buffer and expanded Buffer as shown on the final design plans.*

*Condition #3*

*The developer shall provide the following mitigation:*

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- a. *The extent of the parcel shoreward of the new development shall be required to remain, or shall be established and maintained, in natural vegetation; and*
- b. *Natural vegetation of an area twice the extent of the impervious surface must be created in the Buffer Exemption offset area or other location as determined by the local jurisdiction.*

*The location of the mitigation plantings shall be identified and approved by Commission staff prior to the Town's approval of the project. Insofar as possible, mitigation plantings should be located on the project site.*

*Condition #5*

*The Town and MDE shall execute a binding and enforceable agreement regarding the operation of the tide gate in order to ensure that it will be operated in an environmentally sound manner. The Commission staff shall coordinate with MDE on the development and execution of the agreement.*

The Commission staff is available to meet with you and the developer at your convenience to discuss compliance with the conditions or to provide technical assistance. If you have any questions, please feel free to contact me at (410) 260-3462.

Sincerely yours,



Ren Serey  
Executive Director

cc: Mr. John Hofmann  
Ms. Marianne D. Mason, Assistant Attorney General  
Mr. Gary Setzer

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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November 28, 2000

Mr. Anthony D. Redman  
Redman/Johnston Associates, Ltd.  
St. Michaels Town Planner  
416 Goldsborough Street  
Easton, Maryland 21601

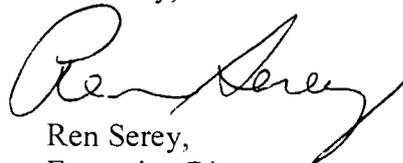
Re: Ordinance #253

Dear Mr. Redman:

At your request, I have reviewed the copy of Ordinance #253 proposed for adoption by the Town of St. Michaels. This office does not have any issues that need to be addressed by the Town. Therefore, the Town may proceed with processing this amendment. Once the Town Commissioners have approved this amendment, it should be forwarded to the Commission for approval.

Thank you for soliciting comments from the Commission prior to consideration by the Town. Please feel free to contact me any time for assistance.

Sincerely,

  
Ren Serey,  
Executive Director

cc: Ms. Mary Owens  
Ms. Lisa Hoerger

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Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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November 14, 2000

The Honorable Michael H. Weir  
Room 303  
Lowe House Office Building  
Annapolis, Maryland 21401

The Honorable Roy Dyson  
Room 215  
James Senate Office Building  
Annapolis, Maryland 21401

Dear Delegate Weir and Senator Dyson:

In three recent decisions, the Court of Appeals has rewritten Chesapeake Bay Critical Area regulations specifically adopted by the General Assembly. The Court's decisions open the door to substantial development of the Bay's sensitive 100-foot Buffer. Unless the General Assembly acts to overturn these decisions, a virtual outdoor store of gazebos, decks, pools and walkways will permanently erode the protected shoreline and contribute to the further degradation of the Bay's waters. Moreover, the Court's decisions run directly counter to the General Assembly's and the Administration's continued funding of Bay restoration and clean-up initiatives.

In 1984, the General Assembly directed the Commission to implement the Program "on a cooperative basis . . . with local governments establishing and implementing their programs in a consistent and uniform manner *subject to State Criteria.*" Natural Resources Article, Section 8-1801 (b) (2) (emphasis added). After the Commission developed the State criteria through extensive public hearings, the General Assembly approved them, resolving that "the criteria for local area program development adopted by the . . . Commission are hereby affirmed as being reasonable and acceptable to accomplish the goals of the . . . Program." House Joint Resolution No. 17 and Senate Joint Resolution No. 9, reprinted in Laws of Maryland 1986 at 3578-80.

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Delegate Weir  
Senator Dyson  
November 14, 2000  
Page Two

One of the Criteria specifically approved by the General Assembly is for variances. COMAR 27.01.11. It contains six standards, which, "at a minimum" must be met before a variance may be issued. These standards were written strictly, to prevent piecemeal exceptions to the general rules, specifically the rule of no new development in the 100-foot Buffer. Unfortunately, the exceptions have now become the rule. In the past year, the Court of Appeals decided cases leading to the approval of a swimming pool in the protected Buffer<sup>1</sup>, dock slips to benefit non-critical area homeowners<sup>2</sup>, and a 25,000-brick waterfront path along the shoreline constructed without a permit.<sup>3</sup> A summary of these rulings and their effect on the Critical Area law is attached.

Our hope is that the Joint Legislative Oversight Committee will work with the Commission to develop legislation to overturn the Court's ill-founded decisions.

Very truly yours,



John C. North, II  
Chairman

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1. White v. North, 356 Md. 31 (1999).
  2. Belvoir Farms v. North, 355 Md. 259 (1999).
  3. Mastandrea v. North, \_\_\_ Md. \_\_\_ (2000).

Case	Issue	What the Critical Area Law says	What the Court said	The effect of the decision
Belvoir	Variance to increase number of boat slips from the statutorily prescribed number (in this case, 4)	<p>At passage of the Critical Area Law, the rule on variances was clear. They were "granted sparingly and under exceptional circumstances" because "[t]o do otherwise would decimate zonal restrictions and eventually destroy all zoning regulations.</p> <p>Accordingly, the Critical Area regulations provide that six criteria must be met before a variance can be granted. COMAR 227.01.11. The first is the presence of special conditions or circumstances resulting in an "unwarranted.</p> <p>An unwarranted hardship exists if a zoning restriction is "so unreasonable as to constitute an arbitrary and capricious interference with the basic right of private ownership." The Court of Appeals adopted this standard in 1958 and consistently applied it-up until this case</p>	<p>The Court said that "unwarranted hardship means denial of a "reasonable and significant use" of property and remanded the case to the zoning board.</p> <p>On remand, the Board granted a variance for 18 boat slips, even though the 90 families in the 400-acre community have access and use of the water for recreational and other purposes.</p>	<p>The "unwarranted hardship" bar is deliberately set high to prevent the Bay's piecemeal development. The bar is now lowered to the ground. Virtually anything a property owner wants to do can be termed a reasonable use. The use becomes significant if the property owner thinks it is and the Zoning Board agrees. The Court and the Board refused to give effect to the statute linking the number of boat slips to lots in the Critical Area. Only four families in the Belvoir development live in the Critical Area. Yet, the Board based its decision on the claimed hardship to these non-Critical Area residents, allowing them to directly impact the shoreline.</p>

<p>White</p>	<p>Variance to construct a pool</p>	<p>In addition to unwarranted hardship, there are five other criteria that must be met before a variance can be granted. They are: special conditions or circumstances resulting in an unwarranted hardship if the variance did not issue; a literal interpretation would deprive the applicant of rights commonly enjoyed by other property owners; granting a variance will not create any special privilege; the variance request is not based upon applicant's actions; granting of the variance will not adversely impact fish, wildlife or plant habitat; and applications are made in writing.</p>	<p>The Court said that unwarranted hardship is not just one of the factors, it is the "determining consideration." The other factors, said the Court, provide guidance to the first. Moreover, they are interpreted as a whole:</p>	<p>Before <u>White</u>, the requirement that all six variance criteria be met effectively prevented development in the sensitive 100-foot Buffer. After <u>White</u>, local boards have considerable discretion to determine what gets built or not. Anyone can make an argument that variance factors are "generally met". Now, as long as there are similar structures (pools, gazebos) in the Buffer in the applicant's neighborhood (even though the other structures pre-dated the Critical Area Law) then the applicant may use those structures to "bootstrap" a variance for his own new structure in the Buffer.</p>
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Mastandrea	25,000 brick, 4,000 square foot path in the Buffer- without a permit	As noted above, an unwarranted hardship exists if a zoning restriction is "so unreasonable as to constitute an arbitrary and capricious interference with the basic right of private ownership". Thus, if a reasonable use of the property-i.e., the <i>entire</i> property-exists, there is no unwarranted hardship	Reasonable use is determined not by looking at the entire property, but only at the portion of the property the owner wants to use. Thus, the mastandreas wanted to use a specific part of the waterfront and the only issue is use of that part. The Court expressly rejectd the Commission's argument that Nat. Res. Art. Sec. 8-1801 recognizes that "the cumulative impact of current development is inimical to the purposes of the Critical Area Law."	Denial of "significant use" no longer refers to use of the entire property, but what the owner wants to do with a part of it. Denial of virtually any use of any part of the property may now mean denial of significant use. Under the Court's rejection of the cumulative impacts analysis, the Commission will now be forced to attempt to "prove" harm to the environment from each individual structure, a task that is nearly impossible.
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Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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November 14, 2000

Mr. Gerald T. Mason  
Worcester County Chief Administrative Officer  
Room 112, Court House  
One West Market Street  
Snow Hill, Maryland 21863-1072

RE: FY2000 Critical Area Grant (Grant Agreement # K00P0200449)

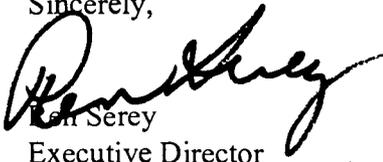
Dear Mr. Mason:

The grant period for the fiscal year 2000 grant agreement between Worcester County and the Critical Area Commission ended on September 30, 2000. We have since received an invoice from the County for an amount of \$3,720.60 and a quarterly report detailing the work done in the quarter. As indicated in the Scope of Work, the funds were primarily dedicated toward completion of the required Comprehensive Review of the County's Critical Area Program. Specifically, the Critical Area Program was to be incorporated into the County's Code of Public Law. The activities to be completed included at least one public hearing on the proposed legislation by the County Commissioners and the product was to be a bound version of the County's Critical Area legislation.

As of today, the draft Critical Area legislation has not been brought to either the Planning Commission nor the County Commissioners for review or public hearings. It is our understanding that review of the draft was on an agenda for the Planning Commission in October but at the meeting it was taken off the agenda because it was still under staff review. Because the tasks outlined in the grant agreement between the County and the Commission have not been completed, the Commission must withhold payment of the fourth quarter invoice until hearings have been held and the changes to the Code are adopted.

In addition, the Critical Area Commission has requested an update on the progress of Worcester County's comprehensive review at their meeting on January 3, 2000. Commission staff would like to meet with County staff prior to that meeting. LeeAnne Chandler will be contacting Katherine Munson to schedule a date and time. Please contact me if you have any questions or if you would like to discuss this matter further.

Sincerely,

  
Ren Serey  
Executive Director

cc: Mr. Sandy Coyman, Director, DCP  
Mr. Ed Tudor, Director, DRP  
Ms. Katherine Munson, DCP  
Mr. Rudy Espinoza, DRP  
Ms. Veronica Moulis  
Ms. LeeAnne Chandler

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Chairman



Ren Serey  
Executive Director

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November 14, 2000

Ms. Penny Chalkley  
Anne Arundel County Department of Planning and Zoning  
2664 Riva Road, MS 6303  
Annapolis, Maryland 21401

Dear Ms. Chalkley:

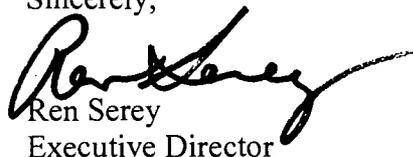
This letter is in response to your inquiry regarding the Commission's position concerning public roads versus private roads or driveways. We are aware that the County's Critical Area Program permits roads, bridges and utilities in Habitat Protection Areas without a variance if there are no alternatives. The Code of Maryland Regulations at §27.01.02.04 C (1)(b) states:

All roads, bridges, and utilities that must cross a habitat protection area shall be located, designed, constructed, and maintained so as to provide maximum erosion protection and minimize negative impacts to wildlife, aquatic life and their habitats and maintain hydrologic processes and water quality. Roads, bridges, or utilities may not be located in any habitat protection area unless no feasible alternative exists.

COMAR does not define the term "roads." The Commission has consistently interpreted "roads" in 27.01.02.04C(1)(b) as applicable only to public roads. Accordingly, it has been the Commission's practice to advise local governments to apply this provision only to public roads. With regard to private roads or driveways, the Commission's position has been that if the lot or parcels to be accessed are not properly grandfathered (i.e. legally recorded, platted, buildable lots as of December 1, 1985), then a variance is required.

If you have any questions, please telephone me at (410) 260-3460.

Sincerely,

  
Ren Serey  
Executive Director

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Ren Serey  
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November 13, 2000

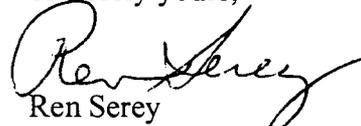
Mr. Jim Johnson  
Anne Arundel County  
Office of Planning and Code Enforcement  
2664 Riva Road  
P.O. Box 2700  
Annapolis, Maryland 21401

Dear Mr. Johnson:

Thank you for your excellent presentation at the recent Critical Area Commission MACO meeting. The information you presented on Anne Arundel County's efforts to preserve and protect the unique habitats of bogs was informative and of great interest to local government planners. The discussion highlighted how local government planners can be instrumental in the process of identifying and protecting unique natural areas and how important this can be in rapidly developing areas. I think many of the planners were inspired by the success of the County's efforts.

As you know, education and State and local government 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 illustrated how a cooperative effort between Anne Arundel County and the Maryland Department of the Environment led to the implementation of an effective program to preserve the County's bogs and protect them from development. The Critical Area Commission staff and I thank you for your time and effort in making this presentation.

Sincerely yours,

  
Ren Serey  
Executive Director

cc: Ms. Ginger Ellis

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Ren Serey  
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MEMORANDUM

November 6, 2000

TO: Judge John C. North, II

FROM: Ren Serey

SUBJECT: Worcester County Bar Association

In his letter inviting you to speak at the Worcester County Bar Association function on November 10, 2000, Mr. Peter Wimbrow asks you to address several questions and issues regarding recent Court of Appeals cases involving the Critical Area Commission. I have set out his questions below and, as you requested, offer some thoughts on each. At the end, under Summary, I have included some thoughts on the Mastandrea case, which may come up as well.

**We would like you to address (in descending order of importance), the following topics and issues:**

- 1. If you know what has happened to the underlying variance applications on remand, from *White vs. North and Belvoir Farms Homeowners Association, Inc. vs. North.***

The Anne Arundel County Board of Appeals issued its decision in the *Belvoir* case on October 30<sup>th</sup>. The Board re-granted the variance for 18 boat slips instead of the four permitted under the Criteria. The Board's decision is based on 1) the need for more slips to serve the 90-lot community; 2) security in numbers (the Board believed that the pier area would be more secure if more boats were moored there); and, 3) congregating the boats in deeper water near the pier would be better environmentally than using the mooring buoys in the cove where submerged aquatic vegetation is present.

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There has been no decision yet on the *White* remand. The Board held one-hour public sessions on each case, limiting Marianne's and the opposing counsels' time to 30 minutes of argument only. I assume that the Board also will uphold its original decision in this case to grant the variance for the pool in the Buffer. It seems likely that you will be asked if the Commission will appeal either or both of these cases if the variances are granted.

If you decide to answer, I wanted you to know that my recommendation likely will be to let them stand. Under the Court's *Belvoir*, *White* and *Mastandrea* decisions it will be much more difficult for the Commission to win on appeal because we no longer have 50 years of case law on our side. I believe that in the future the primary battleground for many variances will be before the Board of Appeals, as explained below, rather than in court.

2. **Is the Commission satisfied with the judicial gloss given the Commission's discharge of its responsibilities? For example, *Belvoir Farms* may be read to suggest that the Commission exerted undue coercion on local jurisdictions to amend their ordinances to adopt more stringent variance standards, than the Express Powers Act permitted.**

**If this observation is accurate, has the Commission recanted, i.e.**

- A. **Are Charter counties free to amend back to a "practical difficulties" standard?**

#### The Belvoir Setting

Belvoir Farms is a 360-acre subdivision off Generals Highway near Annapolis. Only 18 acres are in the Critical Area. The site was subdivided after the Critical Area Act was passed but before approval of the Criteria. There was much testimony before the Board about the developer's attempts to assure that the project was environmentally sound and the County's requests and demands along the same lines. The Criteria regulations setting the number of boat slips to a formula based on lots within the Critical Area, and not within the entire project, were in draft at the time the subdivision was approved.

The Critical Area portion of the site contains a recreational area with a 200 foot pier and a boat ramp, a picnic area and four residential lots. Belvoir's other 86 lots are located outside the Critical Area, some up to two miles from the shoreline. The four Critical Area lots are grandfathered and there never has been an issue regarding their

development. The Belvoir Farms Homeowners Association has 28 mooring buoys located in Maynadier Creek, a cove off the Severn River.

The Critical Area Criteria require a variance for additional boat slips above the number allowed by the formula of lots in the Critical Area or length of shoreline. The Association members testified that it was an unwarranted hardship for them not to be able to dock their boats at a community marina and sought approval for 24 slips instead of the four permitted. At the variance hearing, they maintained that the buoys are inconvenient.

The neighboring community of Bayberry, which is located across Maynadier Creek from Belvoir, vigorously opposed the boat-slip variance. Many of Bayberry's waterfront lots have individual slips and its community marina is grandfathered. Bayberry stretched the variance hearing over 13 nights. We appeared in opposition and based our testimony on the premise that the rest of the Belvoir community had reasonable use of the waterfront due to the existing amenities, including the mooring buoys.

The Board granted a variance for 18 slips instead of the 24 requested. The Board used an incorrect standard of review, practical difficulty, instead of the unwarranted hardship standard required under the Criteria. We appealed to the Circuit Court. Judge Manck reversed the Board's decision, determining that the Board's use of practical difficulty was wrong as a matter of law. The Court of Appeals accepted Belvoir's Writ of Certiorari and remanded the case to the Board for a decision using the correct standard. The Court said that the Circuit Court should have remanded instead of reversing, thereby letting the Board apply the correct standard for a variance. The Court of Appeals provided the Board with guidance regarding its application of the unwarranted hardship standard and also discussed Belvoir's contention that the Critical Area Commission lacked authority to require Anne Arundel County to adopt the standard in the first place.

Belvoir made two arguments regarding variance standards: 1) that the Commission is not authorized to require a standard stricter than that contained in Article 25A, and 2) that the Commission is not authorized to require any standard at all.

The Court agreed with Belvoir on the first point, but said that raising the issue was the County's prerogative, not Belvoir's, and for whatever reason "Anne Arundel County adopted the regulations instead of litigating them." The Court then explains in regard to the second point that the Commission is authorized by the Critical Area Act and Criteria to set out some standard for variances.

Mr. Wimbrow asks if jurisdictions are free to adopt the lesser standard of practical difficulty. If you read only so far in the decision, the Court certainly says yes:

"Petitioner (Belvoir) essentially argues that this clause (in the Express Powers Act) authorizes Anne Arundel County to adopt any threshold standard for

granting a variance, including a practical difficulties standard in the critical area. We agree.”

But, the Court goes on to discuss whether Belvoir’s point is relevant because charter counties are authorized to use a standard less strict, but are not required to do so. See pages 12-15 in the case. Marianne points out that Article 25A also says that the zoning powers granted to charter counties “shall not be construed to preempt or supersede the regulatory authority of any State department or agency under any general public law.” She says the court noted, therefore, that the Commission “may require chartered counties to adopt any variance standard it deems appropriate, if so empowered by the General Assembly and the standard it adopts withstands constitutional scrutiny.” The court went on to say that the General Assembly had empowered the Commission to create and enforce regulations to “guide localities in adopting ordinances that regulate variance requests” for community piers.

In spite of the back-and-forth conclusions summarized above, I think this question essentially is moot in regard to Critical Area Buffer variances. In a series of footnotes (footnotes 8-11) on “use” variances and “area” variances, the Court explains the differences between them and says that generally, use variances are reviewed under the stricter standard of unwarranted hardship and area variances under the practical difficulty test. Belvoir contended that its application was for an area variance, but the Court disagreed, implying that the unwarranted hardship standard may be the appropriate standard for Buffer variances. We have always maintained that Buffer variances are “use” variances because the Criteria say that water-dependent uses are the only uses allowed in the Buffer. Therefore, I do not think that it matters whether Anne Arundel County acquiesced to the Commission’s insistence that it adopt the stricter standard set out in the Criteria.

**B. In *White*, the Court of Appeals clarified that the “unwarranted hardship” requirement in variance law (ordinarily found in local jurisdictions’ zoning ordinances for critical area cases), is measured by the “denial of a reasonable and significant use” standard, rather than a denial of all reasonable uses standard, previously thought to be the case.**

Mr. Wimbrow uses the term “clarified.” The Court uses the same term. I do not agree. The Court of Appeals simply changed the law. Although Mr. Wimbrow refers to this clarification happening in the *White* case, it was actually done in *Belvoir*.

For more than 50 years unwarranted hardship was measured by the denial of all reasonable use of a property, essentially the standard for determining a taking. The change announced in the *Belvoir* decision contrasts with Judge Cathell’s 1994 opinion for

the Court of Special Appeals in *North v. St. Mary's County* (the Enoch case). In that case, the Court of Special Appeals said that unwarranted hardship was the denial of reasonable use of the property and went on to list the site's extensive non-Buffer amenities. *North v. St. Mary's* was consistent with a long line of Maryland Court of Appeals cases dating to the 1940s. In *Belvoir*, the Court said unwarranted hardship is the denial of reasonable and significant use and specifically said that this test was less than the standard for a taking. Judge Cathell, writing for the Court, said, "We reject the proposition that the unnecessary or unwarranted standard is equal to an unconstitutional taking standard." Although the Court's position is clear, it appears also to be new.

### The White Setting

*White vs. North* was the Commission's appeal of a variance granted by the Anne Arundel County Board of Appeals for a swimming pool in the Buffer. The Buffer here was expanded for steep slopes and the pool actually was proposed several hundred feet from tidal waters. The portion of the slope where the pool was proposed resulted from construction of the applicants' house.

The Board found that there would be no adverse harm to the environment from the pool because, among other factors, the pool would act as a catchbasin for stormwater and the concrete pool and apron would help stabilize the steep slopes. We appealed and the Circuit Court reversed the Board's decision as based on findings that were "arbitrary and capricious." The Whites appealed and, as they had done in the Circuit Court, argued that equating the unwarranted hardship standard to a constitutional taking made it impossible for an applicant to qualify for a variance. The Whites said that unwarranted hardship must mean something less strict than a taking but more difficult to show than practical difficulty. The Court of Special Appeals found nothing persuasive in the Whites' argument and, following longstanding Maryland law, affirmed the Circuit Court's reversal of the Board. The Court of Appeals granted the applicants' Writ of Certiorari and remanded the case to the Board for consideration under the new *Belvoir* ruling.

The *White* Court discusses *North vs. St. Mary's* and its strong language in regard to the difficulty an applicant faces in qualifying for a variance. The Court quickly overrules *North vs. St. Mary's* (Judge Cathell overruling Judge Cathell) by stating that the case was

"decided prior to the clarification in *Belvoir Farms* which, as applied by the Court of Special Appeals in that case, was the essential equivalent of an unconstitutional taking, a standard we rejected in *Belvoir Farms*. The Court of Special Appeals, in interpreting the St. Mary's County critical area zoning variance ordinance, which resembled the ordinance in this case (except for its more restrictive requirements that the property be

unique), focused, in part, on the requirement that the applicant prove an unwarranted hardship had resulted from the loss of all economic use, instead of a denial of a reasonable and significant use.”

**C. In *White vs. North*, the Court of Appeals seems to suggest that total compliance with each specific requirement for obtaining a variance, regardless of whether a critical area is involved, may not be necessary. Rather, a variance may be granted (and affirmed by the courts), if the overall requirements are generally met.**

Mr. Wimbrow is absolutely correct here. The law has changed. An applicant still must show that the denial of a variance will result in an unwarranted hardship. However, the other variance standards, each of which had to be satisfied under *North vs. St. Mary's County* or the variance would fail, under *White* are to be used only to guide the determination of hardship, and must be generally met. The other variance standards are:

- 1) The variance will not deny a right granted to others;
- 2) The variance will not confer a privilege unavailable to others;
- 3) The variance request does not result from the applicant's own actions;
- 4) The variance request does not result from the condition or use of adjacent land; and
- 5) The variance will be consistent with both the spirit and intent of the Critical Area Act and not result in adverse impacts to water quality or habitat.

The Court says that it was impossible under the old analysis for an applicant to properly qualify for a variance:

“If total compliance with every specific requirement were necessary, relief would be nearly impossible and serious “taking” questions might arise.”

The Court goes through a seemingly exhaustive list of cases from other states, categorizing them into different camps regarding rulings on variances. Many other states still hold to the principle that if a property owner has reasonable use of a property, the denial of a variance for a “use” will not be overturned by the courts. This strict standard was the law in Maryland for many years and clearly could remain so without running up against constitutional prohibitions. Nevertheless, the lesser standard now controls.

**D. Does a property within a critical area satisfy the uniqueness requirement of typical variance law, merely because it is in a critical area?**

The Critical Area program is unique in Maryland. It is a logical extension of the General Assembly's movement over a period of 30 years toward protecting the economic, environmental and cultural base of the Chesapeake Bay. For purposes of variance law, that distinction does not make property within the Critical Area unique any more than property within a historic district, or in a rural legacy area, or property outside of a Smart Growth priority funding area would be unique. To consider it otherwise leaves the law without meaning. It is a common tactic of those who try to undermine environmental laws to say that a legislative designation of land somehow makes a property unique for the purpose of avoiding that very designation.

**3. Has the development of Maryland's version of "smart growth" shaped or changed the Chesapeake Bay Critical Area Commission's approach to discharging its regulatory responsibilities? If so, in what ways? What is the Commission's role, formal or informal, in the implementation of Maryland's "smart growth" policy?**

Maryland's Smart Growth initiatives actually began several years ago with the enactment of the Seven Visions for new development following the administration's failure to win approval of the 2020 Plan. The Seven Visions were intended to help focus new development in already established areas and to protect important natural features and functions from the impacts of development. Included among the visions were the streamlining of regulations and funding to local governments to help them apply the visions. The Smart Growth Initiatives of the last three years relating to the withholding of state funds for projects outside growth areas, and funding for the purchase of development easements, are extensions of the visions.

Although the Critical Area Program was not expressly included as part of Smart Growth, it has contributed to the success of the Seven Visions and Smart Growth in a number of ways.

- The Commission revised its policies on shoreline development in existing developed areas. These areas are classified as Buffer Exempt, which means that development in the 100 foot Buffer must meet alternative regulations for protection of water quality and wildlife habitat. Property owners in these developed areas will not have to obtain variances for most new proposals. They will, however, be required to mitigate for the impacts of the new development.

- The Commission streamlined its process for approval of growth allocation amendments to local Critical Area programs. Growth allocations that meet the Criteria guidelines for adjacency and minimization of impacts on sensitive areas are processed as program refinements and are approved at the Commission's next regularly scheduled meeting. This process saves significant amounts of time for property owners and developers.
- The Commission was successful in gaining approval from the General Assembly to remove conflicting regulations concerning the commercial harvesting of timber. The Commission realized that land outside of Habitat Protection Areas sometimes was more ecologically important than the officially designated habitats, but our regulations prevented negotiation and flexibility. By removing certain restrictions, we were able to let commercial harvesters do their work more efficiently and better protect the most sensitive habitats.
- The Commission reviews local applications under the Rural Legacy Program for consistency with Critical Area regulations and policies. Often, we are able to make recommendations to the Rural Legacy Board which help protect valuable areas of open space, and further the goals of the Critical Area Program as well as the Smart Growth and Rural Legacy Initiatives.

### Summary

Variations in the Critical Area and throughout Maryland will be handled differently after the trio of decisions in *Belvoir*, *White* and *Mastandrea*. In *Belvoir*, the Court of Appeals said that the denial of a variance is the denial of a reasonable and significant use of property. This is a lesser standard than previously applied in Maryland. The Court continues its discussion of this point in *White*, where it says that the *Belvoir* "clarification" may be necessary in order to avoid questions of unconstitutional takings. In order to avoid a taking, the *White* court said that the other variance standards are to be used to guide the determination of whether denial of a variance would result in a hardship to a landowner so severe as to be unwarranted.

Such interpretations are not constitutionally required, despite the Court's implication that they may be. None of the Supreme Court's recent takings cases (*Nollan v. California Coastal Commission* [1987]; *Lucas v. South Carolina Coastal Council* [1993]; *Dolan v. City of Tigard* [1995]) require, or even allude to the necessity of, considering whether a taking has occurred by examining only a small portion of a site where a prohibited use is proposed. Some recent (since 1995) wetlands rulings by the U.S. Court of Claims to the contrary have not gained a significant following.

In *Mastandrea*, the Court of Appeals went even further in its dissection of the Critical Area variance standards. We have argued in every case before a local Board of Appeals that the cumulative impacts of similar development elsewhere must be considered when a Board reviews a variance application. We do this for two reasons: 1) the General Assembly's Findings in the Critical Area Act state that "the cumulative impact of current development is inimical to" the purposes of the law; and, 2) because we want a Board of Appeals to recognize that even small impacts on one property will have significant effects if multiplied thousands of times throughout the Critical Area. Marianne points out that every major federal and State environmental statute is grounded on the harm caused by individual actions that cumulatively result in degradation to the natural systems.

In *Mastandrea*, the Court said:

"[T]he Commission's argument in this regard is too extreme. With this logic, no variances would ever be granted for fear that, one day, they could have a negative cumulative effect on their environs. In our opinion, the intent of the (Talbot County) Zoning Ordinance is aimed at the cautious and thoughtful consideration and, where appropriate, granting of variances within the Critical Area on a case-by-case basis."

The Court also implied that it was significant that the Commission did not undertake specific studies of the impacts of the brick walkway under consideration by the Board in *Mastandrea*. The Court pointed out that the applicant's consultant told the Board that the clay soil was the hardest he had ever seen and, therefore, the brick-in-sand walkway would improve the quality of stormwater runoff in the Buffer.

In the future, we will find it difficult to oppose Buffer variances that require us to conduct individualized studies on engineering issues. We do not have the staff to do so. We will, however, address the impacts on stormwater runoff and wildlife habitat more specifically whenever we are able. The implications are clear that if we can mount a case at the Board of Appeals level and win, a court is not likely to overturn the Board's decision. On the other hand, these three cases show that if we lose before the Board, our chances of success on appeal are greatly reduced.



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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October 20, 2000

Mr. Steven Kaii-Ziegler  
Office of Planning and Zoning  
The Liberty Building  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Four Seasons at Kent Island Growth Allocation Request**

Dear Mr. Kaii-Ziegler:

I am writing to you on behalf of the panel members of the Critical Area Commission that are considering the growth allocation request for the Four Seasons at Kent Island. As you know, the Panel held a public hearing on September 12, 2000, and there was extensive testimony about a wide variety of significant environmental issues that could affect the Critical Area Commission's decision on the growth allocation request.

Since that time, Commission staff have worked closely with your staff, the project engineer, project environmental consultants, and staff of the Department of Natural Resources and Department of the Environment to thoroughly research these issues and to provide the Panel with additional information. The Panel has visited the site and has met twice to discuss the additional information and the growth allocation request.

The Panel met on October 12, 2000 and, following a discussion of many factors, articulated their concern that additional information is still needed about the following issues:

1. Waterfowl staging and concentration area on the Chester River and Macum Creek;
2. Delineation of an "excavated channel" as a stream feeding into Cox Creek;
3. Habitat and water quality value and function of the tidal pond adjacent to the Chester River;
4. Habitat and water quality function of all Buffer areas proposed to be 100 feet in width;

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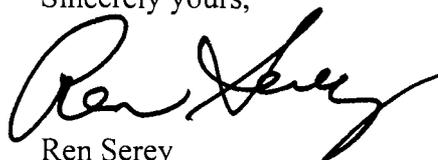
Mr. Kaii-Ziegler  
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5. Reduction of the 300 foot Shore Buffer relative to the requirement to provide mitigation measures or other features designed to minimize environmental impacts related to the reduction;
6. Size and location of the community marina and associated environmental impacts.

In order to allow sufficient time to obtain additional information from those professionals specializing in these issues, the Panel respectfully requests that the County authorize the Commission to defer action on this growth allocation amendment until the aforementioned issues have been more fully researched. It is anticipated that the additional information could be obtained within the next three weeks which would allow the matter to be brought before the full Commission for information on December 6, 2000 and for a vote on January 3, 2001. If at all possible, the Commission will attempt to expedite the process which could allow for the matter to be considered for a vote in December.

I hope that you agree that this request for an extension through January 3, 2001 is in the best interest of not only the Critical Area Commission, but the County Commissioners, the property owners, and the citizens of Queen Anne's County. Because of the scope of the growth allocation request and the environmental sensitivity of the properties involved, it is important that a decision on this matter be thoughtfully and carefully considered and based on the most accurate information available. Please notify the Commission in writing regarding this extension request. If you have any questions, please feel free to contact me at (410) 260-3460.

Sincerely yours,



Ren Serey  
Executive Director

cc: Mr. Larry Duket  
Mr. Dave Bourdon  
Mr. Robert Goodman  
Mr. Joe Jackson  
Mr. Andrew Myers  
Marianne D. Mason, Esq.  
Joseph A. Stevens, Esq.

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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October 16, 2000

The Honorable A. J. Perk, Jr., Chairman  
Charles County Board of Appeals  
P. O. Box 2150  
La Plata, Maryland 20646

Re: Special Exception 1004  
Maryland Rock Industries

Dear Mr. Perk:

The Chesapeake Bay Critical Area Commission has received a copy of a letter dated October 11, 2000 from Mr. Roy E. Hancock, Director of the Department of Planning and Growth Management to Mr. Stephen J. Braun, who represents Maryland Rock Industries, Inc. in Special Exception Application 1004. The letter states that the conveyor system and service road proposed through the Critical Area by Special Exception 1004 are "part of, and accessory to, the sand and gravel mining operation" which is the subject of the application. This determination by the County at this late date is unfortunate because it establishes that the conveyor system and service road are prohibited by Charles County's Chesapeake Bay Critical Area Program.

The County's Program states at Section 132 (d) v B of the Zoning Ordinance that:

Surface mining within the Critical Area shall be prohibited in the following unsuitable areas:

1. Areas where important natural resources such as threatened and endangered species, are of unique scientific value, or habitat protection areas identified in Chapter 9 of the Charles County Critical Area Program occur.

The portion of the application site located within the Critical Area contains two Habitat Protection Areas and therefore is covered by the Zoning Ordinance's prohibition.

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The Honorable A. J. Perk, Jr.  
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These Habitat Protection areas are 1) the minimum 100 foot Critical Area Buffer and its required expansion, and 2) the habitat of Forest Interior Dwelling Birds.

The Critical Area Commission was not aware until its receipt of Mr. Hancock's letter that the Department of Planning and Growth Management had determined the conveyor system and service road to be part of the mining operation under the Zoning Ordinance. By prior letter dated August 4, 2000 this Commission notified the County that it did not oppose the Board's consideration of Special Exception 1004. In that letter we assumed that the County did not consider the conveyor system and service road specifically as part of the mining operation for purposes of determining zoning and Critical Area permissibility. Mr. Hancock's letter informs us that our assumption was incorrect. His determination that the conveyor system and service road are elements of the sand and gravel mining operation clarifies that the Charles County Zoning Ordinance does not permit these facilities in the Critical Area.

In addition, Mr. Hancock justifies the presence of these elements of the sand and gravel mining operation by relying on a section of the Zoning Ordinance that contains a second, separate prohibition to their location in the Critical Area. He states that the conveyor system and service road are permitted under Section 132 (d) iii B which covers transportation facilities and utility transmission facilities. He does not point out, however, that this section of the Ordinance allows such facilities only in the Intensely Developed Zone. The Critical Area designation for the portion of the property which is the subject of Special Exception 1004 is Resource Conservation Zone.

Section 132 (d) iii B reads as follows:

The following uses are prohibited in the Critical Area Zones except in Intense Development Zones due to their high potential for adverse impact on plant and wildlife habitats and water quality, unless it has been demonstrated that the activity will create a net improvement in water quality to the adjacent body of water.

- A. Non-maritime heavy industry; and,
- B. Transportation facilities and utility transmission facilities, except those necessary to serve permitted uses, or where regional or interstate facilities must cross tidal waters (utility transmission facilities do not include power plants).

This language is slightly different than the corresponding and controlling language in the Critical Area Criteria, which states that transportation facilities are not

The Honorable A. J. Perk, Jr.  
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permitted in the Critical Area except in the Intensely Developed Area "and only after the activity or facility has demonstrated to all appropriate local and State permitting agencies that there will be a net improvement in water quality to the adjacent body of water. COMAR 27.01.02.02 F (1). Despite the text difference, the prohibition is clear. Local Critical Area Programs may be stricter than the State Criteria, as in the case of Section 132 (d) iii B, but may not be less strict.

Thus, Mr. Hancock's letter sets out two prohibitions to the location of the conveyor system and the service road in the Critical Area. In order for the Board to entertain a special exception application in a Habitat Protection Area for a sand and gravel mining operation or any elements which are part of or accessory to such an operation, the County Commissioners would need to:

- 1) amend the County's Critical Area Program and Zoning Ordinance to remove the prohibitory language regarding Habitat Protection Areas, and
- 2) award growth allocation for the transportation facility-related conveyor system and service road to change the Critical Area designation from Resource Conservation Zone to Intense Development Zone.

Both of these amendments would need approval by the Critical Area Commission following approval by the County Commissioners.

Please contact Ms. LeeAnne Chandler or me at (410) 260-3460 if you have questions or need additional information.

Sincerely,



Ren Serey  
Executive Director

cc: Judge John C. North, II, Chairman  
Marianne D. Mason, Esq.  
Roger Lee Fink, Esq.  
Stephen J. Braun, Esq.  
Roy E. Hancock  
Steve Magoon



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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October 5, 2000

Mr. Gary Green  
6111 Oakland Mills Road  
Sykesville, Maryland 21784

Dear Mr. Green:

I regret to inform you I am unable to offer you the position of Natural Resources Planner IV with the Critical Area Commission. There were many qualified applicants and the selection was difficult. I apologize for not contacting you sooner, but the process is extremely lengthy. Thank you for your interest.

Sincerely,

A handwritten signature in black ink, appearing to read "Ren Serey", written in a cursive style.

Ren Serey  
Executive Director

RS/jjd

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Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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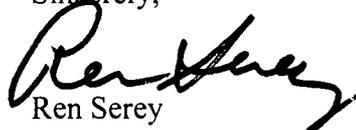
October 5, 2000

Mr. John Joyce  
605 Truxton Road  
Annapolis, Maryland 21401

Dear Mr. Joyce:

I regret to inform you I am unable to offer you the position of Natural Resources Planner IV with the Critical Area Commission. There were many qualified applicants and the selection was difficult. I apologize for not contacting you sooner, but the process is extremely lengthy. Thank you for your interest.

Sincerely,

  
Ren Serey  
Executive Director

RS/jjd

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October 5, 2000

Mr. John Christmas  
680 Southern Hills Drive  
Arnold, Maryland 21012

Dear Mr. Christmas:

I regret to inform you I am unable to offer you the position of Natural Resources Planner IV with the Critical Area Commission. There were many qualified applicants and the selection was difficult. I apologize for not contacting you sooner, but the process is extremely lengthy. Thank you for your interest.

Sincerely,

Ren Serey  
Executive Director

RS/jjd

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October 5, 2000

Mr. Rod Schwarm  
135 Chapel Road  
Easton, Maryland 21601

Dear Mr. Schwarm:

I regret to inform you I am unable to offer you the position of Natural Resources Planner IV with the Critical Area Commission. There were many qualified applicants and the selection was difficult. I apologize for not contacting you sooner, but the process is extremely lengthy. Thank you for your interest.

Sincerely,

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

Ren Serey  
Executive Director

RS/jjd

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Judge John C. North, II  
Chairman

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October 5, 2000

Mr. W. Jay Leshinskie  
388 Blossom Tree Drive  
Annapolis, Maryland 21401

Dear Mr. Leshinskie:

I regret to inform you I am unable to offer you the position of Natural Resources Planner IV with the Critical Area Commission. There were many qualified applicants and the selection was difficult. I apologize for not contacting you sooner, but the process is extremely lengthy. Thank you for your interest.

Sincerely,

Ren Serey  
Executive Director

RS/jjd

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Ren Serey  
Executive Director

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October 5, 2000

Ms. Claudia H. Donegan  
2605 Solomons Island Road  
Edgewater, Maryland 21037

Dear Ms. Donegan:

I regret to inform you I am unable to offer you the position of Natural Resources Planner IV with the Critical Area Commission. There were many qualified applicants and the selection was difficult. I apologize for not contacting you sooner, but the process is extremely lengthy. Thank you for your interest.

Sincerely,

A handwritten signature in black ink, appearing to read "Ren Serey", written in a cursive style.

Ren Serey  
Executive Director

RS/jjd

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Judge John C. North, II  
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Ren Serey  
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October 5, 2000

Ms. Diana Reynolds  
1526 Farlow Avenue  
Crofton, Maryland 21114

  
Dear Ms. Reynolds:

I regret to inform you I am unable to offer you the position of Natural Resources Planner IV with the Critical Area Commission. There were many qualified applicants and the selection was difficult. I apologize for not contacting you sooner, but the process is extremely lengthy. Thank you for your interest.

Sincerely,



Ren Serey  
Executive Director

RS/jjd

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

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



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

October 5, 2000

Ms. Kate Meade  
824 Boucher Avenue  
Annapolis, Maryland 21403

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

I regret to inform you I am unable to offer you the position of Natural Resources Planner IV with the Critical Area Commission. There were many qualified applicants and the selection was difficult. I apologize for not contacting you sooner, but the process is extremely lengthy. Thank you for your interest.

Sincerely,

Ren Serey  
Executive Director

RS/jjd

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**CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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(410) 260-3460 Fax: (410) 974-5338

October 5, 2000

Mr. H. Joseph Hamilton  
2424 Marbourne Avenue, Apt. 3A  
Baltimore, Maryland 21230

Dear Mr. Hamilton:

I regret to inform you I am unable to offer you the position of Natural Resources Planner IV with the Critical Area Commission. There were many qualified applicants and the selection was difficult. I apologize for not contacting you sooner, but the process is extremely lengthy. Thank you for your interest.

Sincerely,

A handwritten signature in black ink, appearing to read "Ren Serey".

Ren Serey  
Executive Director

RS/jjd

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1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

October 5, 2000

Mr. Samson Ajayi  
1 Lynfair Court, Apt. A1  
Baltimore, Maryland 21234

Dear Mr. Ajayi:

I regret to inform you I am unable to offer you the position of Natural Resources Planner IV with the Critical Area Commission. There were many qualified applicants and the selection was difficult. I apologize for not contacting you sooner, but the process is extremely lengthy. Thank you for your interest.

Sincerely,

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

Ren Serey  
Executive Director

RS/jjd

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(410) 260-3460 Fax: (410) 974-5338

September 28, 2000

The Honorable Philip J. Barker  
City of Havre de Grace  
711 Pennington Avenue  
Havre de Grace, Maryland 21078

Dear Mayor Barker:

I am writing to provide information, as you requested, concerning the Structures-on-Piers section of the Chesapeake Bay Critical Area Act. The relevant provisions can be found at Section 8-1808.4 of the Natural Resources Article, Annotated Code of Maryland. Nearly identical provisions are found at Section 16-104 of the Environment Article. An applicant proceeding under these statutes would require two approvals. The provisions in the Critical Area Act pertain to approvals of building permits or site plans by municipalities and counties under their approved local Critical Area Programs. Provisions in the Environment Article cover issuance of tidal wetlands licenses by the Board of Public Works or tidal wetlands permits by the Department of the Environment (MDE). I have enclosed copies of both sections, but the discussion below pertains solely to approvals under a local Critical Area Program pursuant to the Critical Area Act.

Paragraph (b) of the Act defines "pier" as any pier, wharf, dock, walkway, bulkhead, breakwater, piles, or other similar structure. Other provisions of the Act set out when local governments may permit non-water-dependent structures to be located on piers or one of the other facilities listed in the above definition. Essentially, the provisions are as follows:

- A local jurisdiction may approve a non-water-dependent structure on a pier if the pier existed as of December 1, 1985 and its existence or evidence of its existence can be verified by MDE's 1985 aerial photographs.
- The existing pier can be expanded up to 25% under the following conditions:

If piers or drydocks on the same property are removed, the project pier can be expanded up to 25% of the surface area of the facilities removed.

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The Honorable Philip J. Barker  
September 28, 2000  
Page 2

The project pier also can be expanded if all nonfunctional piers are removed from the property except for the project pier. If piers are removed from other properties, they also may factor in the expansion of the project pier. These allowances provide for expansion up to 10% of the surface area of the piers removed.

The total expansion of the project pier may not exceed 35% of the original size of the piers and drydocks removed.

- The pier must be in a designated Intensely Developed Area.
- The applicant must demonstrate to the local jurisdiction that the construction and operation of the project will not have a long term adverse effect on water quality.
- The applicant is required to improve the water quality of existing stormwater runoff into adjacent water bodies.
- The applicant demonstrates that any sewer lines or other utility lines extended for the pier will not adversely affect the water quality of adjoining waters.

An additional requirement under the Environment Article is that public access must be allowed if appropriate.

I hope this information is helpful to you. Please contact me if you have questions or need additional information. You also might want to contact Gary Setzer, Chief of MDE's Wetlands and Waterways Division at (410) 260-8092. Gary's office will be involved if State permits are needed and I'm sure he will be glad to help you sort out MDE's requirements.

Sincerely,



Ren Serey  
Executive Director



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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

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(410) 260-3460 Fax: (410) 974-5338

September 27, 2000

The Honorable A. J. Perk, Jr., Chairman  
Charles County Board of Appeals  
P.O. Box 2150  
La Plata, Maryland 20646

Re: Special Exception 1004  
Maryland Rock Industries, Inc.

Dear Chairman Perk:

Section 8-1812 of the Natural Resources Article, Annotated Code of Maryland (Critical Area Act), sets out the authority of the Chairman of the Chesapeake Bay Critical Area Commission concerning project approvals by a local jurisdiction under an approved Chesapeake Bay Critical Area Program. The relative language from the section is as follows:

- (a) After the Commission has approved or adopted a program, the chairman of the Commission has standing and the right and authority to initiate or intervene in any administrative, judicial, or other original proceeding or appeal in this State concerning a project approval in the Chesapeake Bay Critical Area.

Section 8-1802 of the Act specifies that "Project Approval" includes:

- (ii) 1. Approval of subdivision plats and site plans  
2. Inclusion of areas within floating zones  
3. Issuance of variances, special exceptions, and conditional use permits  
4. Approval of rezoning
- (iii) "Project approval" does not include building permits.

Ms. LeeAnne Chandler is a Natural Resource Planner employed by the Critical Area Commission. In providing testimony, submitting letters, making comments, attending meetings

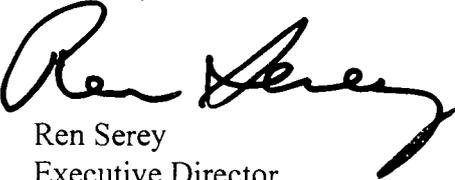
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(410) 822-9047 Fax: (410) 820-5093

The Honorable A. J. Perk, Jr.  
September 27, 2000  
Page 2

and site visits, answering questions or participating in any other lawful manner in the Board's review of Special Exception 1004 by Maryland Rock Industries, Inc., Ms. Chandler represents the Chairman of the Critical Area Commission, Judge John C. North, II.

Please contact me if you have questions or need additional information concerning the Commission's authority or Ms. Chandler's role. I can be reached at the above address or at (410) 260-3462.

Sincerely,



Ren Serey  
Executive Director

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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

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(410) 260-3460 Fax: (410) 974-5338

August 25, 2000

Mr. Ken Usab  
Andrews Miller and Associates  
401 Academy Street, Suite 1  
Cambridge, Maryland 21613

**RE: Chesapeake Hyatt and Resort**

Dear Mr. Usab:

I am writing to follow up on the Critical Area Commission staff review of the Buffer Management Plan for the Chesapeake Hyatt and Resort. As you are aware, the Buffer Management Plan must be reviewed and approved by the Critical Area Commission. In reviewing the Plan in preparation for presenting it to the Commission, we have identified several issues that we would like to discuss with you. They are as follows:

1. In order to accommodate the beach area in front of the hotel, it was necessary to excavate the Buffer. Generally, this type of activity is prohibited; however, we agreed that it could be permitted for this project as long as a 100-foot vegetated Buffer was established from the landward edge of the beach (as opposed to mean high water). This area was to be planted in "bayscape" type vegetation, including grasses and shrubs. We further agreed that the beach access trail could be located in this area but would have to be located at least 50 feet from the edge of the beach. The Buffer Management Plan does not reflect this design.
2. The Buffer Management Plan shows several areas where residential lots encroach into the Buffer. In some of these areas, the Plan does not specify that the Buffer is to be planted with forest vegetation. When this issue was presented to the Critical Area Commission, it was with the understanding that no structures would be located in the Buffer and that the Buffer portion of these lots would be fully vegetated.

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(410) 322-9047 Fax: (410) 320-5093

Mr. Usab

August 25, 2000

Page Two

3. There are several golf holes that involve a ball flight path over streams, wetlands and associated Buffers. All of these areas were discussed in detail, and we agreed that they would be fully vegetated with low growing vegetation, and would not be mowed and maintained as typical fairways. It was proposed that some existing vegetation would be reduced in height or replaced with lower growing shrubs. The Commission agreed to this with the understanding that these areas would be vegetated in such a way as to perform the Buffer functions. It does not appear that the Buffer functions have been adequately considered.
4. In several areas, best management practices for stormwater quality control are located within the 100-foot Buffer. Commission staff worked closely with your staff to identify and recommend several Buffer Exemption Areas to the Commission with the understanding that Buffer impacts associated with stormwater management would be limited to those areas designated as BEAs. It appears that some new stormwater management ponds have been added to the plans and some others expanded resulting in impacts to the Buffer in areas not designated as BEAs.
5. This Resort was presented to the Commission as a project that would result in an overall improvement in water quality and habitat protection on the site, in spite of the intensification of development and activity proposed. It was the Commission's understanding that this would be accomplished largely through the establishment of vegetated 100-foot Buffers on all streams, tidal waters, and tidal wetlands on the property. The Commission understood that in some areas the Buffer was to be vegetated with shrubs and grasses, as opposed to forest vegetation, because of the use of the property and the extensive areas that were mapped as BEAs. The Buffer Management Plan does not show that the Buffers on the site will be fully vegetated.
6. There appear to be numerous impacts to the Buffer, some in BEAs and some not, that have not been quantified or mitigated. We have been working with Betsy Weinkam of Coastal Resources to address these issues, and she recently submitted revised plans. After the plans are reviewed, there may be additional comments.

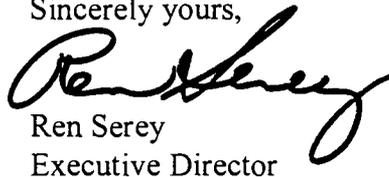
In summary, the Buffer Management Plan does not appear to reflect many of the decisions and agreements that were made during the concept design phase of the project, and were presented to the Critical Area Commission when it approved the various Buffer Exemption

Mr. Usab  
August 25, 2000  
Page Three

Area designations and growth allocation for the project. Unfortunately, final site plans for the project have not been submitted to the Commission; therefore, the review of the Buffer Management Plan has had to serve this purpose. This review has identified the issues outlined in this letter. We would like to meet with you to discuss them prior to moving forward with the Commission's review and approval of the Buffer Management Plan.

I will contact you this week to schedule a meeting. If you have any questions, please feel free to call me at (410) 260-3462.

Sincerely yours,



Ren Serey  
Executive Director

RS/jjd

cc: John C. North, II, Chairman  
Mr. Dale Price  
Mr. Roby Hurley

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

August 21, 2000

Mr. Harry M. Walsh, Jr.  
Walsh & Phillips, P.A.  
22 west Dover Street  
P.O. Box 240  
Easton, Maryland 21601

Re: The Hovnanian Properties of Maryland  
Queen Anne's County Planning Dept. # GA 04-00-01

Dear Mr. Walsh:

I am writing at the request of Judge North, who is out of town and therefore unable to respond to your letter. He asked me to assure you that he is well aware of the Hovnanian (Four Seasons) project in Queen Anne's County. The County Commissioners propose to use a portion of the County's growth allocation reserve for the project and have submitted a request to the Chesapeake Bay Critical Area Commission for that purpose.

The County proposes to use growth allocation in order to change 293 acres of Resource Conservation Area (RCA) to Intensely Developed Area (IDA). Previously, the County used 79.5 acres of growth allocation on this site to change RCA land to Limited Development Area (LDA). The County proposes to redesignate this earlier growth allocation to IDA.

Judge North has determined that the County's proposed use of growth allocation constitutes an amendment to the local Critical Area Program. He has appointed a panel of Commission members to conduct a public hearing on the matter. **The hearing is scheduled for September 12, 2000 at the Kent Island High School, beginning at 7:00 p.m.** The panel will hear a presentation on the use of growth allocation from staff of the Department of Planning and Zoning. Members of the public will be invited to present testimony.

The Commission's role and responsibilities concerning local program amendments are different from those of the County Commissioners. Perhaps it

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Mr. Harry M. Walsh, Jr.  
August 21, 2000  
Page 2

would help to discuss them prior to the hearing. If you would like to schedule a meeting, or if I can be of any other assistance, please contact me at (410) 260-3462.

Sincerely,

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

Ren Serey  
Executive Director

cc: John C. North, II, Chairman



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

August 15, 2000

Mr. Samson T. Ajayi  
1 Lynfair Court, Apt. A1  
Baltimore, MD 21234

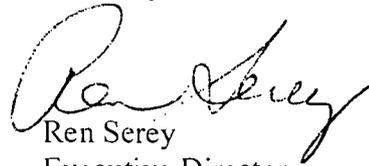
Dear Mr. Ajayi:

I have been trying to reach you to schedule an interview for the position of Natural Resources Planner IV with the Chesapeake Bay Critical Area Commission. You did not provide a daytime phone number, and I have had no response to the email message I sent you. I also tried to reach you at home, but was unsuccessful.

The only time I have remaining for an interview is at 12:30 p.m. on August 22, 2000. The interview will take place at the Commission's office located at 1804 West Street, Suite 100, Annapolis, Maryland 21401. I have enclosed directions. The interview will take approximately three and one-half hours.

Please let me know as soon as possible if you would like to schedule an interview for the time listed above. You can reach me at (410) 260-3462 or through email at [rserev@dnr.state.md.us](mailto:rserev@dnr.state.md.us).

Sincerely,

  
Ren Serey  
Executive Director

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

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

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

August 11, 2000

TO: Carolyn Watson, Asst. Secretary

FROM: Ren Serey, Executive Director *RS*

RE: 2002 Budget - Issues

Attached please find the FY2002 budget for your review and approval. At this point in time, we are \$12,128 over our CPS. We have cut about everything we could without just being unreasonable about actual costs. Since most of our costs are for salaries, it is difficult finding somewhere to cut the remaining dollars.

Part of the problem is that not enough additional money was provided for salaries in the FY2002 CPS. The Commission received an additional \$425,627 in FY2002 over the FY2001 Appropriation.

The additional funds were for the following items:

\$375.000	local government grants
36.000	additional rent monies and T-1 line
<u>14.627</u>	COLA - 1/2 year
\$425.627	

Additional salary-related monies were provided for the COLA only. No additional funds were provided for step increases, the Sick Leave Incentive Program or the ASR. Commission step increases for FY2002 total \$15,256, the sick leave program will cost \$3,000, and the ASR will cost \$9,616 for a combined total cost of \$27,872. Then, if we add fringe benefits to these costs, we have another \$8,919.04 for a new consideration of \$36,791.04. This is a lot of money to have to absorb and is extremely difficult to find in a budget that is over 90% salaries.

We would like to request at the very least the \$12,128 that we are having a hard time absorbing. The Department has \$438,764 in undistributed funds for FY2002. My understanding from Veronica via Jean Browning, is that the undistributed funds are for ASRs and the Sick Leave Incentive Program

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I believe we have a justified reason for requesting additional funds since both the ASR and Sick Leave Incentive Program definitely impact our Unit and we are only asking for a small portion of what is actually unfunded for the Commission at this time. It is also my understanding that the Department receives additional monies to cover inflation and that is where step increases are to be covered. We received no additional inflation monies.

I am available to meet with you on this at your earliest convenience.

RS/vm  
Attachments

8-8-00

reeder

TO: Ms. Angela Rodriguez      Rodriguez@chesapeake.net

Dear Ms. Rodriguez:

Governor Glendening asked me to respond to your email message concerning the proposal by the Institute for World Peace to build a conference center in Calvert County. The Institute has requested the approval of Critical Area growth allocation from the Board of County Commissioners. A favorable action by Calvert County would rezone the property and permit construction of a higher intensity use than is currently allowed. Although the County is authorized under Maryland's Chesapeake Bay Critical Area Act to make decisions of this nature, you have highlighted several issues that fall under the Department of Natural Resources' responsibility.

The Chesapeake Bay Critical Area Commission's subcommittee on development met with representatives from the Institute and the County's Department of Planning and Zoning on June 7, 2000. The subcommittee determined that the environmentally sensitive nature of the site would require significant changes to the development plans. The 19-acre portion of the property within the 1,000 foot Critical Area contains a stream with steeply-sloped banks and high cliffs along the Chesapeake Bay. Its forest is habitat to many protected bird species. Endangered species, such as the Bald Eagle, also are located on site and must be protected whether or not growth allocation is used. The subcommittee said that if the County moves forward with growth allocation, the project must be scaled back in order to be consistent with requirements of the local Critical Area Program. In the meantime, the County is addressing grading and tree-clearing violations on the property, which will require restoration of the forest. I realize however, that your concerns about potential neighborhood impacts extend well beyond the Critical Area.

The Governor's commitment to Smart Growth is shaped by many of the issues Calvert County residents have raised about this proposal. He and I firmly believe that large-scale projects should be located where facilities to handle their needs already exist or are planned. Traffic congestion and safety certainly are important, also. But as you have pointed out, location is the key. Not every project is appropriate for every site. We will continue to emphasize to the County that all development decisions should be made within the larger context of community and a respect for the environment.

Thank you for contacting us about the project. If you have questions or need additional information, please contact Ms. LeeAnne Chandler at the Chesapeake Bay Critical Area Commission office. She can be reached at She can be reached at 410-260-3477 or email lchandler@dnr.state.md.us.

cc: LeeAnne Chandler, Chesapeake Critical Area Commission

reader  
8-8-00

TO: Mr. Martin J. Johnson, Jr. marty@chesapeake.net

Dear Mr. Johnson:

Governor Glendening asked me to respond to your email message concerning the proposal by the Institute for World Peace to build a conference center in Calvert County. The Institute has requested the approval of Critical Area growth allocation from the Board of County Commissioners. A favorable action by Calvert County would rezone the property and permit construction of a higher intensity use than is currently allowed. Although the County is authorized under Maryland's Chesapeake Bay Critical Area Act to make decisions of this nature, you have highlighted several issues that fall under the Department of Natural Resources' responsibility.

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Thank you for contacting us about the project. If you have questions or need additional information, please contact Ms. LeeAnne Chandler at the Chesapeake Bay Critical Area Commission office. She can be reached at 410-260-3477 or email [lchandler@dnr.state.md.us](mailto:lchandler@dnr.state.md.us)

cc: LeeAnne Chandler, Chesapeake Critical Area Commission



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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

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August 4, 2000

Mr. Roger Lee Fink  
County Attorney for Charles County  
Office of the County Attorney  
P.O. Box 2150  
La Plata, Maryland 20646

Re: Special Exception 1004  
Maryland Rock Industries

Dear Mr. Fink:

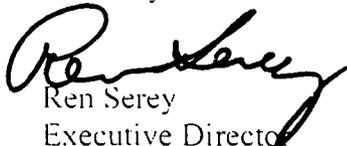
I am writing to notify you that the Chesapeake Bay Critical Area Commission does not oppose consideration of the above-referenced application by the Charles County Board of Appeals.

Although the County's local Critical Area program prohibits surface mining within Habitat Protection Areas, Special Exception 1004, as proposed, does not fall under the prohibition because the original location of the minerals to be extracted is outside of the Critical Area.

By separate letter we will provide recommendations to the Board concerning protection of the Buffer, steep slopes and the habitat of Forest Interior Dwelling Birds. If the Special Exception is approved, we will continue to work with the County planning staff and the applicant to assure compatibility of the project with the requirements of the local program.

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

Sincerely,

  
Ren Serey  
Executive Director

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

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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) 260-3460 Fax: (410) 974-5338

August 3, 2000

F. Edward Krueger  
Lead Environment Scientist  
Potomac Electric Power Company  
Natural Resource Management  
1900 Pennsylvania Avenue, N.W., Room 710  
Washington, D.C. 20068

Re: Chalk Point Plant, Replacement of Oil Pipeline

Dear Mr. Krueger:

At its meeting on August 2, 2000, the Chesapeake Bay Critical Area Commission approved the replacement of the oil pipeline at PEPCO's Chalk Point Generating Station as presented in the staff report and staff presentation. PEPCO may proceed with this project notwithstanding any other local, state or federal approvals. If the plans should change they must be forwarded to this office for review.

Thank you for your cooperation. If you have any questions, please contact me at (410) 260-3462.

Sincerely,

Ren Serey  
Executive Director

cc: Samuel E. Wynkoop, Jr., Prince George's Co. DER  
Sherry Conway Appel, Prince George's Co. DER  
Richard Thompson, Prince George's Co. DER  
John Markovich, MNCPPC

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

*revised*

## *Chesapeake Bay Critical Area Commission*

### **STAFF REPORT**

**August 2, 2000**

**APPLICANT:** Potomac Electric Power Company (PEPCO)

**PROPOSAL:** Oil Pipeline Replacement

**JURISDICTION:** Prince George's County

**COMMISSION ACTION:** APPROVAL

**STAFF RECOMMENDATION:** APPROVAL

**STAFF:** Ren Serey

**APPLICABLE LAW/  
REGULATIONS:** Memorandum of Understanding: Prince George's  
County, PEPCO and Chesapeake Bay Critical Area  
Commission

COMAR 27.01.02.04 C (1) (b)

### **DISCUSSION:**

In April of this year, an oil supply line ruptured at the Potomac Electric Power Company's (PEPCO) Chalk Point Generating Station in Prince George's County, spilling 111,000 gallons of oil into Swanson Creek and the Patuxent River. The Critical Area Commission was briefed on the impacts of the spill and the restoration efforts and its last meeting on July 5, 2000. As part of its repair plan, PEPCO intends to replace a portion of the pipeline that ruptured. The pipeline runs under Swanson Creek and a tidal marsh. A new 640 foot section of pipeline will be located under a roadbed adjacent to the marsh. The remainder of the pipeline will be abandoned and filled with inert material under other state and federal permits.

In April 1994 the Commission entered into a Memorandum of Understanding (MOU) with Prince George's County and PEPCO which covered the review and approval of development projects undertaken at Chalk Point. The MOU gave the Commission approval authority regarding PEPCO's development activities when a variance would be required under the County's Chesapeake Bay Critical Area Program. The County has determined that a variance is needed for replacement of the pipeline and therefore approval rests with the Commission.

The Critical Area Criteria provide for the installation of roads, bridges and utilities through the Buffer and other Habitat Protection Areas under the following conditions as set out in COMAR 27.01.02.04 C (1) (b):

- \* No feasible alternatives exist.
- \* They are designed to provide maximum erosion protection and minimize negative impacts to wildlife, aquatic life and their habitats and maintain hydrologic processes and water quality.

The Chalk Point Generating Station covers 1,156 acres in Prince George's County. Approximately 475 acres are within the Critical Area; 130 acres are in the Intensely Developed Area (IDA) and 345 acres are in the Resource Conservation Area (RCA). The new 12 inch pipeline will be placed three feet under the roadbed, which is in the RCA and the Critical Area Buffer. The installation will disturb an area 25 feet wide, covering approximately 16,000 square feet.

Sediment and erosion control plans have been approved by the Prince George's Soil Conservation District. No additional approvals are needed from the Maryland Department of the Environment and the Board of Public Works.

The staff recommendation for approval is based on a site visit, discussions with the permitting agencies and review of PEPCO's submitted materials. There appear to be no feasible alternatives to the proposal. Tidal marsh at the Chalk Point site is extensive. All other pipeline routes would cross the Critical Area Buffer at some point and likely have greater impacts than the proposed action. Here, disturbance will be minimal because the only portion of the Buffer to be affected lies within an existing roadbed. The approved sediment and erosion control plans appear to provide adequate protection to the marsh. There are no threatened or endangered species near the work area and no other Critical Area Habitat Protection Areas will be affected.



ASSUMED DATUM

MEAN HIGH TIDE

100-YEAR FLOODPLAIN

PROPERTY BUFFER  
PROPERTY BUFFER

24

19.45

Tie-In

EXISTING TO SOUNDING DOWN

EXISTING TOP OF PIPE SOUNDING READINGS DOWN 6' - 0"

EX 12" OIL LINE PIPE

To Be Abandoned

PROPOSED 12" OIL LINE

PROPOSED 12" OIL LINE

gravel service road

EDGE ROAD

EDGE ROAD

EDGE ROAD

MEAN HIGH TIDE

EXISTING TOP OF PIPE SOUNDING READINGS DOWN 4' - 5"

EXISTING TOP OF PIPE SOUNDING READINGS DOWN 5' - 2"

EXISTING TOP OF PIPE SOUNDING READINGS DOWN 5' - 3"

EXISTING TOP OF PIPE SOUNDING READINGS DOWN 3' - 6"

EXISTING TOP OF PIPE SOUNDING READINGS DOWN 3' - 8"

EXISTING TOP OF PIPE SOUNDING READINGS DOWN 2' - 7"

EXISTING TOP OF PIPE SOUNDING READINGS DOWN 2' - 9"

0.3

Tm

Tm

Tm

S

Staff Correspondence Reader File #2: Dawn

7000

31832-146-2



*Read file*

Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

December 20, 2000

Mr. John Newton  
Project Manager  
Environmental Planning  
Mass Transit Administration  
6 St. Paul Street  
Baltimore, Maryland 21202

RE: Light Rail Double Track Project- Sections 5 and 6,  
For Baltimore City and County

Dear Mr. Newton:

Thank you for submitting the Light Rail Double Track reports for Baltimore City and Baltimore County. Critical Area staff review has determined that additional information is needed for each segment in order to complete the staff report for the Critical Area Commissioners. This report is due for distribution no later than noon, Tuesday, December 26, 2000. The additional information being requested is broken out into segments as follows:

**Baltimore City**

1. The planting plan for the bio-retention area;
2. A final review of the Stormwater Management and Sediment and Erosion Control plans for areas in the Critical Area by the Maryland Department of the Environment (MDE) This includes a review of the 10 % calculations by MDE;
3. A letter from Baltimore City on consistency of the proposed development within the City's Critical Area Program; and,
4. A description of the mitigation site for Pier 14's impact to the Buffer.

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



**Page Two**  
**Light Rail Double Track Project, Section 5 and 6**  
**Baltimore City and County**  
**December 20, 2000**

**Baltimore County**

1. A statement that once the contractor has identified which trees and shrubs he will be able to relocate versus replace, a planting plan will be provided. This planting plan is to be provided no later than the date of the pre-construction meeting.
2. The status of Maryland Department of the Environment's (MDE) final review of the Stormwater Management and Sediment and Erosion control plans relative to impacts in the Critical Area. This should include MDE's review of the 10 % calculations.
3. Please provide discussion regarding the location of the original afforestation site (that was accomplished by natural regeneration) and its current condition. A photograph of the area would be appreciated.
4. The report references a 1989 CBCAC-approved report on the natural resources within the project boundaries. Please provide copies of excerpts from that report which discuss impacts to the existing wetlands. Given that the Nontidal Wetland Protection Act was implemented after the date of this report, requirements regarding wetland impacts may have changed. Therefore, please provide information on the impacts of this segment of the project on existing wetlands and any mitigation that will be required. The location of the mitigation site should be identified. A copy of the mitigation design plan should be provided as well as copies of any wetland permits issued by MDE. If no permits have been issued, a status of the MDE permit application must be provided.

Finally, the 10 % calculations are not correct for both segments. The total acreage of the project area that occurs within the Critical Area must be used for Step 1(A)(1) in Worksheet A for the 10% Rule calculations. The worksheets in the report used the acreage for total impervious surfaces. Please revise Worksheet A.

**Page Three**  
**Light Rail Double Track Project, Sections 5 and 6**  
**Baltimore City and County**  
**December 20, 2000**

All this information may be sent to this office by fax to (410) 974-5338 no later than noon, Tuesday, December 26, 2000. We will contact you with our comments so that you may prepare for the January presentation before the Commission. If you have any questions, please feel free to call Dawnn McCleary at (410) 260-3483 or Wanda Cole at (410) 260-3481.

Sincerely,



Dawnn McCleary  
Natural Resources Planner



Wanda Cole  
Natural Resources Planner

cc: Diane Ratcliff  
Bryan Mulqueen  
Betsy Weinkam  
Tom Conklin  
Regina Esslinger  
State File 25-99

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

December 8, 2000

Ms. Diane Radcliff  
Chief of Environmental Planning  
Office of Planning and Programming  
6 St. Paul Street  
Baltimore, Maryland 21202

RE: Maryland Mass Transit Administration(MTA)\Canton Railroad  
Company Freight Service Abandonment/Discontinuance of Trackage Rights  
South Line - Central Light Rail Line (Patapsco Avenue to Dorsey Road)

Dear Ms. Radcliff:

Thank you for providing information on the MTA and Canton Rail Road Company's proposal to abandon MTA's freight common carrier obligation and discontinue Canton's trackage rights on the Southern segment of MTA's Central Light Rail Line. The segment of the area of the track extends 5.78 miles from the Light Rail Line's junction with CSX Transportation line near Patapsco Ave. in Baltimore City to the Light Rail Line's Terminus at Dorsey Road in Glen Burnie.

Critical Area staff understands that the South line passes through the Critical Area but MTA and Canton do not anticipate the abandonment will have environmental effects because it will not involve construction or intrusion into the surrounding environment. Therefore, approval of the above project is not necessary at this time. If there are any changes where development activity may take place within the Critical Area, this office would like to be notified immediately. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

*Dawnn McCleary*  
Dawnn McCleary

Natural Resources Planner

*Wanda Cole*

Wanda Cole

Natural Resources Planner

cc: Regina Esslinger  
General File

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

CLEARINGHOUSE REVIEW

December 1, 2000

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. (1804 West St., Suite 100, Annap., 21401)

FROM: James W. Price, Director, Program Open Space

SUBJ: DNR Clearinghouse Review of Local POS Project # 3842-12-178  
Patterson Mill Park Restroom/Storage Building, Harford County

This project proposes the construction of a restroom/storage building in Patterson Mill Park. The building is approximately 770 s.f. and will be constructed of concrete block walls and a wood/shingle roof. It will consist of male and female restrooms and a storage 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 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 12/21/00

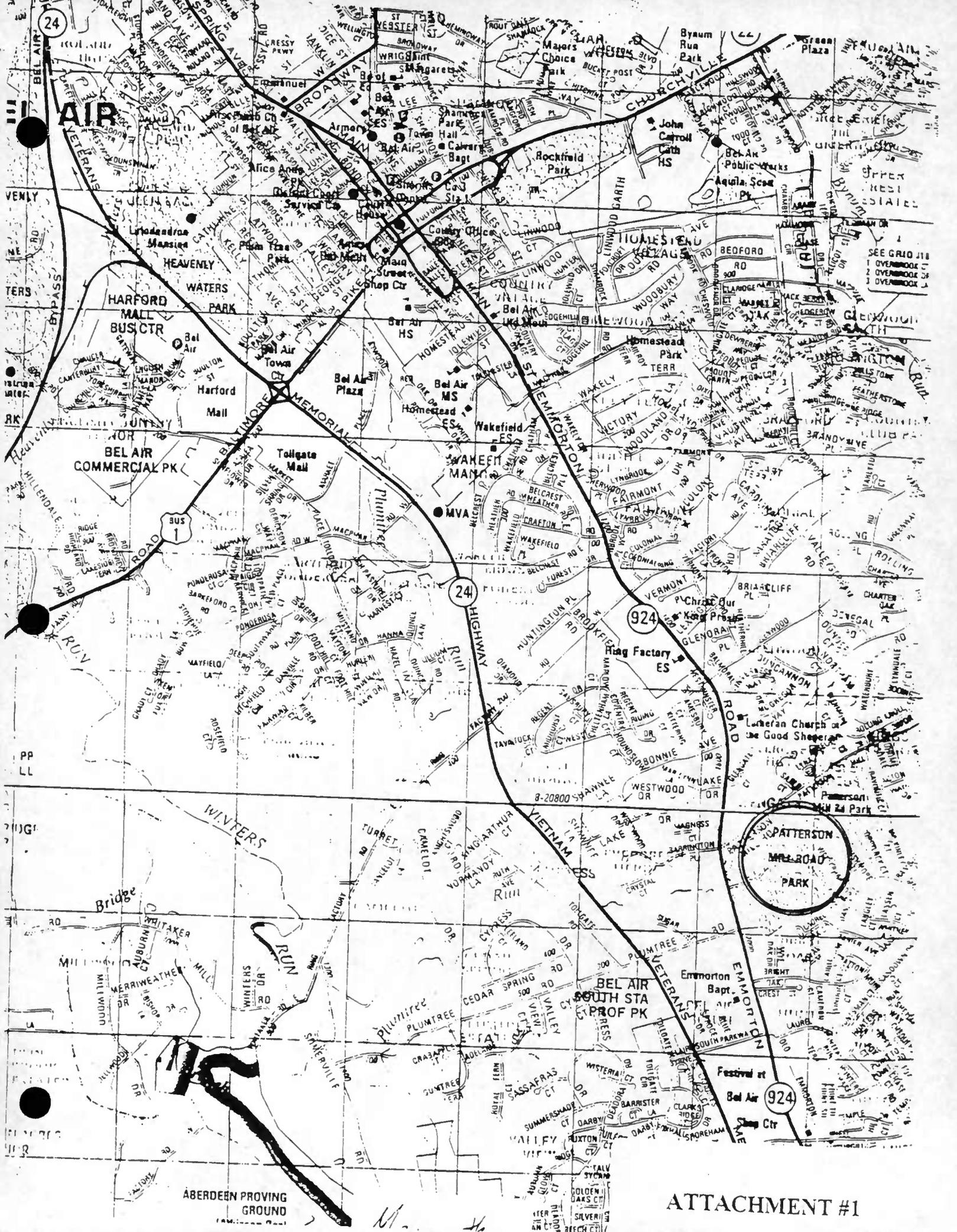
2. The project does not conflict with this Agency's plans, programs or objectives, but the attached comments are submitted for consideration.

\_\_\_\_\_

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.



CLEARINGHOUSE REVIEW

December 1, 2000

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. (1804 West St., Suite 100, Annap., 21401)

FROM: James W. Price, Director, Program Open Space

SUBJ: DNR Clearinghouse Review of Local POS Project # 3810-2-181  
Annapolis Courts Resurfacing, the City of Annapolis, Anne Arundel County

This project proposes to resurface courts at three different locations including the all weather resurfacing of the running track at Bates Middle School; the basketball court at Chester Avenue Playground, and the tennis court at Mills Parole School.

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 12/21/00

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

\_\_\_\_\_

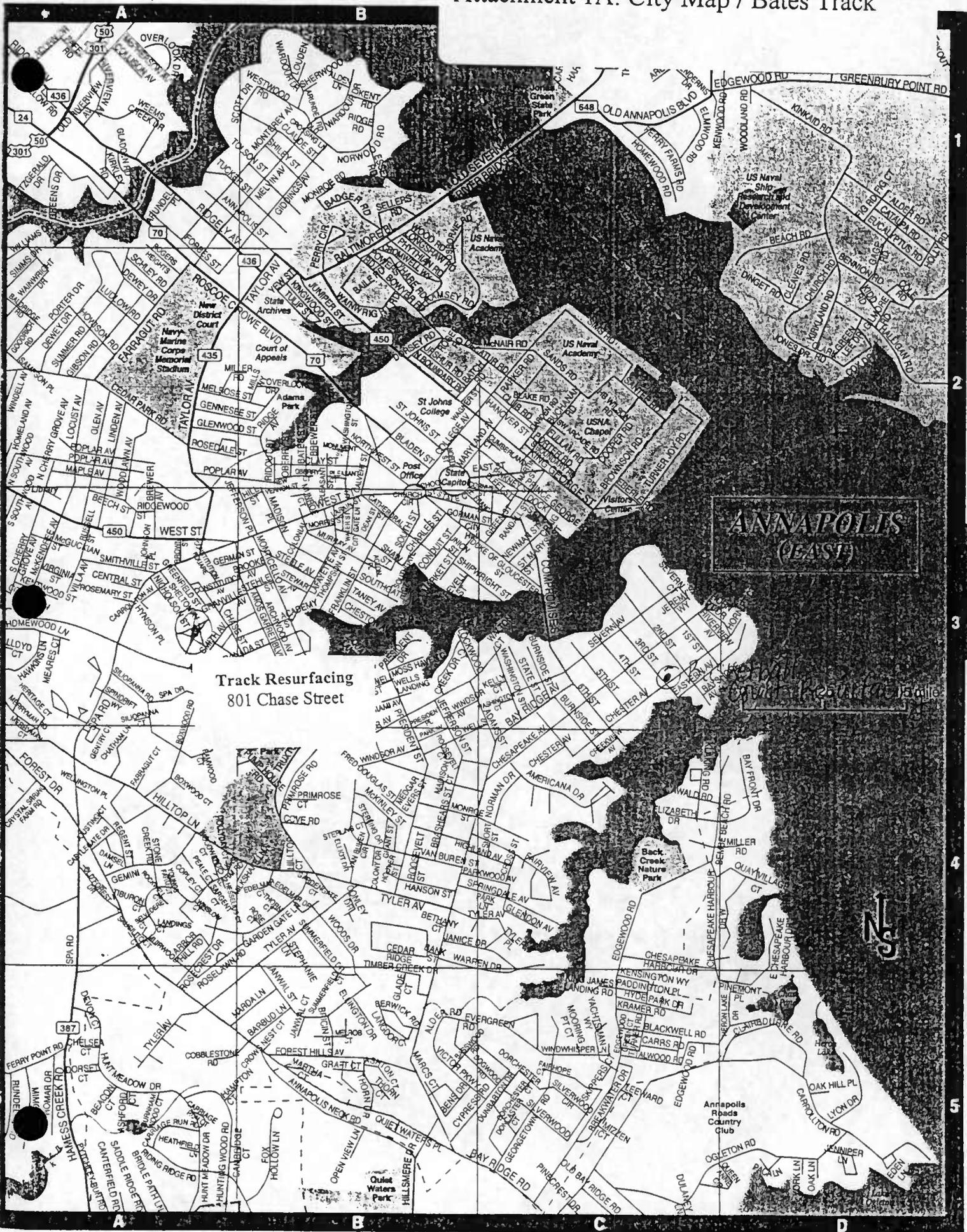
3. The project conflicts with this Agency's plans, programs or objectives for the reasons indicated on the attachment.

\_\_\_\_\_

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

Bates Track, 801 Chase St.

Attachment 1A: City Map / Bates Track



Track Resurfacing  
801 Chase Street

ANNAPOLIS  
(EAST)



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

December 20, 2000

Mr. Wm. Dorsey Hiteshew, Jr.  
Project Engineer  
Whitney, Bailey, Cox and Magnani  
849 Fairmont Avenue, Suite 100  
Baltimore, Maryland 21286

RE: Glenn Warner Soccer Facility  
United States Naval Academy, Annapolis  
Project No. 2000.0118.00.0

Dear Mr. Hiteshew:

The purpose of this letter is to respond to your December 6, 2000 letter regarding the Warner Soccer Pavilion at the U.S. Naval Academy. Alternative sites for water quality enhancement measures can be elsewhere on the Naval Academy property, including the portion of the Academy on the north side of the Seven River. The water quality treatment must be contained within the Critical Area. Areas outside of the Critical Area may be acceptable only if no alternative sites are available within the Critical Area.

Finally, alternative mitigation must be located outside the 100-foot Buffer. When available, please provide possible areas within the Critical Area you have in mind as alternative mitigation areas. I will be happy to go out with you to the site to evaluate whether the areas are appropriate for water quality enhancement measures.

Branch Office: 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  
Glenn Warner Soccer Facility  
December 20, 2000*

If there are additional questions, please feel free to call me at (410) 260-3483.

Sincerely,



Dawnn McCleary  
Natural Resources Planner

cc: Regina Esslinger  
General Files



Judge John C. North, II  
Chairman

bib  
Ren Serey  
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

December 11, 2000

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

RE: Comprehensive Review - Harford County Critical Area Program  
Bills 00-53, 00-54 and 00-55

Dear Ms. Gleisner:

Thank you for meeting with the Commission staff on December 11, 2000 to review Bill 00-53, Bill 00-54 and Bill 00-55 which amend Harford County's Chesapeake Bay Critical Area Program. The bills represent changes to the Harford County Code, Critical Area Management Program, and Critical Area maps resulting from the third comprehensive review.

During our meeting, Critical Area staff recommended several minor changes that should be addressed prior to review and approval of the three bills by the Critical Area Commission. Based on our discussion, I understand that you will review the recommended changes and get back to us with proposed revisions that will be included with the bills as proposed conditions of Commission approval. Once we receive the revisions, the changes to the County's Program will be accepted as a complete submission, and we can move forward with appointing a panel and scheduling a public hearing. We will coordinate with your office to schedule the date and arrange the location for the public hearing.

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

**Continued, Page Two**  
**Harford County Comprehensive Review**  
**December 11, 2000**

Again, I enjoyed meeting with you and look forward to the completion of the comprehensive review. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,



Dawnn McCleary  
Natural Resources Planner

cc: Pat Pudelkewicz  
Ren Serey  
Mary Owens  
Amendment File

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

November 29, 2000

Ms. Lori Schmick  
Environmental Planner  
Caroline County Planning and Zoning  
403 South 7<sup>th</sup> Street, Suite 210  
Denton, Maryland 21629

RE: Roger and Patricia Smith Variance  
00 - 37 V

Dear Ms. Schmick:

Thank you for providing information on the above variance application. The applicant is proposing to construct an addition to the existing dwelling and a screened porch which both are located in the 100-foot Buffer. The property is 2.39 acres in size and is designated a Limited Development Area. After reviewing the site plan, this office does not oppose the variance application. It appears that the proposed screened porch and part of the new addition cannot be moved out of the 100-foot Buffer. Because the addition and porch are in the Buffer, this office recommends that the area disturbed be mitigated at a 3:1 ratio with native plantings, on site if possible.

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

Sincerely,

  
Dawnn McCleary  
Natural Resources Planner

cc: Crystal Porter  
Regina Esslinger  
CR 607 - 00

Branch 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**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

November 29, 2000

Ms. Lori Schmick  
Environmental Planner  
Caroline County Planning and Zoning  
403 South 7<sup>th</sup> Street, Suite 210  
Denton, MD 21629

RE: William Leverage Variance  
00 - 39V

Dear Ms. Schmick:

Thank you for providing information on the above variance application. The applicant is proposing to remove the existing house and rebuild a new house on the same foundation of the existing house. The property is one acre in size and is designated a Limited Development Area. As per our phone conversation, this office understands that the applicant decided to demolish the existing house due to structural problems. This office also understands that the new house can not be moved out of the Buffer due to the location of the septic area. After reviewing the site plan, this office does not oppose the variance. This office recommends that any disturbance to the Buffer be mitigated at a 3:1 ratio, using native plantings, on site if possible.

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

Sincerely,

Dawnn McCleary  
Natural Resources Planner

cc: Crystal Porter  
Regina Esslinger  
CR 606- 00

Branch 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**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

December 8, 2000

Ms. Diane Radcliff  
Chief of Environmental Planning  
Office of Planning and Programming  
6 St. Paul Street  
Baltimore, Maryland 21202

RE: Maryland Mass Transit Administration(MTA)\Canton Railroad  
Company Freight Service Abandonment/Discontinuance of Trackage Rights  
South Line - Central Light Rail Line (Patapsco Avenue to Dorsey Road)

Dear Ms. Radcliff:

Thank you for providing information on the MTA and Canton Rail Road Company's proposal to abandon MTA's freight common carrier obligation and discontinue Canton's trackage rights on the Southern segment of MTA's Central Light Rail Line. The segment of the area of the track extends 5.78 miles from the Light Rail Line's junction with CSX Transportation line near Patapsco Ave. in Baltimore City to the Light Rail Line's Terminus at Dorsey Road in Glen Burnie.

Critical Area staff understands that the South line passes through the Critical Area but MTA and Canton do not anticipate the abandonment will have environmental effects because it will not involve construction or intrusion into the surrounding environment. Therefore, approval of the above project is not necessary at this time. If there are any changes where development activity may take place within the Critical Area, this office would like to be notified immediately. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

*Dawnn McCleary*  
Dawnn McCleary

Natural Resources Planner

*Wanda Cole*

Wanda Cole

Natural Resources Planner

cc: Regina Esslinger  
General File

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



*Reader 616*

Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

December 11, 2000

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

RE: Comprehensive Review - Harford County Critical Area Program  
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During our meeting, Critical Area staff recommended several minor changes that should be addressed prior to review and approval of the three bills by the Critical Area Commission. Based on our discussion, I understand that you will review the recommended changes and get back to us with proposed revisions that will be included with the bills as proposed conditions of Commission approval. Once we receive the revisions, the changes to the County's Program will be accepted as a complete submission, and we can move forward with appointing a panel and scheduling a public hearing. We will coordinate with your office to schedule the date and arrange the location for the public hearing.

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

**Continued, Page Two**  
**Harford County Comprehensive Review**  
**December 11, 2000**

Again, I enjoyed meeting with you and look forward to the completion of the comprehensive review. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,



Dawnn McCleary  
Natural Resources Planner

cc: Pat Pudelkewicz  
Ren Serey  
Mary Owens  
Amendment File

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

December 1, 2000

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

RE: Harborview PUD\ Special Exception on Lot 6  
6 Little Harbor Way

Dear Mr. Torney:

Thank you for submitting the revised site plan and special exception for Lot 6 of the Harborview subdivision. The subdivision is 3.16 acres in size and is designated both a Limited Development Area (LDA) and a Resources Conservation Area (RCA).

Critical Area staff has reviewed the Planned Unit Development (PUD) site plan for the five (5) townhouses on Lot 6 which is in the LDA. As per our phone conversation on November 29, 2000, you informed me that Lot 6, the Forest Conservation Easement Area, and the small open space area near the Little Harbor Way that will be tied together has not yet been added to the original subdivision plat as an amendment. Your office and the Planning Commission have not approved the proposed addition of the open space area in the PUD site plan and original subdivision plat. This office understands that in order to move this project forward, your office and the Planning Commission will need to approve the amended plat. If this plat is not approved, Lot 6 can not meet the impervious surface requirements. In a phone conversation with Steve Cover on December 1, 2000, this office understands that the PUD/subdivision plat was recently submitted to your office. Please forward a copy to us and let us know as soon as possible when the official approval of the subdivision plat by your office and the Planning Commission has taken place.

Branch Office: 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**  
**Harborview PUD Site Plan\Special Exception**  
**December 1, 2000**

In reference to the special exception request for the five townhouses on Lot 6, this office has no comments pertaining to this request. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,



Dawnn McCleary  
Natural Resources Planner

cc: Steve Cover  
Tom Smith  
Regina Esslinger  
AN 587-00



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

December 1, 2000

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

RE: Crab Cove PUD  
Bywater Road

Dear Mr. Torney:

Thank you for providing information on the above revised Planned Unit Development (PUD) site plan. Lots 1 (25.4%) and 13 (25.19 %) are over the impervious surface allowed. All lots must be at or under the 25% impervious surface limit. If the PUD site plan is not revised, Lots 1 and 13 cannot meet the impervious surface requirements and will require growth allocation. (*See 27.67.080.H.5 of the City's Ordinance and State Critical Area Law in Section 8-1808.3*) Please forward the revised PUD site plan to this office once you receive it. I will provide comments at that time. If there are questions, please feel free to call me at (410) 260-3483.

Sincerely,

Dawnn McCleary  
Natural Resources Planner

cc: Veron Husted  
Regina Esslinger  
AN 216-00

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

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

November 29, 2000

Ms. Lori Schmick  
Environmental Planner  
Caroline County Planning and Zoning  
P.O. Box 207  
Denton, MD 21629

RE: William Leverage Variance  
00 - 39V

Dear Ms. Schmick:

Thank you for providing information on the above variance application. The applicant is proposing to remove the existing house and rebuild a new house on the same foundation of the existing house. The property is one acre in size and is designated a Limited Development Area. As per our phone conversation, this office understands that the applicant decided to demolish the existing house due to structural problems. This office also understands that the new house can not be moved out of the Buffer due to the location of the septic area. After reviewing the site plan, this office does not oppose the variance. This office recommends that any disturbance to the Buffer be mitigated at a 3:1 ratio, using native plantings, on site if possible.

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

Sincerely,

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

Dawnn McCleary  
Natural Resources Planner

cc: Crystal Porter  
Regina Esslinger  
CR 606- 00

Branch 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**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

November 29, 2000

Mr. David Stewart  
STV Incorporated  
21 Governor's Court  
Baltimore, Maryland 21244

Re: MPA Mitigation Sites

Dear Mr. Stewart:

Thank you for your June 20, 2000 letter to us describing your project to develop a mitigation alternatives program for future Maryland Port Administration (MPA) projects. As we discussed in our follow-up meeting on August 30, 2000, we agree with your concept, but have a lot of questions about the specifics.

We discussed mitigation alternatives for both the 100-foot Buffer as well as for the 10 % Rule Calculations. Any program must separate these two types of mitigation as they fulfill two different Critical Area requirements. We also discussed that some of the projects proposed in the June 20, 2000 letter would not qualify, but that Commission staff could assist you in developing an acceptable list. The Critical Area Commission must approve any mitigation alternatives before it is adopted by MPA. Staff looks forward to working with you to come up with mutually agreeable mitigation alternatives.

If there are any questions, please feel free to call me (410) 260-3483.

Sincerely,

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

Dawnn McCleary  
Natural Resources Planner

cc: Doug Matzke  
Mike Hild  
Regina Esslinger  
General 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

1804 West Street, Suite 100, Annapolis, Maryland 21401

(410) 260-3460

Fax: (410) 974-5338

November 29, 2000

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

Dear Mr. Stuart:

The purpose of this letter is to respond to your question regarding the language in Section III. C.(2.)(b)(i) (page 13) of the Baltimore City Critical Area Management Program (CAMP). As you know, Commission staff has suggested that the following language be deleted from this section:

*As an alternative offset for disturbance to land in the Buffer, the developer may elect to increase the runoff pollution reduction requirement to 20% or more for the entire Buffer on the site. The 10% reduction requirement will be applied to the remainder of the site.*

Commission staff proposed this change because we believe the language that is proposed to be deleted is not necessary. The current language states that the developer is required to offset only for the land area within the Buffer which has been disturbed for new construction, or paving associated with a water dependent use. It also states that the developer is required to compensate (either on-site or through the offset program) for any existing vegetation disturbed by the development and to correct any shore erosion problems.

These provisions appear to allow a developer to use a broad range of mitigation measures including compensating on-site or using the offset program in the CAMP. Commission staff believes that the provision that is proposed to be deleted is, in effect, a form of on-site mitigation and could be utilized by a developer **if it is appropriate for the particular site**. It is my understanding that the current provision, which appears to result in only a minimal improvement in water quality, is frequently used by developers, when other forms of mitigation would result in greater water quality and habitat benefits and generally be more consistent with the purpose and intent of the Critical Area Act.

Branch Office: 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  
Comprehensive Question  
November 29, 2000

In summary, Commission staff believes that deleting the provision about the 20% improvement in water quality in the Buffer **would not preclude this provision from being applied**, but would provide City staff with broader discretion in determining when it was appropriate to apply it.

I hope this clarifies the Commission staff recommendation. If you have additional questions concerning areas in the program that were revised, please feel free to call me at (410) 260-3483.

Sincerely,

  
Dawnn McCleary  
Natural Resources Planner

cc: Susan Williams  
Mary Owens  
Comprehensive File



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401

(410) 260-3460

Fax: (410) 974-5338

November 20, 2000

Ms. Phyllis Brock  
Director of Planning and Zoning  
City of Aberdeen  
P.O. Box 70  
Aberdeen, Maryland 21001

Dear Ms. Brock:

The Chesapeake Bay Critical Area Commission staff would like to meet with you to discuss property within the City of Aberdeen that may be located in the Chesapeake Bay Critical Area. The purpose of the meeting is to look at the area in question and the type of development in the area. Once this is done, our office will be able to determine whether the area in question is in the Critical Area and provide guidance to the City on how to best comply with the provisions of the Critical Area Act.

I will call you next week to set up a meeting to discuss this issue. If you have questions prior to our meeting, please feel free to call me at (410) 260-3483.

Sincerely,

  
Dawnn McCleary  
Natural Resources Planner

cc: Ren Serey  
Mary Owens  
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



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

November 20, 2000

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

RE: Jabin's\ J - World  
211 Eastern Avenue

Dear Mr. Torney:

This office has reviewed the applicant's proposal to build a large new addition that will be located in a Buffer Exemption Area (BEA). It is unclear whether the planting list on the site plan is for the bioretention or for the required BEA mitigation. The current 10 % calculations show that bioretention was chosen as a Best Management Practice (BMP). If the planting list on the site plan is for bioretention, it should be clearly identified as such. Also, for bioretention, canopy trees should be established with understory, shrubs, and herbaceous plants. (See Commonly used species for Bioretention Areas, in the Maryland Department of the Environment's "2000 Stormwater Design Manual Vol. I and II" , Page A.16, Table A.4 and Table A.5).

In reference to the required mitigation for development in a BEA, the applicant must mitigate at a 2:1 ratio using natural vegetation for the proposed development in the 100-foot Buffer. (See Section 21.67.065 (A)) of the City of Annapolis' Critical Area Program.) Canopy trees, understory trees, shrubs, and herbaceous plants are examples of vegetation typically found in riparian areas in Maryland. The required mitigation must be shown on the site plan. Please forward a revised site plan showing appropriate bioretention plantings and BEA mitigation for review. I will provide additional comments at that time.

Branch Office: 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  
Jabins's\J.- World  
November 17, 2000

If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

  
Dawn McCleary  
Natural Resources Planner

cc: Frank Biba  
Regina Esslinger  
AN 562 - 00



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

November 20, 2000

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

RE: Foster Knoll Drive Channel Improvement  
Consistency Report

Dear Ms. Gleisner:

Thank you for providing "Notification of Certification" that the above project is consistent with Harford County's Critical Area Program. Critical Area staff understands that the above project is to stabilize approximately 25 linear feet of stream bank downstream of a 24-inch stormwater outfall pipe and the expansion of an existing step pool structure on an unnamed tributary of Foster Branch in Harford County. The site is located immediately northeast of the intersection of Foster Knoll Drive and Sweet Briar Court and extends east to the confluence of the unnamed tributary and Foster Branch.

The site is located entirely within the Chesapeake Bay Critical Area (CBCA) in an area designated as an Intensely Developed Area (IDA) land use management zone. The primary objective of the work is to address erosion problems and to reduce the sediment reaching Foster Branch.

Critical Area Commission staff also understands:

1. That impacts to the 100-foot Buffer are unavoidable due to the nature of the project. All areas disturbed during construction activities will be seeded and stabilized with native grasses and erosion control fabric upon project completion. Also, temporary impacts within the Critical Area due to construction activities such as the removal of grass and vegetation near the eroded areas will likely occur and all areas will be properly stabilized following disturbance;
2. That no impacts are proposed within the nontidal wetlands or their State mandated 25-foot Buffer;

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

*Continued, Page Two  
Foster Knoll Drive Channel Improvement  
Consistency Project  
November 20, 2000*

3. That there will be impacts to an unknown stream of Foster Branch Run such as extension of a one step-pool channel feature, streambank grading and stabilization, and removal and replacement of an eroding stormwater outfall rip-rap plunge pool;
4. That no impacts of anadromous fish spawning waters are proposed for this project;
5. That there will likely be impacts to Alluvial land soils, a primary hydric soil. Every precaution will be taken to insure that proper sediment and erosion control practices are installed and maintained during construction. The existing soil and steep slopes in the stream banks will be stabilized as a result of the proposed construction. Also, tidal marsh soils are located within the project area, however, impacts are not anticipated;
6. That Department of Natural Resources (DNR) did identify a Habitat Protection Area downstream from the project site in Foster Branch. DNR recommends that all Best Management Practices be strictly enforced to prevent excessive sedimentation. DNR did not identify any rare, threatened or endangered species within the project area; and,
7. That all protection and management measures associated with Forest Interior Dwelling Bird (FID) habitat will be observed due to the potential presence of FID. Any disturbance to the site must be minimized during the months of May - August breeding period. Two trees that will be removed will be replaced on site with two trees recommended for replanting in the Critical Area by DNR.

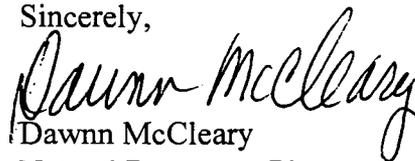
The Commission staff has determined that the above proposed development: 1) has environmental or economic consequences that will largely be confined to the immediate area of the site on which the development is located; 2) does not substantially affect the Critical Area program of the local jurisdiction,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

**Continued, Page Three**  
**Foster Knoll Channel Improvement**  
**Consistency Project**  
**November 20, 2000**

(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, please feel free to contact me at (410) 260-3483.

Sincerely,



Dawnn McCleary  
Natural Resources Planner

cc: Pat Pudelkewicz  
Regina Esslinger  
HC 558-00

CLEARINGHOUSE REVIEW

October 27, 2000

RECEIVED

NOV 1 2000

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)  
Jack Tawil, Education, Bay Policy & Growth Mgmt (E-2)  
Marian Honecny, Forestry (E-1)  
Bill Hodges, Resource Assessment Services (B-3)  
Regina Esslinger, Crit. Area Cmsn. (1804 West St., Suite 100, Annap., 21401)

FROM: James <sup>JWP</sup> W/Price, Director, Program Open Space

SUBJ: DNR Clearinghouse Review of Local POS Project # 3813-26-134  
Court Resurfacing & Ballfields FY 96, Baltimore City

This project proposes to improve two tennis courts at Luckman Park, one tennis court at Fred B. Leidig Recreation Center and one basketball court at Collington Square.

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

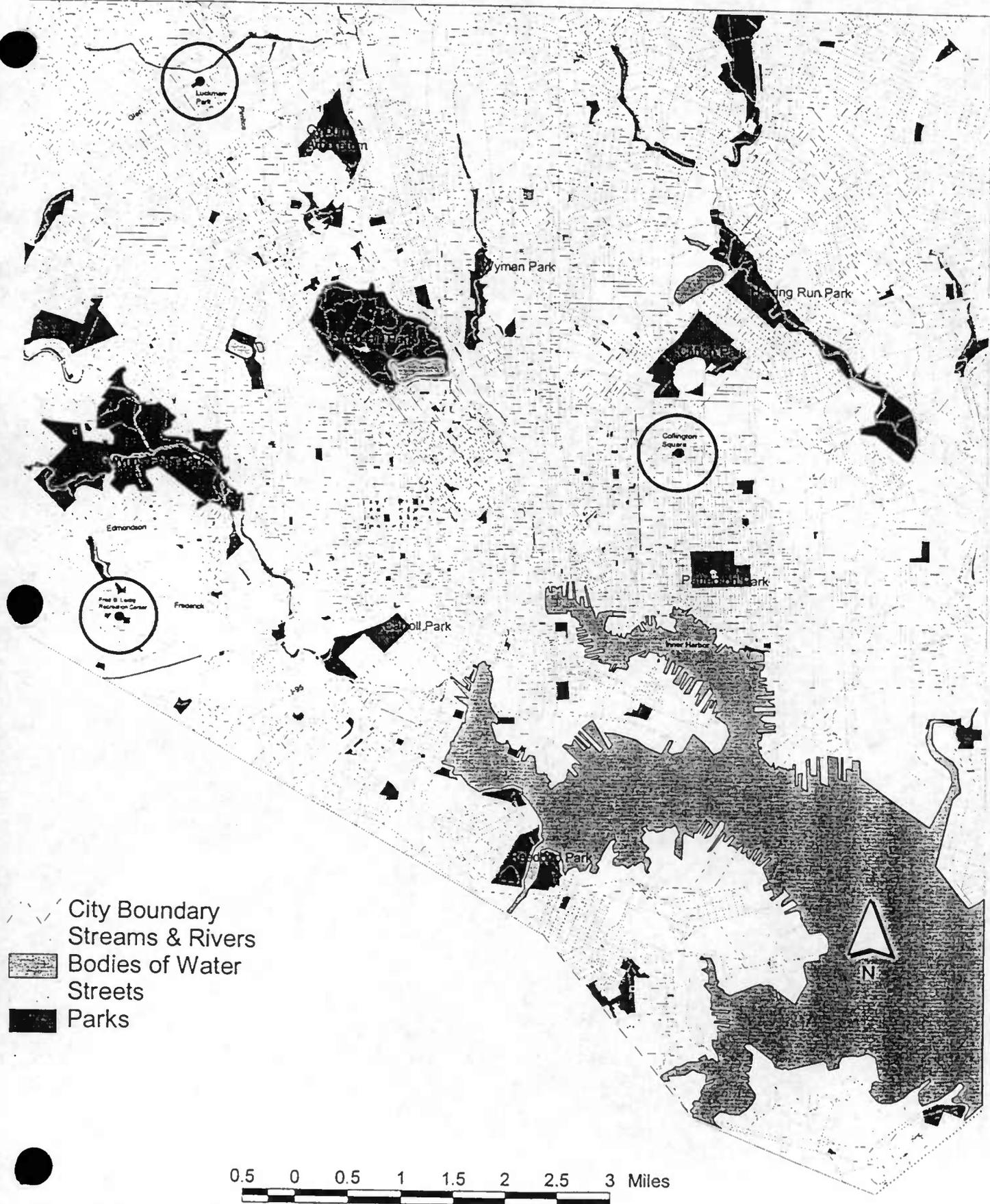
CHECK

INITIAL

- |   |                                     |            |
|---|-------------------------------------|------------|
| 1. The project does not conflict with the plans, programs or objectives of this Agency.   | <input checked="" type="checkbox"/> | Dm 11/9/00 |
| 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.

# Baltimore City Consolidated Annual Program FY96: Court Resurfacing and Ballfields



Baltimore City Department of Recreation and Parks

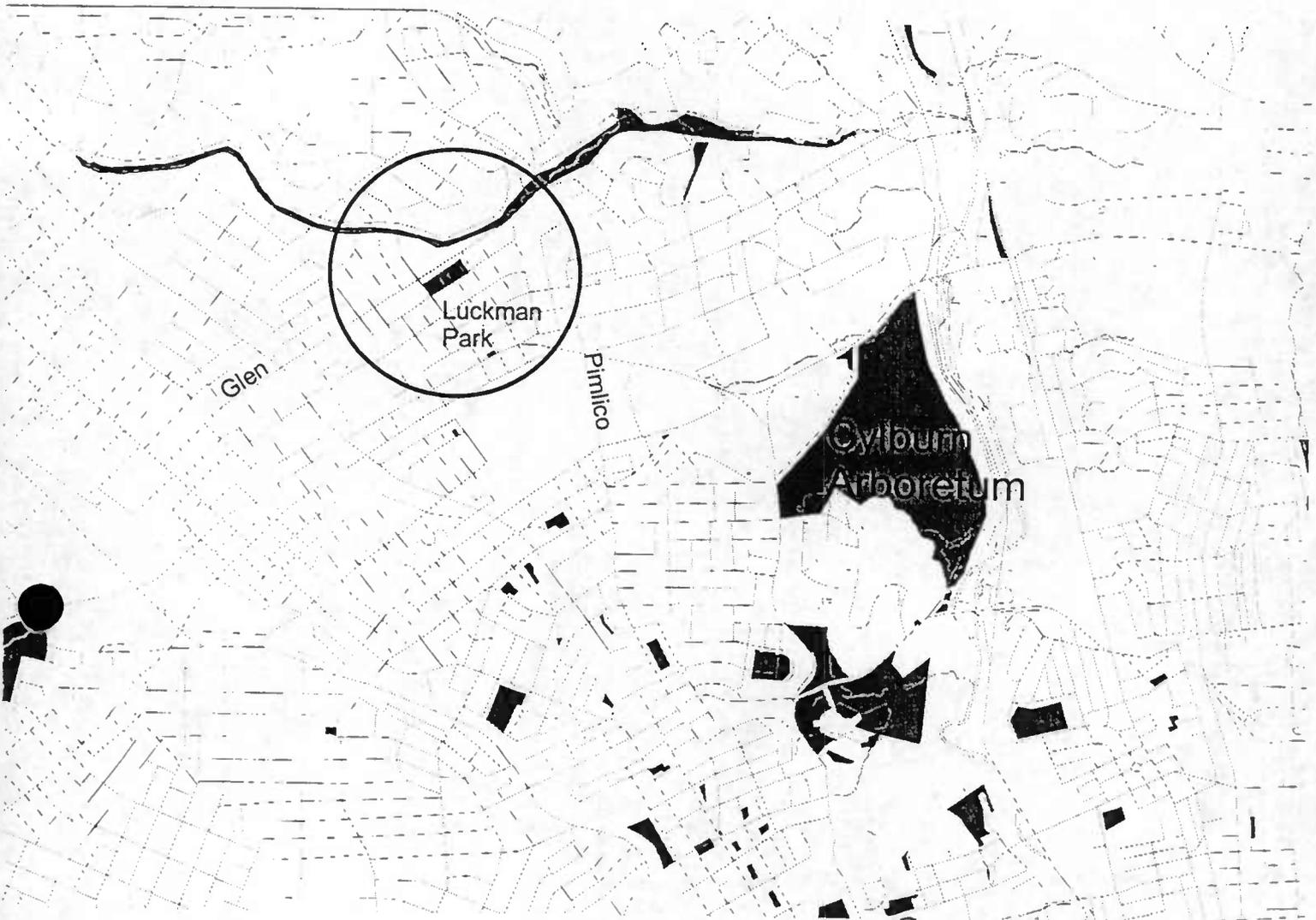
Mayor Martin O'Malley

DRAFT: September 2000

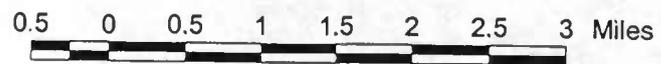
Thomas V Overton, Director

POB 96 city source

# Irvin Luckman Park, 2809 Glen Ave Baltimore, Maryland



-  City Boundary
-  Streams & Rivers
-  Bodies of Water
-  Streets
-  Parks



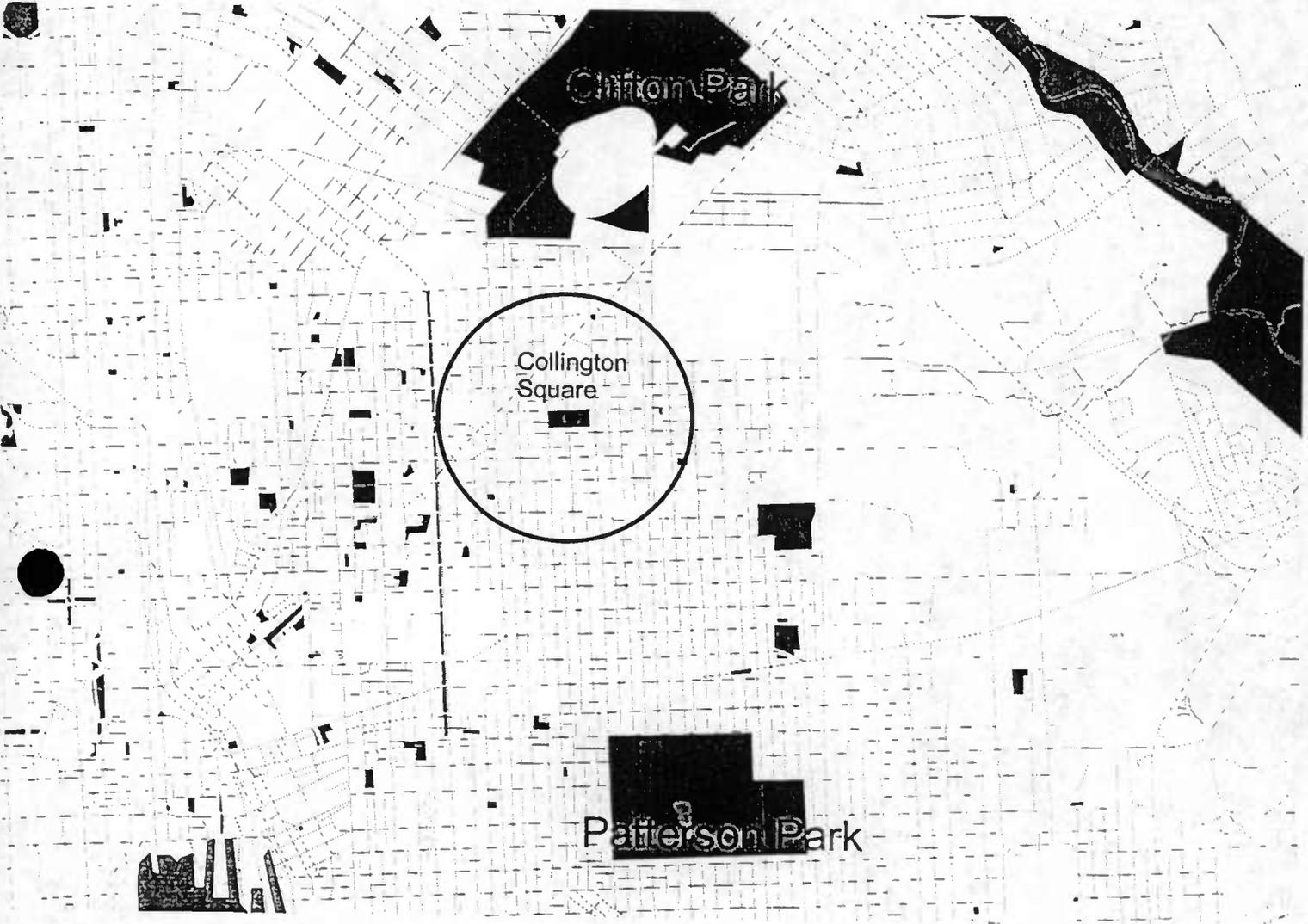
Baltimore City Department of Recreation and Parks

Mayor Martin O'Malley

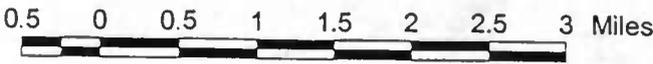
DRAFT: September 2000

Thomas V Overton, Director

Collington Square  
2131 East Hoffman St, Baltimore, MD



-  City Boundary
-  Streams & Rivers
-  Bodies of Water
-  Streets
-  Parks



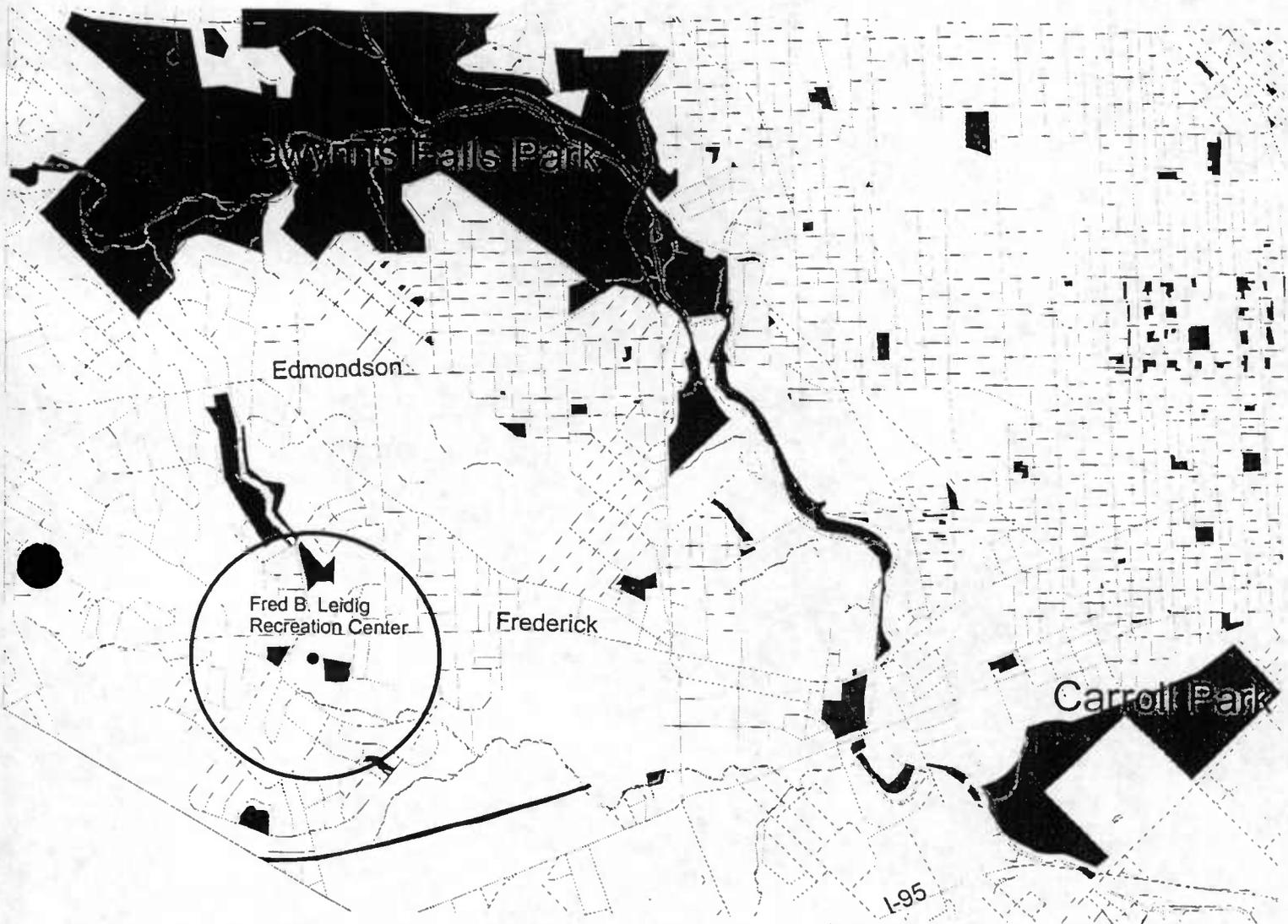
Baltimore City Department of Recreation and Parks

Mayor Martin O'Malley

DRAFT: September 2000

Thomas V Overton, Director

# Fred B. Leidig Recreation Center 4521 Frederick Ave, Baltimore MD



-  City Boundary
-  Streams & Rivers
-  Bodies of Water
-  Streets
-  Parks



Baltimore City Department of Recreation and Parks

Mayor Martin O'Malley

DRAFT: September 2000

Thomas V Overton, Director

CLEARINGHOUSE REVIEW

November 8, 2000

RECEIVED

NOV 13 2000

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)  
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. (1804 West St., Suite 100, Annap., 21401)

FROM: James W. <sup>JWP</sup> Price, Director, Program Open Space

SUBJ: DNR Clearinghouse Review of Local POS Project # 3818-3-349  
Seventh District Elementary School Recreation Center Parking Lot, Baltimore City

This project proposes to further develop this 20.2 acre School Recreation Center (SRC) by expanding the existing 38-car parking lot to a 76-car parking lot. Additional improvements include buffer landscaping and a sidewalk. The expansion will help alleviate existing site access and parking problems that adversely affect the SRC's neighbors and those who utilize the recreational facilities.

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 ✓ / 11/14/00

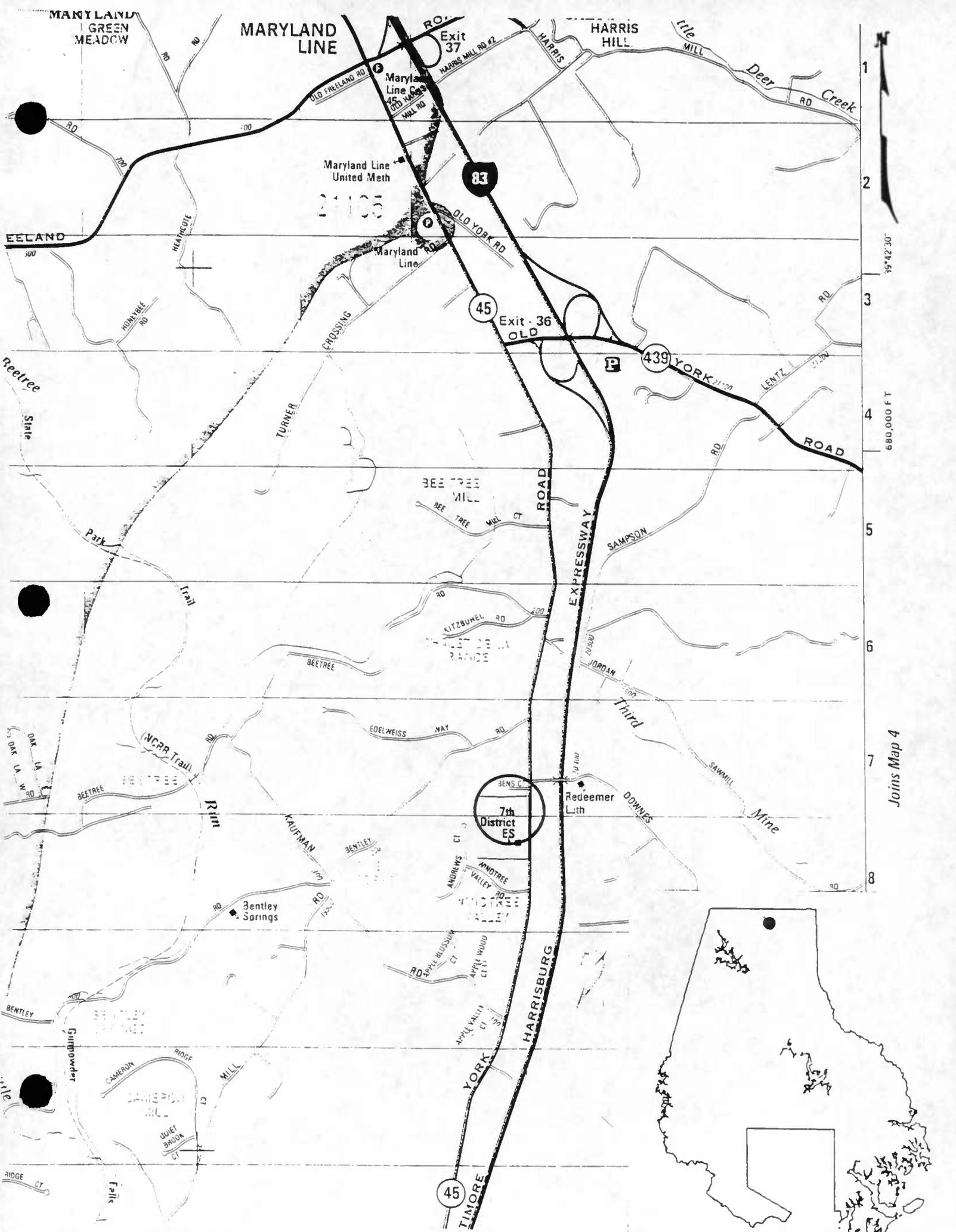
2. The project does not conflict with this Agency's plans, programs or objectives, but the attached comments are submitted for consideration.

\_\_\_\_\_

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.



39°42'30"

680,000 FT

Joins Map 4



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

November 2, 2000

Mr. P.N. Vasanth, P.E.  
Design Engineering Manager  
Maryland Port Administration  
Maritime Center II  
2310 Broening Highway  
Baltimore, Maryland 21224

RE: Contract No. 500019  
Slope Protection, Colgate Creek  
Dundalk Marine Terminal

Dear Mr. Vasanth:

Critical Area Commission staff carefully reviewed the additional information you and your staff provided us when we meet on October 18, 2000. Based on our meeting, site visit and a discussion with the Maryland Department of the Environment, it was determined that the erosion problem was very small.

We do not oppose the cleaning up of debris and trash within the 100-foot Buffer, however, our regulations do not permit construction of a wall in the Buffer for trash and debris prevention. This office would not oppose a smooth stone revetment. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

*Dawnn McCleary*  
Dawnn McCleary  
Natural Resources Planner

cc: Michael Hild  
Ren Serey  
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



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

November 2, 2000

Mr. P.N. Vasanth, P.E.  
Design Engineering Manager  
Maryland Port Administration  
Maritime Center II  
2310 Broening Highway  
Baltimore, Maryland 21224

RE: Contract No. 500019  
Slope Protection, Colgate Creek  
Dundalk Marine Terminal

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Sincerely,

Dawnn McCleary  
Natural Resources Planner

cc: Michael Hild  
Ren Serey  
Regina Esslinger  
General 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**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

October 31, 2000

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

RE: Vane Brothers  
Local Case Number: 000530

Dear Mr. Stuart:

This office has reviewed the revised 10% calculations. After reviewing the calculations, the applicant should again recalculate Step 4 in Worksheet A. The revised worksheet shows that the applicant changed the formula in Step 4. The applicant can not alter any of the steps in the worksheet. The amount of pounds of phosphorus (P) removed should be -5.84 lbs P and not -0.116 lbs. of P. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

Dawnn McCleary  
Natural Resources Planner

cc: Regina Esslinger  
BA 461-00

Branch 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**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

October 30, 2000

Mr. Elder Ghigiarelli  
Coastal Zone Consistency  
Maryland Department of the Environment  
2500 Broening Highway  
Baltimore, Maryland 21224 -6612

RE: Glenn Warner Soccer Facility  
United States Naval Academy, Annapolis  
Project No. 2000k0118.000

Dear Mr. Ghigiarelli:

This office understands that the Department of the Navy is proposing to construct a soccer facility on the athletic fields opposite MacDonough Hall at the Naval Academy in Annapolis. The site for the new Soccer Facility is on the easternmost grass athletic fields that parallel the Severn River, near the intersection of Holloway Road and Sims Road. The project is totally within the Critical Area with portions of the project within the 100-foot Buffer of the Severn River.

After reviewing the site plan and 10% calculations, this office does not oppose the proposed project, however, there are concerns by this office about the Best Management Practices (BMP) that are being used for this project. The applicant is proposing to use "Stormfilters", a new type of BMP that has never been used in the Maryland area. Critical Area staff understands that the Maryland Department of the Environment, Navy engineers and Whitney, Bailey, Cox and Magnani (WBCM) will be meeting to discuss design issues for the "Stormfilter". When the design issues have been resolved, this office would like to discuss with the engineers and the Navy whether the proposed BMPs are still suitable. Please advise us of the outcome of the meeting.

Branch Office: 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  
Glenn Warner Soccer Facility  
United States Navel Academy  
October 30, 2000

If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,



Dawnn McCleary  
Natural Resources Planner

cc: William Hiteshew, Jr.  
Regina Esslinger  
US Navy 37-00



Judge John C. North, II  
Chairman

*Reader file*  
Ren Serey  
Executive Director

STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION  
1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

October 26, 2000

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

RE: Patapsco Wastewater Treatment Facility

Dear Mr. Stuart:

This office has reviewed the applicant's proposal to build additions to two existing chlorination and dechlorination buildings. Both buildings are located in different areas of the site as well as partially within the 100-foot Buffer.

After reviewing the site plan, this office does not oppose the proposed project; however, in the 10 % Rule calculations, the applicant should include a more detailed breakdown of buildings, sidewalks, roads, parking lots, and other existing impervious areas. (See Step 1: A(2)(a) of Worksheet A) This office would like a site plan showing the entire Patapsco Wastewater Treatment Facility and detailed site plans showing the drainage areas. Also, it would be helpful for the applicant to define the boundaries that were used to come up with the site acreage on both worksheets.

When the 10 % calculations and site plans have been revised, please forward them 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 - 3483.

Sincerely,

*Dawnn McCleary*  
Dawnn McCleary  
Natural Resources Planner

cc: Regina Esslinger  
BA 507 -00

Branch 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**  
1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

October 13, 2000

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

RE: Bond Street Townhouses  
842 - 850 Bond Street

Dear Mr. Stuart:

This office reviewed the revised 10 % calculations for the above project and determined that the calculations are correct and consistent with the local Critical Area Program. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

Dawnn McCleary  
Natural Resources Planner

cc: Regina Esslinger  
BA 486 - 00

Branch 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**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

October 11, 2000

Ms. Jennifer Schull  
Director  
Department of Housing and Community  
Development  
Town of Denton  
13 North 3<sup>rd</sup> Street  
Denton, MD 21629

RE: Zoning Ordinance Text Amendment  
and Crouse Park Buffer Exemption Refinement

Dear Mr. Schull:

On October 4, 2000, the Chesapeake Bay Critical Area Commission concurred with the Chairman's determination to approve the Town of Denton's request for a refinement to amend the Town's Critical Area Program. The purpose of the refinement was to add an additional Buffer Exemption Area (BEA) to the four areas previously mapped and to amend Denton's Zoning Ordinance to incorporate the provisions of the Commission's revised BEA policy.

These refinements shall be incorporated into the Town's Program within 120 days of the date of this letter. Please provide a copy of the revisions to the Zoning Ordinance when they are available. If there are any questions, please feel free to call me at (410) 260 - 3483.

Sincerely,

Dawnn McCleary  
Natural Resources Planner

cc: Roby Hurley  
Ren Serey  
Mary Owens  
Amendment File

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

**TOWN OF DENTON  
BUFFER EXEMPTION AREA EVALUATION**

**Crouse Park Site**

Denton is requesting that the "Crouse Park Site" be designated as a Buffer Exemption Area (BEA) because the existing pattern of development prevents the Buffer from fulfilling the functions set forth in the Section 27.01.09.01 of the Critical Area Criteria. Existing development on this site includes a highway bridge overpass, extensive gravel fill material, the old bridge foundation and bulkhead, a boat ramp and associated parking. The entire shoreline on the property is bulkheaded. The only vegetation on the site is a strip of mowed lawn approximately 15 feet wide on part of the shoreline in between the bulkhead and the parking lot. There are approximately five individual trees in the lawn area. There is a grassy meadow on the southwest portion of the property. The site is publicly owned, however sections may be leased to a private enterprise in the future.

In evaluating the site for designation as a Buffer Exemption Area, the following factors were considered:

- 1) The Buffer's ability to provide for the removal of sediments, nutrients, and harmful or toxic substances has been compromised because there are existing structures and a parking lot in the Buffer. Existing development in the Buffer is located generally less than 25 feet from the shoreline. The small amount of existing vegetation within the Buffer consists of lawn grass and approximately five trees.
- 2) The Buffer's effectiveness at minimizing the adverse effects of human activities on wetlands, shorelines, stream banks, tidal waters, and aquatic resources is limited because human activities are taking place very close to the shoreline due to the location of existing development and the lack of any real natural vegetation in the Buffer. The site is located adjacent and under the Route 404 Bridge, so the site is especially impacted by vehicular traffic. There are no areas of natural vegetation to provide habitat within the Buffer and the shoreline is protected with a bulkhead.
- 3) The Buffer does not function optimally as an area of transitional habitat between aquatic and upland communities because this area is developed with structures and parking. There is no natural vegetation to provide food or cover for wildlife. The strip of grass between the parking lot and the water does provide some nominal filtering of run-off; however, this water quality function could be enhanced by the additional plantings that would be required as mitigation for development within the Buffer.
- 4) The Buffer does not function to maintain the natural environment of streams because there are no streams on this particular property.

**Continued, Page Two**  
**Buffer Exemption Request**  
**Crouse Park Site**  
**October 4, 2000**

- 5) The Buffer's capacity for protecting wildlife habitat on this site is severely limited because the Buffer is developed and is actively used for parking, recreation and maintenance. Human disturbance to wildlife would be unavoidable because of the location and type of development, the impact of vehicular traffic on the bridge, and the intensity of use of the site.



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

October 3, 2000

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

RE: Madison Homes Special Exception  
Franklin and Cathedral Street

Dear Mr. Torney:

This office has reviewed the applicant's proposal to redevelop a medical center into 17 single family residences, 5 townhouses, 79 condominium units and 36 age restricted "active adult" condominium units within the Intensely Developed Area. After reviewing the site plan, this office has determined that the proposed development activity and the 10% calculations are correct and consistent with the local Critical Area Program. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

Dawnn McCleary  
Natural Resources Planner

cc: Regina Esslinger  
AN 490 - 00

Branch 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**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

September 25, 2000

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

RE: Harford County Comprehensive Review Comments

Dear Ms. Gleisner:

Thank you for providing the latest draft of Critical Area changes to your zoning ordinance and Critical Area program. Below, you will find the following comments:

**§ 267- 41.1. of the Zoning Ordinance - Chesapeake Bay Critical Area Overlay District**

1. In paragraph 8, page 20, letter c, last sentence, add "the" in front of "Environment".
2. In this Chapter, anything that is referenced "Maryland Forest Service, Maryland Forest, Wildlife and Heritage Division or Forest, Wildlife and Heritage Division" should be deleted and replaced with "Department of Natural Resources".

**Harford County Critical Area Program**

Chapter 2: Development in the Critical Area

1. In the Buffer Exemption Areas section, page 2-26, please make reference in this section that more information can be found in the County's Zoning Ordinance § 267-41.1 Chesapeake Bay Critical Area Overlay District.

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**Continued, Page Two**  
**Harford County Comprehensive Review**  
**Comments**  
**September 25, 2000**

Chapter 4: Shore Erosion Protection

1. In paragraph 2, page 4- 4, last sentence under Establishment of a Management Program to Ensure Appropriate Use of Shore Erosion Protection Measures, delete "Maryland".
2. In the last paragraph, page 4-6, either update these techniques or delete the entire paragraph.

Chapter 5: Forest and Woodland Areas

In this Chapter, anything that is referenced "Maryland Department of Natural Resources Forest Service or Maryland Dept. of Natural Resources (DNR) Forest Service" should be deleted and replaced with "Department of Natural Resources".

Chapter 9: Habitat Protection Areas

1. In this Chapter, anything referenced "Forest Wildlife and Heritage Division" should be deleted and replaced with "Department of Natural Resources"
2. In paragraph 4, page 9-2, Buffer Exemption Areas Section, please make reference in this section that more information can be found in the County's Zoning Ordinance § 267- 41.1 Chesapeake Bay Critical Area Overlay District.

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 - 3483.

Sincerely,

  
Dawnn McCleary  
Natural Resources Planner

cc: Pat Pudlekewicz  
Mary Owens  
Refinement



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

September 21, 2000

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

RE: Vane Brothers  
Local Case Number: 000530

Dear Mr. Stuart:

This office has reviewed the applicant's proposal to build a new two story office building and warehouse and a two story lubrication building on an existing site within the Intensely Developed Area. The applicant will also be renovating an existing one story maintenance building. The site will be used as a ship supply operation to store tugs and other supplies.

After reviewing the above site plan, this office does not oppose the proposed project; however, the applicant should recalculate Step 4 in the 10% calculations. (*See Step 4 of Worksheet A*) The amount of pounds of phosphorus (P) removed should be 0.24 lbs P and not 0 lbs of P. When the 10% calculations have been revised, please forward them 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) 260-3483.

Sincerely,

Dawnn McCleary  
Natural Resources Planner

cc: Regina Esslinger  
BA 461 - 00

Branch 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**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

September 21, 2000

Ms. Lori Schmick  
Environmental Planner  
Harford County Planning and Zoning  
403 South Seventh Street, Suite 210  
Denton, Maryland 21629

RE: Joy Jean Growth Allocation  
Local Case Number: 2000-028

Dear Ms. Schmick:

The applicant is requesting to use growth allocation to change the Critical Area overlay designation of the subject property from Resource Conservation District (RCD) to Limited Development District (LDD). This office understands that the applicant is proposing to construct an accessory dwelling unit. The site is within the Critical Area and is 4.6 acres in size. This office has determined that the proposed use is compatible with the LDA designation. Therefore, this office does not oppose the use of growth allocation to change from RCD to LDD. The applicant will need to get Critical Area Commission approval of the use of growth allocation following the County Commissioner's approval.

Please notify the Commission in writing of the decision made on this growth allocation request. If there are any questions regarding this matter, please feel free to call me at (410) 260-3483.

Sincerely,

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

Dawnn McCleary  
Natural Resources Planner

cc: Regina Esslinger  
Mary Owens  
CR 464 - 00

Branch 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**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

September 18, 2000

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

RE: Bond Street Townhouses  
842 - 850 Bond Street

Dear Mr. Stuart:

This office has reviewed the applicant's proposal to build five townhouses within the Intensely Developed Area in Fells Point. After reviewing the above site plan, this office does not oppose the proposed project; however, the applicant should include in the 10 % calculations a breakdown of the proposed sidewalks, driveways, decks, garages, and other proposed impervious areas. *(See Step 1: A(2)(b) of Worksheet A)* When the 10 % calculations have been revised, please forward them 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 - 3483.

Sincerely,

Dawnn McCleary  
Natural Resources Planner

cc: Regina Esslinger  
BA 486 - 00

Branch 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**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

September 18, 2000

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

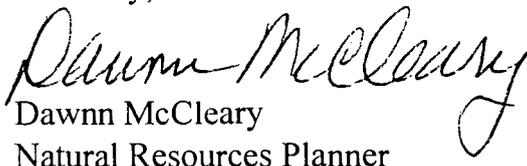
RE: Proposed Temporary Steel Storage Shed  
North Locust Point Marine Terminal

Dear Mr. Kreif:

This office has reviewed the Maryland Port Administration's (MPA) proposal to erect a temporary steel storage shed. The State has plans to keep the shed in place for a maximum of two (2) years at North Locust Point Marine Terminal. Mitigation for the installation of the shed will not be necessary since it is temporary.

This office also understands that if the structure remains longer than a two (2) year period, MPA will notify our office and perform the necessary mitigation. Finally, when a start date has been set for installation for the shed, we understand that your office will notify use and we will consider that date the beginning of the two year period. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

  
Dawnn McCleary  
Natural Resources Planner

cc: Doug Matzke  
Regina Esslinger  
State File: 03- 00

Branch 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) 260-3460 Fax: (410) 974-5338

September 18, 2000

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

RE: Cambridge Walk  
801 Wagner Street

Dear Mr. Stuart:

This office has reviewed the applicant's proposal to build 21 townhouses within the Intensely Developed Area. After reviewing the site plan, this office has determined that the proposed development activity and the 10% calculations are correct and consistent with the local Critical Area Program. If there are any questions, please feel free to call me at (410) 260- 3483.

Sincerely,

  
Dawnn McCleary  
Natural Resources Planner

cc: Regina Esslinger  
BA 462 - 00

Branch 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**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

September 15, 2000

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

RE: Belaga Project: Lot B  
5 Stephan Point

Dear Mr. Torney:

Thank you for providing additional information on the above administrative variance. This office understands that the applicant is proposing to build a 4' x 30' addition, a 3' x 48' cantilevered walkway attached to the house, and a 25' x 15' brick patio within the 100-foot Buffer. The lot is in the Limited Development Area and totals 69,871 square feet or 1.60 acres.

This office does not oppose the administrative variance for the proposed 4' x 30' addition, 3' x 48' cantilevered walkway and 25' x 15' brick patio within the 100-foot Buffer because it is consistent with Section 21.67.160 of the your City ordinance. The applicant must provide mitigation according to the mitigation requirements outlined in the City's administrative variance section of the Zoning Ordinance.

Thank you for the opportunity to comment. Please include this letter in your file. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

Dawnn McCleary  
Natural Resources Planner

cc: Regina Esslinger  
AN 106 - 00

Branch 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**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

September 11, 2000

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

RE: William N. Leverage  
Local Case Number: 00 - 22V

Dear Ms. Schmick:

Thank you for providing information on the above variance application. This office understands that the applicant is proposing to build steps for pier access with a 15' x 20' (300 square feet) platform and a new addition in which approximately 1.65 ft of the addition will be in the 100-foot Buffer. The property is one acre in size and is designated a Limited Development Area.

After reviewing the above project, this office does not oppose the addition and steps for pier access. Critical Area staff determined that part of the addition can not be moved out of the 100-foot Buffer. This office does oppose the 15' x 20' (300 square feet) platform and recommends that the platform be reduced to three feet in width, the same size as the steps. The proposed platform would create additional disturbance to the 100-foot Buffer and is not the minimum size necessary for pier access. Under the variance standards, findings must be made which demonstrate the applicant's ability to meet the standards, especially the standards of unwarranted hardship. (See COMAR 27.01.11:01) This office does not believe the variance standards have been met concerning the need for a 300 square foot platform.

Pathways and steps for shoreline access should be no more than three feet in width for egress (not including posts and railings) to minimize disturbances to the 100-foot Buffer, steep slopes and stable shorelines. Also, this office recommends that disturbance to the Buffer for shoreline access be mitigated at a 2:1 ratio, using native Buffer plantings. Any clearing for access must be kept to a minimum.

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

Continued, Page Two  
William Leverage  
September 11, 2000

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 application. Please notify the Commission in writing of the Board's decision on this application.

Sincerely;



Dawnn McCleary  
Natural Resources Planner

cc: Regina Esslinger  
CR 452 - 00

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

September 11, 2000

Ms. Lori Schmick  
Environmental Planner  
Caroline County Planning and Zoning  
P. O. Box 207  
Denton, MD 21629

RE: Harry S. Wyre  
Local Case Number: 00 - 23V

Dear Ms. Schmick:

Thank you for providing information on the above variance application. This office understands that the applicant is requesting an after-the-fact variance to allow a new 12' x 20' storage shed with a wood floor to remain within the 100-foot Buffer. The new shed currently sits several feet away from the footprint of the original shed. The property is 0.35 acres in size, is designated a Resource Conservation Area (RCA) and is already developed with an existing house on it.

The new replacement shed is an accessory structure and is not water dependent and should not be permitted within the Buffer. Currently, the County's Program supports this by not permitting structures within the 100-foot Buffer (*See Chapter II, Section 2, Habitat Protection Program: Buffer Management, Page 60, Numbers 2 and 3*). Therefore, this office can not support the variance request. Under the variance standards, findings must be made which demonstrate the applicant's ability to meet the standards, especially the standards of unwarranted hardship. (See COMAR 27.01.11.01) Currently, the applicant already enjoys reasonable use of the entire property. This office does not believe the variance standards have been met.

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 application. Please notify the Commission in writing of the Board's decision on this application.

Sincerely;

  
Dawnn McCleary  
Natural Resources Planner

cc: Regina Esslinger  
CR 450 - 00

Branch 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**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

September 11, 2000

Ms. Lori Schmick  
Environmental Planner  
Caroline County Planning and Zoning  
P. O. Box 207  
Denton, Maryland 21629

RE: Homan F. Hallock, III  
Local Case Number: 00 - 21V

Dear Ms. Schmick:

Thank you for providing information on the above variance application. This office understands that the applicant is requesting a variance to build a 12' x 29' screened porch\deck attached to the existing house within the 100-foot Buffer. The property is 1.00 acre in size and is designated a Limited Development Area (LDA).

After reviewing the above project, this office does not oppose the variance. Critical Area staff determined that the proposed screened porch\deck is a modestly sized addition to the house. This office recommends that the Buffer area disturbed be mitigated at a 3:1 ratio with native plantings, on site if possible.

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

Sincerely;

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

Dawnn McCleary  
Natural Resources Planner

cc: Regina Esslinger  
CR 451 - 00

Branch 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**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

September 5, 2000

Mr. Dirk Geratz  
Urban Design Planner  
City of Annapolis Planning and Zoning  
160 Duke of Gloucester Street  
Annapolis, MD 21410

RE: Larry Groat  
301 Giddings Avenue

Dear Mr. Geratz:

Thank you for providing information on the above referenced variance application. This office understands that the applicant is requesting a variance to add two 324 square foot additions onto the existing house, a 960 square foot two car garage and a proposed 600 square foot driveway which will exceed the impervious surface requirements. The lot is in the Limited Development Area (LDA) and totals 0.18 acres or 8,000 square feet. This office understands that the existing impervious surface is 1,075 square feet (13.34 %). The applicant is proposing 2,860 square feet (35.75 %) impervious surface, which is 1,435 square feet (17.93 %) over the impervious surface limit of 31.25%.

After reviewing the above project, this office opposes the variance requested because the proposed level of impervious surface far exceeds that permitted by the City's Zoning Ordinance in Section 27.67.080.H.5 and by the State Critical Area Law in Section 8-1808.3. The applicant is allowed no more than 2,500 square feet of impervious surface. The applicant should reduce the amount proposed to meet the impervious surface limits. If the applicant is not able to reduce the amount of impervious surface, he should apply for growth allocation to change the Critical Area designation from a Limited Development Area to an Intensely Developed Area, where there are no limitations on the amount of impervious surface on an individual lot. This office does not believe that the applicant has satisfied the variance standards as specified in Section 21.67.150.A of the City's Ordinance because the site is already developed with a dwelling and the applicant could apply for a growth allocation.

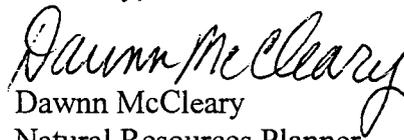
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Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

**Continued, Page Two**  
**Larry Groat Project, City of Annapolis**  
**September 5, 2000**

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. If there are any questions, please feel free to call me at (410) 260- 3483.

Sincerely,

  
Dawnn McCleary  
Natural Resources Planner

cc: Jackie Rouse  
Jeff Torney  
Jon Arason  
Regina Esslinger  
AN 453 - 00



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

August 23, 2000

Mr. Duncan Stuart  
Environmental Planner  
Baltimore Department of Planning  
417 East Fayette Street, 8<sup>th</sup> Floor  
Baltimore, MD 21020

RE: Northshore Marina and Parking Lot  
Local Case No. 000881

Dear Mr. Stuart:

Thank you for submitting the additional site plan showing the detailed cross section of the bioretention. This office understands that the applicant is proposing to construct a parking lot and marina within the Intensely Developed Area on a vacant site overlooking the Inner Harbor. After reviewing the site plan, this office has determined that the proposed paving, marina, 10 % calculations, and bioretention are consistent with the local Critical Area Program.

As discussed with you last week, this office is concerned about the use of Euonymous plants outlined on the planting plan. This office recommends that the proposed Euonymous plants be replaced with bayberry, winterberry or flame azalea. Some Euonymous species are invasive, and these native substitutions should provide a viable alternative. If available, this office would like a copy of your list of native species that are used within Baltimore City's Critical Area.

Finally, this office is pleased to see that the applicant added a maintenance schedule for the proposed bioretention areas. If there are any questions, please feel free to call me at (410) 260 - 3483.

Sincerely,

  
Dawnn McCleary  
Natural Resources Planner

cc: Regina Esslinger  
BA 380 -2000

Branch 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**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

August 23, 2000

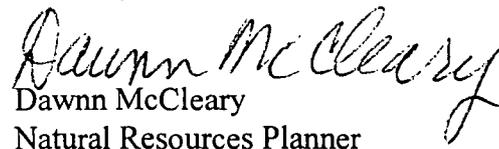
Mr. Duncan Stuart  
Environmental Planner  
Baltimore City Department of Planning  
417 East Fayette Street, 8<sup>th</sup> Floor  
Baltimore, Maryland 21202

RE Towson Street Townhouses (Site Plan)  
Local Case Number: 001388

Dear Mr. Stuart:

Thank you for submitting the site plan for the proposed 36 townhouses with alleys and garages. After reviewing the site plan, this office has determined that the proposed development activity and the 10 % calculations are correct and consistent with the local Critical Area Program. If there are any questions, please feel free to call me at (410) 260 -3483.

Sincerely,

  
Dawnn McCleary  
Natural Resources Planner

cc: Regina Esslinger  
BA 387- 00

Branch 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**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

August 23, 2000

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

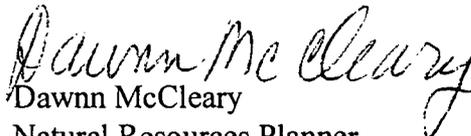
RE: Special Exemption for Annapolis SPCA  
1815 Bay Ridge Avenue

Dear Mr. Torney:

This office understands that the applicant is proposing to redevelop an existing animal shelter by expanding the existing building, removing one existing building and adding new paving in various areas. Please provide a more detailed breakdown of all existing and proposed impervious surfaces, including the amount to be removed. This includes the square footage of the proposed building and the addition of the three sheds (approx. 10' x 15') that currently exist on site, but were left off the site plan.

When the above information is completed, please forward it to this office. I will provide comments at that time. If there are any questions, please feel free to call me at (410) 260 - 3483.

Sincerely,

  
Dawnn McCleary  
Natural Resources Planner

cc: Regina Esslinger  
AN 368 - 00

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

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

August 23, 2000

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

RE: 831-835 South Caroline Street  
Local Case Number: 001389

Dear Mr. Stuart:

This office understands that the applicant is proposing to build a four story building for office use on Parcel 1, a City owned parking garage on Parcel 2 and a restaurant on Parcel 3 within the Intensely Developed Area. This office has determined that the proposed development activity and the 10 % calculations are correct and consistent with the local Critical Area Program. If there are any questions, please feel free to call me at (410) 260- 3483.

Sincerely,

Dawnn McCleary  
Natural Resources Planner

cc: Regina Esslinger  
BA 405 - 00

Branch 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**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

August 17, 2000

Mr. Stan Ruchlewicz  
Critical Area Coordinator  
City of Havre de Grace Planning Department  
711 Pennington Ave  
Havre de Grace, Maryland 21078

RE: City of Havre de Grace  
Comprehensive Review

Dear Mr. Rucklewicz:

Several weeks ago, I spoke with you about the comprehensive review for the City of Havre de Grace Critical Area Program. As you are aware, the Commission staff would like to assist you in completing this effort. We have met several times in the past and your office has received our first set of comments. We are aware that you have had problems retrieving the old program from your computer data base.

Our office has developed a model ordinance that several jurisdictions have used to accomplish their comprehensive review and make necessary revisions to their Critical Area Programs. Several towns have adopted the model ordinance and are very pleased with it. Please review the attached model ordinance within the next two weeks. I will call you to set up a meeting to discuss the City's comprehensive review and the possible use of the model ordinance.

If you have any questions, please feel free to call me at (410) 260-3483.

Sincerely,

Dawnn McCleary  
Natural Resources Planner

cc: Honorable Philip J. Barker  
Ren Serey  
Mary Owens

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



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

August 15, 2000

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

RE: Preliminary Madison Homes Special Exception  
Franklin Ave and Cathedral Streets

Dear Mr. Torney:

This office understands that the applicant is proposing to construct 17 single family residences, 5 townhouses, 79 condominium units and 36 age restricted "active adult" condominium units within the Intensely Developed Area. After reviewing the site plan, this office needs a revised site plan showing the 100-foot Buffer. Also, this office will need the 10 % calculations for the proposed development activity.

Please forward the site plan and 10 % calculations 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 - 3483.

Sincerely,

Dawnn McCleary  
Natural Resources Planner

cc: Jackie Rouse  
Regina Esslinger  
AN 348 - 00

Branch 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

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

August 8, 2000

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

**RE: Towson Street Townhouses**  
**Local Case Number: 001388**

Dear Mr. Stuart:

This office would like a complete site plan showing the proposed townhouse project. The site plan submitted to this office is a topographic and boundary survey plan for the proposed development. Please forward the site plan 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 - 3483.

Sincerely,

Dawnn McCleary  
Natural Resources Planner

cc: Regina Esslinger  
BA 387- 00

Branch 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**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

August 7, 2000

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

RE: Port of Annapolis Project  
7074 Bembe Beach Road

Dear Mr. Torney:

Thank you for submitting the 10 % calculations for the above project. After reviewing the calculations, this office has determined that the proposed development activity and the 10 % calculations are correct and consistent with the local Critical Area Program. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

Dawnn McCleary  
Natural Resources Planner

cc: Regina Esslinger  
BA 328 - 00

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

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

August 3, 2000

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

**RE: City of Annapolis Four -Year Comprehensive Review**

Dear Mr. Arason:

On August 2, 2000, the Chesapeake Bay Critical Area Commission unanimously approved the City of Annapolis' Ordinance No. 0-6-2000 which revises the City's Critical Area Code and approved the City's new Buffer Exemption Area (BEA) maps. As you are aware, the Commission did not approve the inclusion of the R4 (Lot 6) parcel of land adjacent to the Watergate Apartment as a Buffer Exemption Area.

The Commission's action of February 8, 2000, taken under Section 1809 (l) of the Critical Area Act, will no longer be applicable when the new ordinance becomes effective. Please incorporate the approved Ordinance No. 0-6-2000 and new BEA maps into your Code within 120 days from the date of this notice, as per NRA §8-1809 (o)(2). Finally, Critical Area staff would like to thank you, Jeff Torney and Jacquelyn Rouse for all your help and patience in getting the above changes approved. If there are any questions, please feel free to call me at (410) 260- 3483.

Sincerely,

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

Dawnn McCleary  
Natural Resources Planner

cc: Jacquelyn Rouse  
Jeff Torney  
Ren Serey  
Mary Owens  
AN Amendment File

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

**CHESAPEAKE BAY CRITICAL AREA COMMISSION**

**STAFF REPORT**

**August 2, 2000**

**APPLICANT:** City of Annapolis Planning and Zoning

**PROPOSAL:** City of Annapolis Comprehensive Review

**COMMISSION ACTION:** Vote

**STAFF RECOMMENDATION:** Approval

**STAFF:** Dawnn McCleary

**PANEL:** Dr. James Foor, Barbara Samorajczyk, Louise Lawrence,  
Lauren Wenzel and Jack Witten

**PANEL RECOMMENDATION:** Pending

**APPLICABLE LAW  
REGULATIONS:** Annotated Code of Maryland, Section 8-1809 (g)

**DISCUSSION:**

The City of Annapolis has recently completed the required four-year review of their Critical Area Program. The review included the Critical Area provisions of the City Code and a review of the City's Critical Area Buffer Exemption (BEA) maps to designated BEAs. The City Council has approved Ordinance No. 0-6-2000 which revises the City's code to address deficiencies identified during the Comprehensive Review. Please see a copy of the City's approved Ordinance for your review. The major changes to the City's Critical Area Ordinance are outlined below:

CITY OF ANNAPOLIS ZONING ORDINANCE:

**Section 21. 67. 050 (A)(31) - Definitions - Water-dependent structures (maritime):**  
Structures associated with on-land boat storage and boat repair and maintenance are not considered water-dependent under the State regulations. However, within the Buffer Exemption Areas that are being created, both on-land boat storage and boat repair and maintenance and structures associated with these activities would be allowed. Conditions include: 1) that there is no feasible alternative elsewhere on the lot for the activity, 2) a twenty-five-foot setback from the water is provided for expansion, and 3) a fifty-foot setback from the water is provided for new development.

*Continued, Page Two*  
*City of Annapolis Comprehensive Review*  
*Staff Report*  
*August 2, 2000*

**Section 21. 67. 065 - Buffer Exemption Areas:** This section was added to the City ordinance to bring the City into compliance with State regulations for all new development and redevelopment on lots of record within the Critical Area Buffer. For Annapolis, BEAs will aid property owners of lots of record that were subdivided prior to December 1, 1985 by allowing development in the Buffer if it is compatible with adjacent properties. The City adopted the Commission's policy dated April 5, 2000. In order to address specific needs of the City, the following additional language was added:

"The State Critical Area Commission policy applies only to lots of record that existed as of December 1, 1985. However, subdivision of grandfathered parcels may be permitted if the subdivision, consolidation, or reconfiguration of the parcels will result in an overall environmental benefit. Applications for subdivisions in Buffer Exemption Areas shall be approved by the Critical Area Commission. In no case shall the subdivision and the subsequent redevelopment result in a greater area of impervious surface in the Buffer".

**Section 21. 67. 080 (H) (1 - 6) - Development requirements (Limited Development Areas) Impervious surface:** In the City's new ordinance, the entire section on impervious surface was rewritten to comply with changes to the State regulations.

**Section 21. 67. 090 (B) - Development requirements (Resource Conservation Area (RCA):** There were questions about how the City handled uses in the RCA. These provisions were changed to be more specific and to conform to the State regulations.

**Section 21. 67. 100 (A)(1)(f) - Water dependent facilities:** The language was changed in this section to clarify that residential private piers are permitted uses when new subdivisions do not provide community piers.

**Section 21. 67. 140 (E) - Grandfathering Provisions:** Because the City's grandfathering language was inconsistent with the Criteria, this entire section was revised to reflect State regulations concerning grandfathering provisions for subdivision.

**Section 21. 67. 150 (A -G)(1-5) - Variance:** Variance standards for the Annapolis Critical Area program ordinance were changed to conform with State Law. The old language did not reflect unwarranted hardship.

*Continued, Page Three*  
*City of Annapolis Comprehensive Review*  
*Staff Report*  
*August 2, 2000*

**Section 21. 67. 160 (A) - Administrative variances:** This section was revised to be consistent with the Critical Area Criteria. The City has removed the language that allowed waivers up to 20% for impervious surfaces.

## CHESAPEAKE BAY CRITICAL AREA COMMISSION

A panel of the Chesapeake Bay Critical Area Commission will conduct a public hearing pursuant to the comprehensive review of the City of Annapolis Critical Area Program. The hearing is scheduled for Wednesday, July 26, 2000 at 7:30 p.m. at the Critical Area Commission Offices at 1804 West Street, Suite 100, Annapolis, Maryland. The purpose of the hearing is to consider the comprehensive review of the City's Critical Area Program which includes numerous text changes to the City Code, the adoption of Buffer Exemption Area (BEA) provisions, and the mapping of several BEAs within the City. The hearing will serve as an opportunity for public comment on revisions to the Critical Area sections of the City Code and on the BEA Maps. Public comments are encouraged prior to or at the public hearing. The changes to the City Code and the BEA Maps are available at the City of Annapolis Department of Planning and Zoning located in the Municipal Building at 160 Duke of Gloucester Street in Annapolis. For additional information, call the Critical Area Commission in Annapolis at (410) 260-3480 or the City of Annapolis at (410) 263-7961. Sign language interpreters and other appropriate accommodations for individuals with disabilities will be provided upon request.

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

July 21, 2000

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

RE: Back Creek Partners  
Wetlands Case Number: 00 - WL - 0520

Dear Mr. Cuthbertson:

The purpose of this letter is to comment on the above project where the applicant is proposing to remove an existing pier, provide a community marina with 9 slips, add six 20' x 50' foot long finger piers, place 259 feet of stone revetment on the shoreline, and replant 2,590 square feet of marsh vegetation. After reviewing the attached site plans, this office has the following comments:

1. In order to trim canopy in the Buffer, the applicant can do a Buffer Management Plan. Critical Area staff can assist in developing this management plan; and,
2. In reference to the 6' x 8' access steps in down to the water and within the 100-foot Buffer, this office has been consistent in recommending that pathways and steps for shoreline access be no more than three feet in width for egress (not including post and railing) to minimize disturbances to the 100-foot Buffer, steep slopes and stable shoreline. Any clearing for access must be kept to a minimum. Also, this office recommends that disturbance to the Buffer for shoreline access be mitigated at a 2:1 ratio, using native Buffer plantings. Also,

If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

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

Dawnn McCleary  
Natural Resources Planner

cc: Regina Esslinger  
Corp of Engineers File

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**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

July 21, 2000

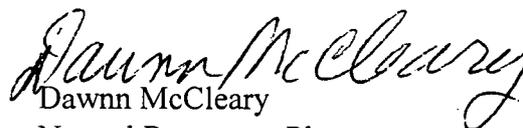
Mr. Duncan Stuart  
Environmental Planner  
Baltimore Dept. of Planning  
417 East Fayette Street, 8<sup>th</sup> Floor  
Baltimore, MD 2122

RE: PCS Storage Facility  
Local Case Number: 000495

Dear Mr. Stuart:

Thank you for submitting revised 10% calculations for the above project. After reviewing the revised Worksheet A, this office is satisfied with the applicant's changes in Step 5: Urban Best Management Practices section which include two grassed swales, bioretention and a planting plan.

Sincerely,

  
Dawnn McCleary  
Natural Resources Planner

cc: Regina Esslinger  
BA 345 - 00

Branch 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**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

July 21, 2000

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

RE: Port Annapolis Project  
7074 Bembe Beach Road

Dear Mr. Torney:

After reviewing the above project, this office does not oppose the project but the old version of Worksheet B is no longer being used. Please have the 10% calculations redone by submitting Worksheet A from the more recent Applicant's Guide. Please forward the revised worksheet to this office for review. I will provide comments at that time. If there are any questions, please feel free to call me at (410) 260 - 3483.

Sincerely,

  
Dawnn McCleary  
Natural Resources Planner

cc: Regina Esslinger  
AN 328 - 00

Branch 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**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

July 17, 2000

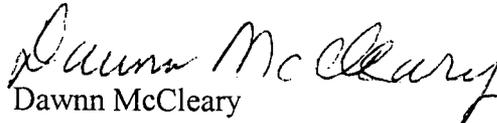
Ms. Jacquelyn Rouse, AICP  
Senior Planner  
City of Annapolis Planning and Zoning  
160 Duke of Gloucester Street  
Annapolis, Maryland 21401

Dear Ms. Rouse:

On July 10, 2000, the Chesapeake Bay Critical Area Commission received a letter notifying the Commission that the Annapolis City Council approved Ordinance No. O-6-2000 and two amendments, and four Buffer Exemption Area (BEA) maps. Critical Area Commission staff has accepted the City's Critical Area Ordinance, amendments, and BEA maps for processing. The Commission's 90-day review period begins as of the date of this letter.

Commission Chair John C. North has appointed a panel to conduct a public hearing on the text and map amendments. The hearing has been scheduled for July 26, 2000 at 7:30 p.m. at 1804 West Street, Suite 100 Annapolis, MD 21401. If there are any questions, please feel free to call me at (410) 260 - 3483.

Sincerely,

  
Dawnn McCleary  
Natural Resources Planner

cc: Jon Arason  
Jack Rouse  
Jeff Torney  
Ren Serey  
Mary Owens  
AN Amend 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**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

July 15, 2000

Ms. Laurie Schmick  
Environmental Planner  
Caroline County P & Z  
403 South Seventh Street, Suite 210  
Denton, Maryland 21629

RE: Tim and Sue Frey  
Local Case Number: 00 - 16SE

Dear Ms. Schmick:

The applicant is requesting a special exception to place a temporary mobile home on their lot during construction of a dwelling. Because the special exception is in the Limited Development Area (LDA) and is for residential use, this office does not oppose the placement of the mobile home within the Critical Area provided there are no impacts to Habitat Protection Areas.

As a reminder, the applicant will need to comply with the impervious surface and clearing requirements in reference to the proposed single family dwelling, garage, pool and deck within the LDA. If there are any questions, please feel free to call me at (410) 260 - 3483.

Sincerely,

Dawnn McCleary  
Natural Resources Planner

cc: Regina Esslinger  
CR 346 - 00

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

Staff Correspondence Reader File #2 : Lisa

2000

51832-146-3

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

December 22, 2000

Mr. Robert R. Jones, REM  
Environmental Projects Manager  
Frederick Ward Associates, Inc.  
P.O. Box 727  
5 South Main Street  
Bel Air, Maryland 21401-0727

Re: Curtis Creek Army Depot Project

Dear Mr. Jones:

Thank you for your letter regarding the above-referenced project. Based on our telephone conversation last week, I understand you are preparing additional information for this project. Therefore, this letter serves as a preliminary review of the issues that must be addressed in order for this project to be consistent with the State Critical Area Act and Criteria.

As you are aware, the Critical Area is measured 1,000 feet from mean high tide, and the edge of tidal wetlands. Development activities proposed within that planning area are subject to review by the local planning authority. In the case of federal lands, the Maryland Department of the Environment screens the projects for consistency, with input from Critical Area Commission staff. I have contacted the consistency reviewer at MDE regarding this project.

Projects in the Critical Area on federally-owned land do not require formal Commission approval. I have outlined some preliminary comments for your consideration below regarding the bulkhead improvements, parking lot construction, and stormwater management quality control.

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

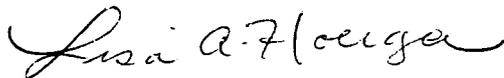
TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450

Mr. Jones  
Page Two  
December 22, 2000

1. The 100-foot Buffer is measured from mean high water, the edge of tidal wetlands and tributary streams. We understand this area of the shoreline is mapped as a Buffer Exemption Area (BEA). The BEA status does not allow all activities to be permitted in the Buffer. In fact, the Critical Area Commission recently developed a policy concerning redevelopment on these sites. Generally, there is a minimum 25-foot area of no new disturbance from mean high water. Please add the 100-foot Buffer to the site plans. Once this is accomplished we can discuss the proposed development activities.
2. The Commission is also concerned with other Habitat Protection Areas (HPAs) such as rare, threatened and endangered species, species in need of conservation, plant and wildlife habitat and anadromous fish propagation waters. You have already contacted the U.S. Fish and Wildlife Service and the Department of Natural Resources, Heritage and Biodiversity Division and both agencies' comments appear to indicate that there are no issues on this site.
3. Outside of these HPA issues, Commission staff review projects for consistency with the other elements of the Critical Area Law and Criteria. Since this site is mapped as an Intensely Developed Area (IDA), it is subject to the 10% Pollutant Reduction Requirement. Please forward those calculations when completed so appropriate Best Management Practices (BMPs) for this site can be selected.

If you have any questions, or if I can be of further assistance please call me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger  
Natural Resources Planner

cc: Mr. Elder Ghigiarelli, MDE  
Federal Files US/DOT



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

December 21, 2000

Ms. Elinor Gawel  
Anne Arundel County Office of Planning and Zoning  
2664 Riva Road, MS 6402  
Annapolis, Maryland 21401

Re: Proposed Buffer Exemption Area (BEA), Gibson Island  
Clinton R. and Diana W. Daly (Tax Map 33, Block 18, Parcel 146, Lot 242)

Dear Ms. Gawel:

Thank you for accompanying Mary Owens and myself to the above-referenced property on Tuesday afternoon. After visiting the site, we agree that it may be possible that this general area of the shoreline could qualify as a BEA, however we need to review more detailed maps and aerial photographs of Gibson Island area in order to make that determination. It has been the practice of the Commission, and therefore of Commission staff, to designate Buffer Exemption Areas as stretches of shoreline, rather than individual lots. The Critical Area Criteria in COMAR 27.01.09.01 C (8) state:

As part of the local Critical Area program to be submitted to the Commission, local jurisdictions may request an exemption of certain portions of the Critical Area from the Buffer requirements where it can be sufficiently demonstrated that the existing pattern of residential, industrial, commercial, or recreational development in the Critical Area prevents the Buffer from fulfilling the functions stated of §B of this regulation.

In that regard, the County is required to make specific findings regarding the Buffer on sites proposed for designation as a BEA. In §1A-109 (f) of the County's Zoning Ordinance, it states that findings shall be made that the existing pattern of residential, industrial, commercial, or recreational development in the Critical Area prevents the Buffer from fulfilling the following functions:

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Ms. Gawel  
Page Two  
December 21, 2000

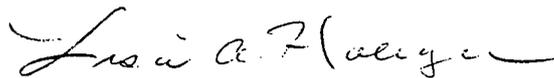
- (1) providing for the removal or reduction of sediments, nutrients, and potentially harmful or toxic substances in runoff entering the bay and its tributaries;
- (2) minimizing the adverse effects of human activities on wetlands, shorelines, stream banks, tidal waters, and aquatic resources;
- (3) maintaining an area of transitional habitat between aquatic and upland communities;
- (4) maintaining the natural environment of streams; and
- (5) protection of riparian wildlife habitat.

If we determine that portions of Gibson Island qualify as a BEA, then findings on the items above relative to the pattern of development must be made for each area.

Once we are able to conduct a more thorough review using maps and aerial photography from your office, we can determine whether the above-referenced lot is included in the areas eligible for BEA designation.

Thank you again for accompanying us on the site visit. Please contact us to arrange a time to review more detailed maps and aerial photography. If you have any questions, please call Mary Owens or myself at (410) 260-3460.

Sincerely,



Lisa A. Hoerger  
Natural Resources Planner

cc: Mary Owens, Chief, Program Evaluation



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

December 22, 2000

Mr. Philip R. Mohler  
MDE, Water Management Administration  
200 Duke Street, Suite 2700  
Prince Frederick, Maryland 20678

Re: Tantallon Marina, LLC. - 01-GL-0180

Dear Mr. Mohler:

I have received the above-referenced project to reconfigure and expand an existing marina from 40 functional slips to 160 slips. Expansion of existing marinas is allowed in the Critical Area subject to the following conditions as outlined in COMAR 27.01.03.04 regarding local plan requirements for water-dependent facilities are 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;

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



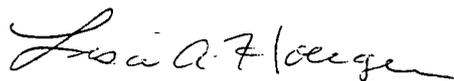
Mr. Mohler  
Page Two  
December 22, 2000

- (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 recognize there is an existing marina at the site, however we do not know the existing configuration of the marina and therefore are unable to comment in detail regarding the proposed configuration. We ask that your office consider the above criteria when evaluating this request for permits.

Please include this letter in your file. If you have any questions, please call me at (410) 260-3478.

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**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

December 22, 2000

Mr. Philip R. Mohler  
MDE, Water Management Administration  
200 Duke Street, Suite 2700  
Prince Frederick, Maryland 20678

Re: MNCPPC - 01-WL-0559

Dear Mr. Mohler:

I have received the above-referenced project to replace an existing boat ramp, install a gabion basket and timber wall. This office is aware of this project and reviewing it for Critical Area issues landward of the mean high water line. In regard to this permit request, we defer to your office concerning impacts to the aquatic resources of the Patuxent River.

Thank you for the opportunity to comment. If you have any questions, please call me at (410) 260-3478.

Sincerely,

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

Lisa A. Hoerger  
Natural Resources Planner

cc: Tidal Wetlands File

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

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



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

December 22, 2000

Mr. Philip R. Mohler  
MDE, Water Management Administration  
200 Duke Street, Suite 2700  
Prince Frederick, Maryland 20678

Re: Hedgeneck, Corp. - 01-GL-0180

Dear Mr. Mohler:

I have received the above-referenced project to emplace two sections of "flexible stone revetment consisting of 2" diameter washed gravel along the 195 feet of shoreline within a maximum of 30 feet channelward of the mean high water line. Since I have not visited the site, I cannot offer detailed comments regarding this application; however, this office encourages nonstructural shore erosion control measures where appropriate. We will defer to your expertise regarding the necessity of a structural measure for this site. If a structural measure is warranted, it should be designed so as to create no adverse environmental impacts.

I have checked the 1999 SAV maps and there were several species reported at or near this area of the shoreline. The 30-foot channelward intrusion will have negative impacts if SAV is present at this site. Therefore, we recommend less intrusion if possible at this site. Also, the landward disturbance for installation of all shore erosion control measures should be minimal. Any clearing in the 100-foot Buffer should be mitigated at a 1:1 ratio with native Buffer species.

Thank you for the opportunity to comment. If you have any questions regarding these comments please call me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger  
Natural Resources Planner

cc: Tidal Wetlands File

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



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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December 22, 2000

Ms. Liling Tien, RLA  
P.E.L.A. Design, Inc.  
212 Washington Avenue, Suite 100  
Baltimore, Maryland 21204

Re: Clyde Watson Boat Ramp, PELA Project No.: 97.051.12

Dear Ms. Tien:

Thank you for forwarding the preliminary information for the above-referenced proposal by the Maryland National Capital Park and Planning Commission (MNCPPC). Subsequent to our telephone conversation and a review of the materials submitted by your office, I have identified those issues which require clarification or need to be addressed by either your office or by MNCPPC. I have outlined these issues below. At this time it appears this project may not require formal project approval by the Chesapeake Bay Critical Area Commission.

1. Impervious surface limitations and forest clearing limitations apply to this project. Please clarify the amount of new disturbance and clearing. It appears no clearing will occur
2. Commission staff will conduct a site visit in early January to access the current conditions of this site, and will provide further comments and recommendations at that time.
3. A review by the Department of Natural Resources, Heritage and Biodiversity Division as part of staff review. You can contact this unit within DNR at (410) 260-8540. Please forward that information when it becomes available.
4. Other permits required by either the county or the Maryland Department of the Environment (MDE) should be forwarded to this office.
5. How will stormwater be handled? It appears the site does not have any means for treating stormwater at the present time. Once the site visit is conducted, I will provide some suggestions.

If I can be of any assistance, please do not hesitate to contact me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger  
Natural Resources Planner

cc: Jeff Newhouse, MNCPPC  
Regina Esslinger, Chief, Project Evaluation

Branch Office: 91 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**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

December 21, 2000

Ms. Mary Kay Verdery  
Talbot County Office of Planning and Zoning  
Courthouse  
Easton, Maryland 21601-3178

Re: Hatton's Garden Ltd.  
Special Exception #1163

Dear Ms. Verdery:

Thank you for forwarding the above-referenced special exception request for review. The applicant proposes to construct a retail/commercial greenhouse/ plant nursery in the RC zone. It is our understanding that the majority of the merchandise should be grown on the premises, and the retail operation will be accessory to the nursery operation. This activity is compatible with this land use designation in the Critical Area according to the Talbot County Critical Area Program.

We have no objection to the request provided the proposed development activity will not adversely impact any Habitat Protection Areas (HPAs). Also, proper stormwater management and sediment and erosion control measures shall be taken. In the RC impervious surfaces are limited to 15%. All clearing associated with the new development activity shall be mitigated on site.

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: TC 560-00

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



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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

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(410) 260-3460 Fax: (410) 974-5338

December 20, 2000

Ms. Penny Chalkley  
MS 6303  
Anne Arundel County Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21404

Re: Rhode Harbor, Lot 6  
S 77-253, P 95-146

Dear Ms. Chalkley:

I have received the revised site plan for the subdivision request for Rhode Harbor, lot 6. It appears the applicant has addressed our previous comments. By removing portions of the existing driveway on both lots, the 15% impervious surface limitations can be met. Also, the area proposed for afforestation has been sited so that it forms a contiguous area.

A note should be added to the plat indicating the 15% impervious surface limitations cannot be exceeded since these lots are no longer considered grandfathered. Also, a note should be added to the plat indicated the afforestation area, and possibly placing in an easement.

Thank you for the opportunity to comment. Please call if you have any questions regarding the above comments.

Sincerely,

Lisa A. Hoerger  
Natural Resources Planner

cc: AA 400-00

Branch 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**  
1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

December 20, 2000

Penny Chalkley  
Anne Arundel County Office of Planning and Zoning  
2664 Riva Road, MS 6302  
Annapolis, Maryland 21401

Re: Rosehaven, Inc., Lot 1  
Residue A & B

Dear Ms. Chalkley:

Thank you for forwarding the above-referenced subdivision request. Since the applicant for this project is the Department of Public Works, the County must submit a Critical Area Consistency Report. I have forwarded an example of such a report to your office.

It appears from the information provided that this request is for "site 6". The following comments pertain to this site. These comments should be addressed in the Critical Area Consistency Report. Normally, the County submits the report prior to comments from Commission staff, but we understand this project has been approved and continues to move forward. These issues should also be addressed at the grading permit stage.

1. We understand the applicant is requesting a special exception to site the proposed use in a residential district. This office has no comment regarding the special exception request.
2. The contiguous forested area may support Forest Interior Dwelling (FIDs). Therefore, temporal restrictions should be placed on the development activities during the breeding season.
3. What is the method proposed for stormwater management? If it is infiltration, how will this be accomplished on Elkton soils?

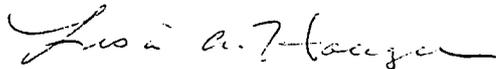
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Ms. Chalkley  
Page Two  
December 20, 2000

4. Since the soils are considered hydric, has the County performed any analyses to determine whether the proposed development activities may impact streams, wetlands, or other aquatic environment? Because this is a small, grandfathered lot, the County has the discretion to require such an analysis.
5. It appears there exists other areas that may be proposed for development in the future. These areas will need to provide all the necessary Critical Area information now or they have to be designated as reserve parcels since no environmental information was provided and these areas will require review.

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

Sincerely,



Lisa A. Hoerger  
Natural Resources Planner

cc: AA 204-99

John C. North, II  
Chairman



Ren Serey  
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401  
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December 20, 2000

Mr. Tom Hamilton, Town Planner  
Town of Easton  
P. O. Box 520  
Easton, Maryland 21601

Re: Londonderry Retirement Community - Sp-174

Dear Mr. Hamilton:

Thank you for forwarding the site plan for the above-referenced project. Absent an Environmental Report, it is difficult to access the impacts of the proposed development scenario. However, I have outlined some preliminary comments below for your consideration.

1. We understand the Town requires the applicant to demonstrate a 15% pollutant removal from the site. Please have the applicant complete those computations so we can determine whether sufficient space exists to site required Best Management Practices.
2. Please verify that a letter from the Department of Natural Resources, Heritage and Biodiversity Division exists in the file for the previous submittal. If no letter exists, the Town should require the applicant to request a letter from the Department to verify the status of the property with regard to rare, threatened or endangered species.
3. The site plan shows a proposed covered deck in the Buffer. This office will not support a variance for a freestanding accessory structure in the Buffer, or new impervious area in the Buffer.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3478.

Sincerely,

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

Lisa A. Hoerger  
Natural Resources Planner

cc: EA 638-00

Branch 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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December 20, 2000

Ms. Lori Allen  
Anne Arundel County Office of Planning and Zoning  
2664 Riva Road, MS 6303  
Annapolis, Maryland 21401

Re: Dutchship Pointe  
S # 99-093, # 99-165

Dear Ms. Allen:

I have received the final development plans for the above-referenced project. It appears the comments outlined in my last letter to the County dated June 9, 2000 were addressed. In regard to the current plans, there appears to be a mistake on the Critical Area Calculations Table. The total for proposed clearing should read 64,600 square feet instead of 43,900 square feet.

Thank you for the opportunity to comment. If you have any questions, please do not hesitate to contact me at (410) 260-3478.

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

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

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
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December 19, 2000

Mr. Terrence Valentine  
Water and Sewer Design Section  
Washington Suburban Sanitary Commission  
14501 Sweitzer lane  
Laurel, Maryland 20707-5902

Re: WSSC Contract 83CT1084F  
Hyattsville Area Gravity Sewers, Part 4H

Dear Mr. Valentine:

Thank you for forwarding the above-referenced project to this office for review. From the information provided, the project consists of replacing an existing sewer line within the WSSC right-of-way and it will not impact any Habitat Protection Areas or require any clearing. After reviewing the site plan and discussing this project with the project manager, Ms. Cheryl Young, Critical Area Commission staff determined this project does not require formal approval by the Critical Area Commission. Therefore, this activity may proceed notwithstanding any other required State or local agency permits.

If the plans for this project change, please forward them to this office for review. If I can be of further assistance, please do not hesitate to contact me at (410) 260-3478.

Sincerely,

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

Lisa A. Hoerger  
Natural Resources Planner

cc: Ms. Cheryl Young, Project Manager

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



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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

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(410) 260-3460 Fax: (410) 974-5338

December 19, 2000

Mr. Chris Colvin,  
Maryland National Capital Park and Planning Commission  
Prince George's County, Dept. of Parks and Recreation  
Planning, Design, & Research Div., Design & Engineering Section  
6600 Kenilworth Avenue  
Riverdale, Maryland 20737

Re: Cedar Haven Park  
Revised Plan

Dear Mr. Colvin:

Thank you for your letter of December 4, 2000 which provided the Plantings Agreement for the above-referenced project. There are four items concerning the agreement that require further attention. I have provided them below.

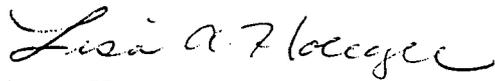
1. Critical Area Commission staff recommend that a shrub layer be added to the plantings for the bioretention area. We recommend a shrub species(s) suitable for the soil conditions. Commission staff is available to assist in the selection.
2. The area proposed for reforestation that will occur on MNCPPC property to the north needs a plantings plan. Please submit a list of species that your agency proposes for planting in this location.
3. Please clarify the amount of total clearing. The most recent Plantings Agreement indicates total clearing to be 24,410 square feet, while the plan dated September 25, 2000 indicates total clearing to be 25,994 square feet.
4. Finally, we discussed providing some low shrub plantings along portions of the existing bank to help stabilize it where possible. Please indicate what types of plantings are proposed for this area.

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Mr. Colvin  
Page Two  
December 19, 2000

Thank you for your cooperation with this project. As always, it is a pleasure working with you and I look forward to hearing from you soon. If you have any questions, please do not hesitate to contact me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger  
Natural Resources Planner

cc: Regina Esslinger, Chief, Project Evaluation



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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

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(410) 260-3460 Fax: (410) 974-5338

December 15, 2000

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

Re: Cape St. John, Section B – Lots 66, 67  
S 80-176, P 00-255

Dear Mr. Soldano:

Thank you for forwarding the above-referenced subdivision request to this office for review and comment. The applicant proposes a lot line change. I have outlined our comments below.

It is difficult from the site plan provided to determine the location of the existing lot line. Therefore, is this request a lot line adjustment, or is this the creation of a new lot?

If this is creation of a new lot, it appears the proposed dwellings may be in the expanded Buffer for steep slopes. This needs to be verified. This office will not support variances for new lots.

If this is a lot line adjustment, the lot line should be configured so the proposed dwellings will not require variances. Again, this office will not support a variance.

In any case, it appears the proposed infiltration trench is within the expanded Buffer for steep slopes. This needs to be relocated.

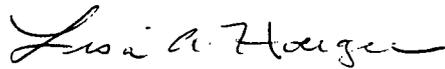
Finally, the site plans expanded the Buffer from the edge of 25% slopes. The Buffer must be expanded from the edge of 15% slopes.

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

Mr. Soldano  
Page Two  
December 15, 2000

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

Sincerely,

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

Lisa A. Hoerger  
Natural Resources Planner



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

**STATE OF MARYLAND**  
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December 13, 2000

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

Re: Brice Manor West  
S 00-027, P 00-247

Dear Mr. Wedemeyer:

Thank you for forwarding the above-referenced subdivision request to this office for review and comment. The applicant proposes to subdivide an existing parcel. I have outlined our comments below.

1. According to the letter from the Department of Natural Resources (DNR), Heritage and Biodiversity Division, it appears there are no known threatened or endangered species on this site. Also, DNR stated the applicant is not required to perform a Forest Interior Dwelling Bird (FIDs) study based on the site characteristics and our new guidance document for FIDs. We concur with this analysis.
2. It appears the totals in the Critical Area Calculations table on the plans are not all correct. There is a discrepancy several times between the environmental report and the plans concerning total acres in the Critical Area. This information must be corrected since the allowable impervious surface and clearing calculations are determined from the total acres inside the Critical Area.
3. While the applicant indicates there are no wetlands present on the site, the County should confirm there are not intermittent or perennial streams on site. This office has not had the opportunity to visit the site prior to writing this letter, however, we will not support any variances to stream buffers or other necessary variances on newly created lots. Therefore, this issue must be resolved, and the County should be certain these new lots will not require Critical Area variances.

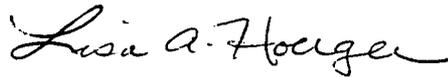
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Mr. Wedemeyer  
Page Two  
December 13, 2000

4. It was not clear from the report or plans where the required forest mitigation will occur on-site. This should be clearly marked with notes on the final plat indicating which areas will be in a conservation easement.
5. Stormwater management and sediment and erosion control shall be required as the County deems appropriate.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3478.

Sincerely,



Lisa A. Hoerger  
Natural Resources Planner

cc: AA591-00

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

December 8, 2000

Mr. Tom Hamilton, Town Planner  
Town of Easton  
P. O. Box 520  
Easton, Maryland 21601

Re: Cooke's Hope Village, Phases 4 & 5  
PUD #00-31

Dear Mr. Hamilton:

Thank you for forwarding the above-referenced request to this office for review and comment. The applicant requests 36.42 acres of growth allocation from the Town of Easton to change from a Resource Conservation Area (RCA) to an Intensely Developed Area (IDA). I have outlined our comments below.

Consistency with the Critical Area Commission's Policy on Growth Allocation

1. Is the parcel proposed for IDA designation adjacent to existing IDAs or LDAs?
2. Prior to approval by the Town for growth allocation, the information requested from the Department of Natural Resources should be received to ensure any Habitat Protection Areas (HPAs) on the site are adequately protected. In some instances, this could require a 300-foot Buffer.
3. It appears the applicant is showing one development envelope and has a minimum of twenty acres remaining on the parcel.

Subdivision comments

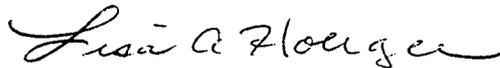
1. If the 100-foot Buffer is not currently established as a fully functioning Buffer, it shall be reestablished with approval of this subdivision.
2. A fully functioning Buffer shall consist of multi-layered native species. This planting shall include one canopy tree and two understory trees or three shrubs for every 400 square feet of the Buffer and appropriate herbaceous vegetation. Commission staff is available to assist the County with the review of the plans for establishing the Buffer.

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3. The Environmental Assessment describes the site as having areas of hydric soils. If any areas of hydric soils are adjacent or contiguous to the 100-foot Buffer, the Buffer shall be expanded to include these soils. The current site plan does not show the location of the soils. All tidal wetlands and tributary streams also require a 100-foot Buffer.
4. The existing forested area on this parcel is just under the required 15%. Therefore, the Town shall ensure that all clearing is replaced on a one to one basis and the necessary afforestation is also established. The required reestablishment of the 100-foot Buffer may be counted towards these requirements.
5. This office generally supports the innovative stormwater techniques suggested in the Environmental Assessment; however, all stormwater management may not be within the Buffer or any other HPAs that may be identified on-site.
6. The current plan does not indicate how the proposed pier will be accessed through the Buffer. Please forward that information when it becomes available.
7. If the site is granted a growth allocation to an IDA, the Critical Area Criteria require that the 10% Pollutant Reduction Requirement be met. The Environmental Assessment describes a 15% requirement imposed by the Town. In any case, please forward those computations when they become available.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3478.

Sincerely,



Lisa A. Hoerger  
Natural Resources Planner

cc: Mr. Daniel Cowee, Planning Director, Talbot County



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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

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(410) 260-3460 Fax: (410) 974-5338

December 8, 2000

Ms. Mary Kay Verdery  
Talbot County Office of Planning and Zoning  
Courthouse  
Easton, Maryland 21601-3178

Re: Mike Ciardi  
Special Exception #1167

Dear Ms. Verdery:

Thank you for forwarding the above-referenced special exception request for review. The applicant proposes to construct a 60' by 6' timber pier extension to an existing 146' pier, including two mooring piles that will encroach into the channel. This office has no comment regarding the encroachment issue.

We have no objection to the requested pier provided the pier will not impact any Habitat Protection Areas (HPAs) in the Tred Avon River. Habitat Protection Areas include shellfish beds, anadromous fish propagation waters, submerged aquatic vegetation and any other rare, threatened or endangered species listed by the Department of Natural Resources, Heritage and Biodiversity Division.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record.

Sincerely,

Lisa A. Hoerger  
Natural Resources Planner

cc: TC 628-00

Branch 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**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

December 8, 2000

Mr. Michael G. Terry, Jr., P.E., Engineering Supervisor  
Park Planning and Development Division  
Maryland-National Capital Park and Planning Commission  
Department of Parks and Recreation  
6600 Kenilworth Avenue  
Riverdale, Maryland 20737

Re: Colmar Manor Community Park, Lawrence Street  
Dredge Spoil Site/Temporary Stockpile Area

Dear Mr. Terry:

Thank you for your letter regarding the above referenced project. Since MNCPPC is not proposing any new development activities on this site, no further information is required. If that changes, and new development activities or redevelopment activities are proposed, then further information is needed and may require approval by the Chesapeake Bay Critical Area Commission.

You mentioned in your letter that a CBCAC conservation plan may be required. These conservation plans are a requirement of the Prince George's County Department of Environmental Resources (DER). You should be in contact with that agency regarding this issue. The contact in DER is Richard Thompson. His telephone number is (301) 8843-5919.

Thank you for your cooperation. If you have any questions, please do not hesitate to telephone me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger  
Natural Resources Planner

cc: Richard Thompson, PG DER

Branch 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**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

December 8, 2000

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

Re: Eschinger Property, S 00-033, P 00-051

Dear Ms. Chalkley:

I have received the revisions to the above-referenced subdivision request. It appears there are several issues that remain to be resolved. The comments in my previous letter dated April 3, 2000 still apply. The remaining outstanding issues are listed below.

- 1) I understand that the Natural Resources Conservation Service has not confirmed the findings of the independent soil evaluation of this parcel. This needs to be resolved prior to final recordation, since it may affect the required Buffer.
- 2) Also, I understand there may be minor impacts to wetlands for a portion of the road. This needs to be quantified and reviewed to see whether an alternative exists.
- 3) Portions of lots 33 and 31, and the access to lot 32 will impact steep slopes. This office will not support variances for these impacts. These lots and their associated improvements (i.e. dwellings, driveways, etc.) must be reconfigured to avoid impacts to all steep slopes.

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

Branch 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 7, 2000

Mr. Donald Sparklin  
State Highway Administration  
707 N. Calvert Street, 3<sup>rd</sup> Floor  
Planning Division  
Baltimore, Maryland 21202

Mr. John Gerner  
Federal Highway Administration  
Woodrow Wilson Bridge Center  
1800 Duke Street, Suite 200  
Alexandria, Virginia 22314

Dear Sirs:

At its meeting on December 7, 2000, the Chesapeake Bay Critical Area Commission approved the stormwater management design for compliance with the 10% Pollutant Reduction Rule as presented in the staff report. The project was approved based on the following conditions:

1. As the design of the contracts progress, any changes to either the stormwater management or erosion and sediment control plans shall be resubmitted to the Commission for review and approval.
2. Since a portion of the removal requirement is dependent upon offsite Best Management Practices (i.e. stormwater management facilities) at the MD 210 interchange, the applicant shall resubmit revised 10% Pollutant Removal Calculations if the MD 210 interchange reconstruction is not completed.
3. The applicant shall be required to provide continued maintenance of all facilities used to comply with the 10% Pollutant Reduction Calculations in order to insure the facilities are properly functioning. A maintenance plan shall be developed between SHA and Commission staff.

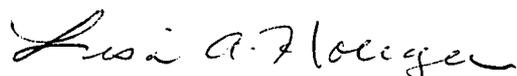
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TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450

Mr. Sparklin  
Mr. Gerner  
Page Two  
December 7, 2000

Thank you for your cooperation with this project. If you have any questions, please feel free to contact me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger  
Natural Resources Planner

cc: Mr. Thomas Heil, PCC

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND**  
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December 7, 2000

Mr. Daniel Cowee, Planning Officer  
Talbot County Office of Planning and Zoning  
Courthouse  
Easton, Maryland 21601-3178

Re: Whitehall Farm, LLC - Growth Allocation

Dear Mr. Cowee:

At its meeting on December 6, 2000, the Chesapeake Bay Critical Area Commission concurred with the Chairman's determination that the Whitehall Farm growth allocation request for 16.34 acres to be changed from a Resource Conservation Area to a Limited Development Area be approved as a refinement. This approval is based on the revised plat delivered to this office on December 5, 2000. The approval of the growth allocation included the following condition:

*The 100-foot Buffer must be established and maintained in natural vegetation sufficient to ensure the water quality and habitat functions specified in the Critical Area Criteria. Appropriate notes shall be placed on the plat and restrictions placed in each deed to ensure that the Buffer on each lot is maintained. These legal instruments shall be reviewed and approved by Commission staff.*

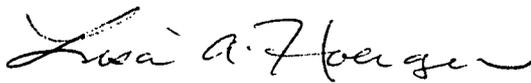
As we discussed during the Program Subcommittee meeting, "natural vegetation sufficient to ensure the water quality and habitat functions specified in the Critical Area Criteria" shall consist of multi-layered native species. **This planting shall include one canopy tree and two understory trees or three shrubs for every 400 square feet of the Buffer and appropriate herbaceous vegetation to stabilize the area, minimize erosion, and filter sediments and pollutants.** A grass lawn with isolated trees and shrubs will not meet this requirement. Commission staff is available to assist the County with the review of the plans for establishing the Buffer.

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Mr. Cowee  
Page Two  
December 7, 2000

With regard to the map change, the County is required to revise the Critical Area maps to reflect this change within 120 days of this notice. Please forward a copy of the revised map to this office, and a copy of the plat notes and deed restrictions for this subdivision. The Commission requested similar legal instruments be placed on the "by-right" lots. If you have any questions, please call me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger  
Natural Resources Planner

cc: TC Amendment File

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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**CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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December 7, 2000

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

Re: Arrow Cove at Epping Forest  
S 95-083, P 00-244

Dear Mr. Soldano:

Thank you for forwarding the above-referenced subdivision request to this office for review and comment. The applicant proposes to create nine single family residential lots in the Resource Conservation Area (RCA). I have outlined our comments below.

1. It is our understanding the density of this subdivision was decided based on existing minimum lot sizes, and thereby the nine lots are a result of a lot consolidation. The new waterfront lots will be accessed via a private road that will impact steep slopes. This will require a variance.
2. Also, it appears some of the proposed dwellings may require a variance. The Buffer is not clearly delineated to make a determination. This office may not support variances for these new lots.
3. Lot #8 will require additional slope disturbance for access. This office cannot support the creation of this lot based on the extensive additional disturbance to slopes and Buffer. Again it is difficult to discern from the site plan
4. Has a Forest Interior Dwelling Bird (FID) survey been performed for this site? This office needs additional information concerning the canopy cover on the site and adjacent parcels to determine how much FID interior habitat exists on site, if any. Once we receive that information we can provide more substantive comments.

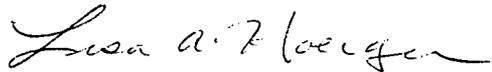
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Mr. Soldano  
Page Two  
December 7, 2000

5. The County shall insure that infiltration practices are the best alternative for stormwater management on this site.

Thank you for the opportunity to comment. Please telephone me if you have additional questions.

Sincerely,



Lisa A. Hoerger  
Natural Resources Planner

cc: AA 576-00

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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**CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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December 1, 2000

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

Re: DES Properties, LLC  
BA 70-00V

Dear Ms. Morgan:

I have received notice of the appeal for the above-referenced request to permit construction of a driveway with less setbacks and Buffer than required. This office does not oppose the requested variance. I will provide an explanation of this position in the comments below.

Generally, this office does not support the creation of new lots that will require variances. Although we do not believe new lots should require variances, we do believe there are extenuating circumstances on this parcel that may warrant a variance for access to the second lot. We believe this case is different in that the alternative lot layout may create irreversible damage to Forest Interior Dwelling Bird (FID) habitat that currently exists on the parcel. Again, in most situations we would oppose a variance for a newly created lot when a suitable alternative exists.

Site Features

The applicant proposes to create two lots in the Resource Conservation Area (RCA) in Forest Interior Dwelling Bird (FID) habitat. This parcel has other sensitive features including steep slopes and intermittent streams.

Two buildable envelopes were identified on this parcel. The envelope closest to Glebe Creek would require access through steep slopes and stream buffers. In addition, this location would severely impact the interior habitat of the FIDs. The proposed building envelope is closer to the existing forest edge, and will require significantly less impacts for access.

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Ms. Morgan  
Page Two  
December 1, 2000

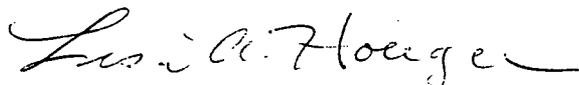
It is our understanding that the alternative lot location may not need a variance but it would have significant impacts to FID habitat. We had several discussions with the applicant in regard to the proposed driveway. Due to an existing easement on the other potential access point, and right-of-way issues with the adjacent parcel, an alternative access point does not appear to be possible. The applicant has revised the plans several times to avoid impacts to the stream Buffer. Based on the topography and other stream buffers, it appears this configuration is the least intrusive.

If the Board of Appeals grants this request, we recommend the following conditions are placed on the approval due to the sensitive nature of this parcel. They include the following:

- 1) The remaining areas on each lot outside of the immediate building envelope are placed in a perpetual easement, and no future clearing, including the understory and herbaceous layer, be permitted by future lot owners because it is FID habitat.
- 2) We have visited the site and the access paths to the water for each lot can be accommodated without the need to clear. The access paths for each lot should be no wider than three feet.
- 3) Since this is FID habitat, the applicant should follow the guidelines according to the Commission's FID Habitat Guidelines which the County has used for other FID habitat issues. These guidelines require the applicant to perform mitigation to reforest for direct forest habitat loss, plus two times the number of acres of interior habitat loss.
- 4) The area of the Buffer that is permanently impacted for the driveway be mitigated at a 3:1 ratio with native species. The area that is temporarily impacted for construction be replanted with native shrubs and understory.

Thank you for the opportunity to comment. Please include this letter as part of the record for appeal. Please notify this office of the decision made in this case.

Sincerely,



Lisa A. Hoerger  
Natural Resources Planner

cc: AA 238-99



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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December 1, 2000

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

Re: Eagles Passage, Section 5, Lot 42  
S #86-263, P #00-229

Dear Mr. Soldano:

I have received the revised plan for the above-referenced lot line adjustment. It appears the applicant has accommodated the required septic reserve area outside the Buffer. Therefore, this office has no further comments.

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

Sincerely,

Lisa A. Hoerger  
Natural Resources Planner

cc: AA 551-00

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Chairman



Ren Serey  
Executive Director

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Fax: (410) 974-5338

December 1, 2000

Mr. Thomas Hamilton, Town Planner  
Town of Easton  
P.O. Box 520  
14 S. Harrison Street  
Easton, Maryland 21601

Re: Ratcliffe Farm PUD  
Easton Village on the Tred Avon River

Dear Mr. Hamilton:

Thank you for forwarding the above-referenced Planned Unit Development (PUD) proposal to this office for review and comment. Due to the joint review process between the Town of Easton and Talbot County concerning growth allocation projects, this letter will be forwarded to the Talbot County Planning Office. We understand this project is in the "sketch plan" phase of review, and therefore offer the following comments for the your consideration.

1. The 100-foot Buffer is shown on the plans. It appears the applicant is aware that the 100-foot Buffer shall be reestablished in native vegetation since the parcel is converting from an agricultural use to a residential use. As you are aware, the entire width of the 100-foot Buffer is require to be revegetated with native Buffer species utilizing overstory and understory trees, and a variety of shrubs and herbaceous over.
2. Since this PUD will require a growth allocation, the project may require a 300-foot Buffer. Further discussions of this issue are necessary. Typically the 300-foot Buffer is required in order to protect for rare, threatened or endangered species or species in need of conservation.
3. There appears to be several streams on the parcel. All streams located on the parcel require a minimum 100-foot Buffer that is established in native vegetation as described above in regard to the Buffer to tidal wetlands and tidal waters.

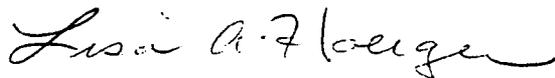
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Mr. Hamilton  
Page Two  
December 1, 2000

4. On Sheet 2 of 2 it appears there are some areas proposed for bio-retention in the 100-foot Buffer. No stormwater management structures or Best Management Practices are permitted in the Buffer.
5. The letter from the Department of Natural Resources, Heritage and Biodiversity Division, dated August 14, 2000 indicates the site could potentially support habitat for two endangered plant species, and the site is adjacent to known historic waterfowl concentration areas. This information needs to be field verified prior to approval for growth allocation.
6. In regard to the growth allocation request, the Town must indicate how the parcel is contiguous to existing LDAs or IDAs.
7. At this time, the applicant proposes to utilize bio-retention and infiltration areas to address stormwater issues and the 10% Pollutant Reduction Requirement for new development in the IDA. The calculations should be prepared shortly, so the applicant is aware of the pollutant removal requirement based on the current site plan. Please forward those calculations when they become available. This office can provide the Town assistance with this requirement if necessary.
8. When determining which areas will count as impervious surface, the newly created pond(s) and all other area of impervious surfaces are considered impervious. The site plan indicates some areas as permeable parking. Generally, the Commission considers parking areas to be impervious. More information is needed in order to make a determination.

Thank you for the opportunity to comment. If you have any questions, please do not hesitate to contact me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger  
Natural Resources Planner

cc: Mr. Lynn Thomas, Town of Easton  
Mr. Daniel Cowee, Talbot County



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401  
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November 30, 2000

Ms. Mary Kay Verdery  
Talbot County Office of Planning & Zoning  
Courthouse  
Easton, Maryland 21601-3178

Re: Plimhimmon Farm  
M-988

Dear Ms. Verdery:

This letter serves to clarify two items in my to you letter dated November 13, 2000 concerning the above-referenced project. Under comment #2, I referenced an environmental report. That report did not accompany the present subdivision application for Plimhimmon. Instead, that report dated December 8, 1999 accompanied a prior subdivision request for the same parcel sent to this office last year. I used this report to ascertain the site conditions since it describes the same parcel.

The other point of clarification is that I copied Mr. Thomas Hamilton of the Town of Easton. I meant to copy Ms. Lillian Lord of the Town of Oxford. I will send Ms. Lord a copy of the November 13, 2000 letter for this project and this letter.

My apologies for any confusion this may have caused your office. If you need further clarification, please do not hesitate to telephone me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger  
Natural Resources Planner

cc: Ms. Lillian Lord, Town of Oxford

Branch 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 30, 2000

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

Re: Plimhimmon Farm  
Talbot County Subdivision, Local Project #M-988

Dear Ms. Lord:

This office received the above-referenced subdivision request from Talbot County for review and comment. In the comment letter dated November 13, 2000, I indicated the Town of Oxford would received a copy of the letter. I mistakenly copied Mr. Thomas Hamilton of the Town of Easton. Enclosed you will find a copy of the November 13, 2000 letter, and a subsequent follow-up letter dated November 30, 2000 to Talbot County regarding this issue.

If you have any questions, please do not hesitate to telephone me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger  
Natural Resources Planner

cc: Ms. Mary Kay Verdery, Talbot County Planning Office

Branch 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 27, 2000

Ms. Mary Kay Verdery  
Talbot County Office of Planning & Zoning  
Courthouse  
Easton, Maryland 21601-3178

Re: Helen M. Weisman  
Appeal # 1162

Dear Ms. Verdery:

Thank you for forwarding the above-referenced request for a variance from County's Intrafamily Transfer provisions. This office received the request this afternoon, therefore our comments are based on the information sent via facsimile. Based on that information, it appears that a change in circumstances has occurred since the original bona fide intrafamily transfer lot was created and conveyed to Mr. Raymond Weisman, II. Therefore, this office has no objections to the requested variance.

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

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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November 17, 2000

Mr. Daniel R. Cowee  
Planning Officer  
Office of Planing and Zoning  
Courthouse  
Easton, Maryland 21601-3178

Re: Updated Ordinance Language

Dear Mr. Cowee:

This letter is a follow-up to previous requests made by this office for updated ordinance language. As you know, there have been several changes to the County's Ordinances over the last year. As a result, I will need copies of those sections so that they may be inserted in to copies of the Talbot County Ordinance on file in this office. The bills I am referring to are provided below:

Bill 691	Clarifying County Council's Authority in Regard to Growth Allocation
Bill 699	Supplemental Award of Growth Allocation
Bill 741	Reasonable Accommodation for Disabled Citizens
Bill 751	Enforcement and Penalties
Bill 762	Joint Review Process

Thank you for your cooperation. Please feel free to telephone me if you have any questions.

Sincerely,

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

Lisa A. Hoerger  
Natural Resources Planner

cc: Mary Owens, Program Implementation

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



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Chairman

Ren Serey  
Executive Director

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November 16, 2000

Ms. Mary Kay Verdery  
Talbot County Office of Planning and Zoning  
Courthouse  
Easton, Maryland 21601-3178

Re: John Freitag  
Special Exception #1165

Dear Ms. Verdery:

Thank you for forwarding the above-referenced special exception request for review. The applicant proposes to construct a 300' timber pier with a 10' x 20' L head and six mooring piles that will encroach into the channel. This office has no comment regarding the encroachment issue. We have no objection to the requested pier provided the pier will not impact any Habitat Protection Areas (HPAs) in the Choptank River. Habitat Protection Areas include shellfish beds, anadromous fish propagation waters, submerged aquatic vegetation and any other rare, threatened or endangered species listed by the Department of Natural Resources, Heritage and Biodiversity Division.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record.

Sincerely,

Lisa A. Hoerger  
Natural Resources Planner

cc: TC 589-00

Branch 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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November 13, 2000

Ms. Mary Kay Verdery  
Talbot County Office of Planning & Zoning  
Courthouse  
Easton, Maryland 21601-3178

Re: Plimhimmon Farm  
M-988

Dear Ms. Verdery:

Thank you for forwarding the above-referenced subdivision request. The applicant proposes to subdivide a 245 acre parcel into 11 lots. I have outlined our comments below.

1) This property is designated as a Resource Conservation Area (RCA), and the applicant is permitted one dwelling unit per 20 acres. The applicant proposes to create eleven lots. Since the parcel has 230.46 acres in the Critical Area, eleven units are the maximum allowable density. Lot 1 is proposed to remain undisturbed and is to be restricted from future development through a reservation of development rights agreement. If at a later date, Lot 1 is proposed for additional development, the original development rights will need to be restored, and the entire project (Lots 1 - 11) will need to be submitted for review and approval of the use of growth allocation.

In general, the Commission does not support the "piecemeal" development of projects that involve the use of growth allocation, because this approach makes it difficult to follow the guidelines in the Criteria. A recent example of the difficulty which can result from such an approach is the Ratcliffe/Glenwood project in Easton. When the Commission reviewed the original subdivision, we cautioned the County Planning Commission that the apparent two-step development process envisioned (subdivision using density transfer followed by growth allocation) could lead to problems involving the configuration of a growth allocation envelope and possible restrictions on the layout of the expected Glenwood project. Our ability to work closely with the County was interrupted by the subsequent annexation of the entire site into the town.

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On the Plimhimmon site, the County should be aware that the subdivision of Lots 2 - 11 may adversely affect the use of growth allocation needed to permit additional development on Lot 1. If growth allocation is proposed for Lot 1 after the current subdivision is approved, the Commission may restrict and/or condition the use and configuration of the development envelope if the density proposed for Lot 1 is significant. One possible condition would be the establishment of a 300-foot setback. By copy of this letter, we are alerting the Town of Oxford about our concerns.

2) 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.

3) The County should ensure that any areas that require expansion of the 100-foot Buffer are shown. Expansion for the 100-foot Buffer is required when hydric soils are present.

4) 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.

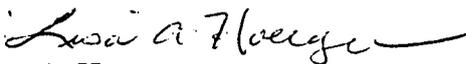
5) Also, please forward a copy of the response from the Department of Natural Resources, Heritage and Biodiversity Division when it becomes available. The County should not issue approvals until that letter arrives with confirmation that no rare, threatened or endangered species exist on or near the site. If the letter indicates the presence of such species, then a more detailed analysis is necessary to ensure adequate protections are afforded to the species.

6) From the information provided, it appears the area of the proposed "Plimhimmon Drive" was not included as part of the overall impervious surface calculations for the site. Therefore, the impervious surface calculations must be recalculated to ensure the overall impervious surface for the subdivision does not exceed 15%.

7) Finally, all areas of tidal wetlands must be identified with appropriate documentation that they are private tidal wetlands. Otherwise, the tidal wetlands are owned by the State and cannot be counted for generating density in the RCA.

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: Mr. Thomas Hamilton, Town of Easton  
TC 638-99



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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

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November 13, 2000

Ms. Mary Kay Verdery  
Talbot County Office of Planning and Zoning  
Courthouse  
Easton, Maryland 21601-3178

Re: APC Realty & Equipment Company, Appeal # 1160

Dear Ms. Verdery:

Thank you for forwarding the above-referenced special exception request to this office for review and comment. It appears the proposal is not in the Critical Area. I contacted your office today and confirmed that the proposed telecommunications tower is not in the Critical Area; therefore this office has no comment regarding the special exception request.

Thank you for the opportunity to comment. Please telephone me if I can be of further assistance.

Sincerely,

Lisa A. Hoerger  
Natural Resources Planner

cc: TC 542-00

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

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

November 13, 2000

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

Re: Round Bay View, Plat 1

Dear Ms. Allen:

I have received the above-referenced subdivision request. The applicant proposes to create a total of three lots in the Limited Development Area. I have outlined our comments below.

1. It appears the applicant proposes to provide the adequate amount of afforestation; however the site plan does not show the location of the afforestation area. This should be shown on the plan, and a plat note should be added to the plat indicating its purpose.
2. Another note should be added to the plat indicating that the impervious surface limitations for the subdivision are 15% and that this limit has been met with this proposal. This note should indicate to future homeowners that no additional impervious areas are permitted since the lots are not grandfathered.
3. The site plan does not indicate how stormwater quantity and quality will be handled for the new lots. Adequate stormwater and sediment and erosion control devices must be satisfactory to the County before final approvals are issued.

Thank you for the opportunity to comment. Please telephone me if I can provide further assistance.

Sincerely,

Lisa A. Hoerger  
Natural Resources Planner

cc: AA 577-00

Branch 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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November 13, 2000

Mr. Chris Colvin,  
Maryland National Capital Park and Planning Commission  
Prince George's County, Dept. of Parks and Recreation  
Planning, Design, & Research Div., Design & Engineering Section  
6600 Kenilworth Avenue  
Riverdale, Maryland 20737

Re: Cedar Haven Park  
Revised Plan

Dear Mr. Colvin:

I have received the above-referenced plan from P.E.L.A. Design. It appears the changes made to the plan can be processed at the staff level. Therefore, it is not necessary for this project to be presented to the Project Subcommittee or full Commission for a second time.

In that regard, I will need a copy of the Plantings Agreement for State Projects form. I have enclosed a copy for your use. Please make sure to indicate when the plantings will occur and be sure to indicate the total square footage. In regard to the actual plantings plan, the plans submitted by P.E.L.A. are sufficient.

Thank you for your continued cooperation. Please telephone me if you have any questions, or if I can provide you with additional information.

Sincerely,

Lisa A. Hoerger  
Natural Resources Planner

Cc: Mr. Raymond Palfrey, MNCPPC  
Ms. Liling Tien, P.E.L.A. Design

Branch 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 13, 2000

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

Re: Collison Property

Dear Ms. Chalkley:

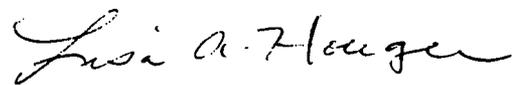
I have received the above-referenced subdivision. It appears the applicant proposes an administrative lot line adjustment. This office has no comment regarding that issue. However, I have outlined our comments concerning other aspects of the site plan below.

1. Prior to final approval, the County should ensure there are no pockets of nontidal wetlands on the site. The environmental report was unclear regarding this issue.
2. In regard to the previous comment, the County should ensure no hydric soils are present that would necessitate the need to expand the 100-foot Buffer.
3. Since the majority of the site, and particularly the area proposed for development is in the Intensely Developed Area, the applicant is required to comply with the 10% Pollutant Reduction Rule. It appears no worksheet was included with the submission materials. Simply stating that all runoff will be directed to an existing, stable tidal outfall is not sufficient. The applicant must demonstrate a 10% Pollutant Reduction will be achieved or that some type of water quality treatment will occur before it reaches any outfalls.
4. On Lot 1B, the Limits of Disturbance (LOD) and a well are within the 100-foot Buffer to the Rhode River. This office will not support variances for these disturbances since this is a new lot. The layout must be reconfigured.

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Thank you for the opportunity to comment. Please telephone me if you have any questions, or if I can provide you with further assistance.

Sincerely,

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

Lisa A. Hoerger  
Natural Resources Planner

cc: AA 550-00



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

November 3, 2000

Mr. Wayne Black  
Water and Sewer Design Section  
Washington Suburban Sanitary Commission  
14501 Sweitzer lane  
Laurel, Maryland 20707-5902

Re: WSSC Contract 99CM2551-A  
Swan Harbor Sewer Replacement

Dear Mr. Black:

This letter serves to follow-up on the required mitigation plantings for the above-referenced project. Please indicate whether additional clearing of natural vegetation was required for this project as a result of the removal of an existing CMP and replacing it with RCP.

In any case, the original plantings agreement submitted by Mr. Paul Bonaccorsi indicated that tree planting would occur in November. Please indicate whether the plantings have, or will occur this month so that I can schedule a site visit this spring.

Thank you for your cooperation. If you have any questions, please telephone me at (410) 260-3478.

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

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

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(410) 260-3460 Fax: (410) 974-5338

November 3, 2000

Mr. Charles J. Montrie, Jr., Planning Supervisor  
Park Planning and Development Division  
Maryland National Capital Park and Planning Commission  
Department of Parks and Recreation  
6600 Kenilworth Avenue  
Riverdale, Maryland 20737

Re: Potomac River Waterfront Community Park (Rosalie Island)

Dear Mr. Montrie:

At its meeting on November 1, 2000, the Chesapeake Bay Critical Area Commission granted conditional approval to design "C" of the Potomac River Waterfront Community Park with the following conditions:

1. The Buffer Management Plan proposed for this project is designed with the assistance of Critical Area Commission staff. Also, the proposed Buffer Management Plan shall be submitted for review by the Project Subcommittee and subsequent approval by the Critical Area Commission; and
2. The proposed stormwater management plan and sediment and erosion control plan shall be submitted for review by the Project Subcommittee and subsequent approval by the Critical Area Commission; and
3. The project shall comply with all USFWS and DNR recommendations for protection of the bald eagle and any other Habitat Protection Area deemed necessary for protection measures by either agency.

Please forward the stormwater management plans and sediment and erosion control plans as soon as they become available so we may initiate our review process.

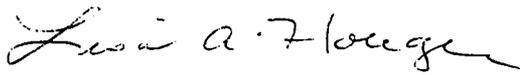
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Mr. Montrie  
Page Two  
November 3, 2000

Thank you for your cooperation and continued assistance with the review of this project. We will be in contact shortly to discuss the design of the Buffer Management Plan and review of the stormwater and sediment and erosion control plans.

If you have any questions, please do not hesitate to contact me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger  
Natural Resources Planner

cc: Ms. Marilyn Lewis, MNCPPC  
Mr. Thomas Heil, PCC  
Mr. Samuel Wynkoop, Prince George's DER  
Ms. Sherry Conway Appel, Prince George's DER  
Ms. Regina Esslinger, CBCAC



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

**STATE OF MARYLAND**  
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1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

November 2, 2000

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

Re: Homeport Farm Growth Allocation Request

Dear Ms. Gawel:

At its meeting on November 1, 2000, the Chesapeake Bay Critical Area Commission voted to approve, with one abstention, the Homeport Farm growth allocation request. The approval of the growth allocation included the following conditions:

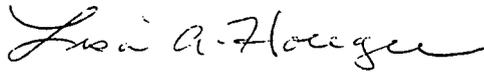
1. Prior to recordation of the subdivision plat for Homeport Farms, the County shall submit to the Commission for its approval a conservation easement that will ensure that the 7.73 +/- acres of land adjacent to the Homeport Farm property shall be maintained in uses appropriate to the Resource Conservation Area (RCA), as those uses are set forth in the County Critical Area ordinance. The 7.73 +/- acres shall be contiguous to the 12.27 +/- acre area to remain RCA, which is located at the southern portion of the property. The easement shall ensure that a total area of 20 contiguous acres of land at the southern portion of the project will retain the character and uses of RCA. After Commission approval, and prior to recordation of the subdivision plat for Homeport Farm, the conservation easement shall be recorded.
2. The County shall submit to the Chesapeake Bay Critical Area Commission for approval proposed transfer documents for the 25.15 acre tract proposed for a County park. These transfer documents shall ensure that there are appropriate deed restrictions to ensure that 13.51 +/- acres of this tract shall be maintained after transfer to the County in uses appropriate to privately-owned land in the Resource Conservation Area (RCA) as those uses are set forth in the County Critical Area ordinance. The 13.51 +/- acres shall be contiguous to the 6.49 +/- acre portion of the Homeport Farms Subdivision that is s to remain RCA (and is to be used for a reforestation area by the County). The deed restrictions shall be written to ensure that

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there is a total area of 20 acres at the northern portion of the Homeport property that will retain the character of Resource Conservation Area in the Critical Area. Any plans for development of the property as a park shall be submitted for review by the Critical Area Commission in order to ensure that the condition for protection a minimum of 20 acres to maintain RCA character is met or that appropriate growth allocation is deducted.

The County is required to revise the Critical Area maps to reflect this change within 120 days of this notice. Please forward a copy of the revised map to this office. Also, this subdivision must be reviewed by this office. If you have any questions, please call me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger  
Natural Resources Planner

cc: AA Amendment File

**CHESAPEAKE BAY CRITICAL AREA COMMISSION**

**STAFF REPORT  
November 1, 2000**

**APPLICANT:** Anne Arundel County

**PROPOSAL:** Growth Allocation - Homeport Farm

**COMMISSION ACTION:** Vote

**PANEL:** Larry Duket (Chair)/Louise Lawrence/James Foor/Bob Goodman

**PANEL RECOMMENDATION:** Approval with Conditions

**STAFF:** Lisa Hoerger

**APPLICABLE LAW/  
REGULATIONS:** Natural Resources Article 8-1808.1 and  
COMAR 27.01.02.06

**DISCUSSION:**

Anne Arundel County is requesting growth allocation for the Homeport Farm parcel that will change 18.75 acres of RCA land to LDA. The growth allocation area, or development envelope, will include 19 residential lots (15.11 acres), road right-of-way and community open space (3.64 acres).

The entire parcel consists of 81.30 acres with 16.72 acres outside of the Critical Area and 64.58 acres inside the Critical Area. The interior is agricultural fields with forested areas lining the periphery of the site along the shoreline.

Two areas of the property will retain their RCA designation. The 31.64 acre portion of the RCA land on the northern side of the property will be divided into two parcels. One parcel will consist of 25.15 acres to be deeded to Anne Arundel County for a park. The proposed use of this park is undetermined. The County has informed us that a citizens group will be formed to develop a master plan for the area once it is deeded to the County. The remaining 6.49 acres will remain in open space and will be used as a reforestation area by the County clearing associated with development in the Critical Area. Because the future use of the park is uncertain and in order to ensure that at least 20 acres, including the 6.49 acre tract, shall retain the character of Resource Conservation Areas in the Critical Area, appropriate deed restrictions will need to be placed on 13.51 acres of the property to be donated to the County for a park.

The remaining RCA lands on the southern portion of the property will be used as community open space and one RCA lot. This area is 12.27 acres. Under the Critical Area Commission's growth allocation policy, a minimum of twenty acres is required in order to sufficiently protect the character of the Resource Conservation Area. An additional 7.73 acres will be protected under easement on the adjoining property. The twenty-acre parcel is currently developed with a single family dwelling and this development is consistent with the Critical Area Commission policy.

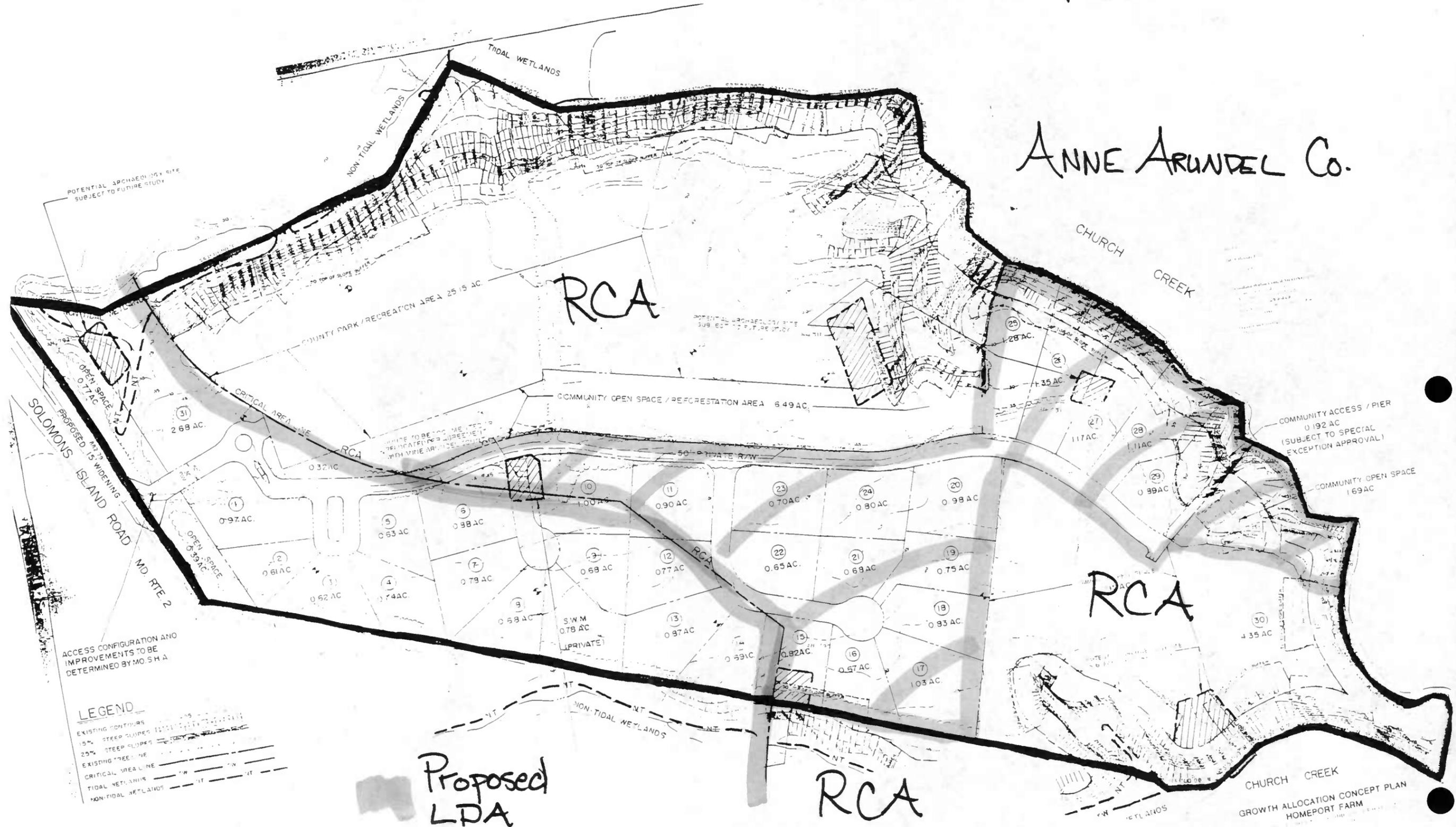
The County has addressed the guidelines found in both Natural Resources Article 8-1808.1 and COMAR 27.01.02.06 with regard to adjacency to other Intensely Developed Areas or Limited Development Areas, identifying habitat protection areas, minimizing impacts to the Resource Conservation Area, and the provision of a 300-foot Buffer. The County stated that the adjacency requirement is met since the community to the north is designated LDA. Although a 300-foot Buffer was not provided on this project, the 100-foot Buffer was delineated in the field and will be established as forest in accordance with COMAR 27.01.09.01. Following approval of this project, the County has 57.66 acres of growth allocation remaining that can be used to change from RCA to LDA.

In order to ensure that the growth allocation deduction methodology used for this project is consistent with the Commission's policy and that the two areas of the property to remain RCA are part of an area of at least 20 acres, staff proposes the following conditions:

1. The County shall ensure that, prior to the recordation of the subdivision plat for Homeport Farms, a conservation easement shall be properly executed and recorded that will ensure that 7.73 acres of property adjacent to the Homeport Farms property shall be maintained in uses appropriate to the Resource Conservation Area. The 7.73 acres shall be contiguous to the 12.27 acre area to remain RCA which is located at the southern portion of the property. The easement shall be written to ensure that there is a total area of 20 acres at the southern portion of the property that will retain the character of Resource Conservation Areas in the Critical Area.
2. The County shall ensure that, included within the transfer documents for the 25.15 acre tract proposed for a County park, there are appropriate deed restrictions to ensure that 13.51 acres of this tract shall be maintained in uses appropriate to the Resource Conservation Area. The 13.51 acres shall be contiguous to the 6.49 acre portion of the Homeport Farms Subdivision that is to remain RCA (and is to be used for a reforestation area by the County.) The deed restrictions shall be written to ensure that there is a total area of 20 acres at the northern portion of the property that will retain the character of Resource Conservation Areas in the Critical Area. Any plans for development of the property as a park shall be reviewed by the Critical Area Commission in order to ensure that the condition for protecting a minimum of 20 acres to maintain RCA character is met or that appropriate growth allocation is deducted.

# HOMEPORT FARM

ANNE ARUNDEL CO.



- LEGEND**
- EXISTING CONTOURS
  - 15% STEEP SLOPES
  - 25% STEEP SLOPES
  - EXISTING TREE LINE
  - CRITICAL AREA LINE
  - TIDAL WETLANDS
  - NON-TIDAL WETLANDS

Proposed  
LDA

RCA

CHURCH CREEK  
GROWTH ALLOCATION CONCEPT PLAN  
HOMEPORT FARM

## *Chesapeake Bay Critical Area Commission*

### **STAFF REPORT November 1, 2000**

**APPLICANT:** Maryland National Capital Park and Planning Commission (MNCPPC)

**PROPOSAL:** Potomac River Waterfront Community Park – Rosalie Island

**JURISDICTION:** Prince George’s County

**COMMISSION ACTION:** Vote

**STAFF RECOMMENDATION:** Conditional Approval with Conditions

**STAFF:** Lisa Hoerger

**APPLICABLE LAW/  
REGULATIONS:** COMAR 27.02.06 Conditional Approval of State or Local Agency Programs in the Critical Area

#### **DISCUSSION:**

The Maryland National Capital Park and Planning Commission (MNCPPC) proposes to construct a pedestrian path on Rosalie Island and a deck-over structure over I-495. The path will connect to the pedestrian lane provided on the northern side of the new Woodrow Wilson Bridge, and will connect to the main land of Prince George’s County on the other side of Smoots Cove via a bridge structure. The MNCPPC requests conditional approval for the pathway that will be constructed on Rosalie Island.

Since portions of the proposed pedestrian pathway will impact the 100-foot Buffer to tidal waters and tidal wetlands, this project requires a Conditional Approval by the Commission as found in Chapter 2 of the Critical Area Commission’s regulations for State and local government development.

The project is located on Rosalie Island in Prince George’s County. Staff and the Project Committee Chair met with representatives from MNCPPC on the project site on August 7, 2000. The island was created as a result of sand and gravel operation. It is completely forested with some areas of tidal wetlands. The Potomac River Waterfront Community Park is approximately 57 acres, however the majority of this area is submerged or being used to accommodate the Woodrow Wilson Bridge Project. Therefore, a total of 3.64 acres of land remain for use as a park and public recreational uses. National Harbor currently owns the southern most tip of the

island. This portion of the island is proposed to be conveyed to MNCPPC through dedication. The details of this transfer will be worked out at the time of subdivision for the National Harbor project.

The proposed pathway includes a pedestrian/bicycle path connection that links the pedestrian/bicycle path on the new Woodrow Wilson Bridge to the project through the use of the deck-over over I-495. The connection must be compliant with the American with Disabilities Act (ADA). To get the path to the deck-over from sea level at the required grade, there will be a 63-foot change in the grade. This requires extensive grading and the soil consolidation to support retaining walls necessary to support the path. Because of past sand and gravel operations, the site will require soil improvements to support the proposed pathway. Portions of this site will be cleared, graded and receive fill in order to consolidate the soft underlying soils.

The site is considered by staff to be an area that is not intensely developed; therefore, the applicant is required to maintain areas of impervious surface to 15% of the site. The present plan has 11.43% of impervious area. Also, appropriate means to provide stormwater management for water quality and quantity leaving the site are being addressed. The applicant will submit the sediment and erosion control plan for review by the Project Subcommittee when it becomes available.

Comments from the Department of Natural Resources Heritage and Biodiversity Division are pending. A request from Commission staff was made to the County to provide comments on the proposed project. Those comments are forthcoming and will be provided at the Commission meeting.

#### Conditional Approval Process

In order to qualify for consideration by the Commission for conditional approval, the proposing agency must show that the project or program has the following characteristics:

***(1) That there exist special features of a site or there are other special circumstances such that the literal enforcement of these regulations would prevent a project or program from being implemented;***

There exists both special features and special circumstances on this site that preclude MNCPPC from siting the proposed pedestrian pathway completely outside the Buffer. The impacts to the Buffer are proposed in order to accommodate a pathway that will require a 68-foot change in grade in order to maintain the proper grade required by the American with Disabilities Act. Alternative locations were explored as well as alternative designs, however MNCPPC determined there is not sufficient area to accommodate the path. Special circumstances include the relatively small project area that is almost entirely within the 100-foot Buffer (land area 3.63 acres, land inside the Buffer is 2.51 acres). As stated previously, the area owned by MNCPPC is approximately 57 acres, however the majority of this area is submerged or being used to accommodate the Woodrow Wilson Bridge Project. Therefore, a total of 3.64 acres of land remain for use as a park and public recreational uses.

***(2) That the project or program otherwise provides substantial public benefits to the Chesapeake Bay Critical Area Program;***

The project will provide substantial public benefits to the Chesapeake Bay Critical Area Program by providing public access to the Potomac River. The clearing and subsequent reforestation of the 100-foot Buffer and portions of the interior will include removal of invasive plant species and reintroduce non-invasive, native species. The resulting reforestation plan and Buffer Management Plan will include all components of the forest structure including herbaceous, shrub, understory and canopy species that can attract a more varied array of wildlife than what currently utilizes the island.

***(3) That the project or program is otherwise in conformance with this subtitle.***

Except for the proposed disturbance to the Buffer, the project is otherwise in conformance with the state criteria. The 15% impervious surface limitation is met. Compliance with appropriate stormwater design will be ensured, and mitigation for all proposed clearing will occur.

*The Commission must find that the conditional approval request contains the following:*

***(1) That a literal enforcement of the provision of this subtitle would prevent the conduct of an authorized State or local agency program or project;***

A literal enforcement would prevent MNCPPC from providing public recreational use and access to the Potomac River shoreline. Without allowing for the soil consolidation process to take place, the project is not feasible. The project is a result of mitigation owed to the property owner (MNCPPC) by the Federal Highway Administration as a result of impacts of the new bridge project.

***(2) There is a process by which the program or project could be so conducted as to conform, insofar as possible, with the approved local Critical Area program or, if the development is to occur on State-owned lands, with the criteria set forth in COMAR 27.02.05; and***

The proposed impacts in the Buffer are not consistent with COMAR 27.02.05; however, all disturbance to the 100-foot Buffer will be minimized and the proposed plantings will result in improved habitat value and water quality leaving the site. By placing conditions on this conditional approval, the applicant will be required to submit updated plans and/or information to Commission staff for review and subsequent approval by the Project Subcommittee and the Critical Area Commission.

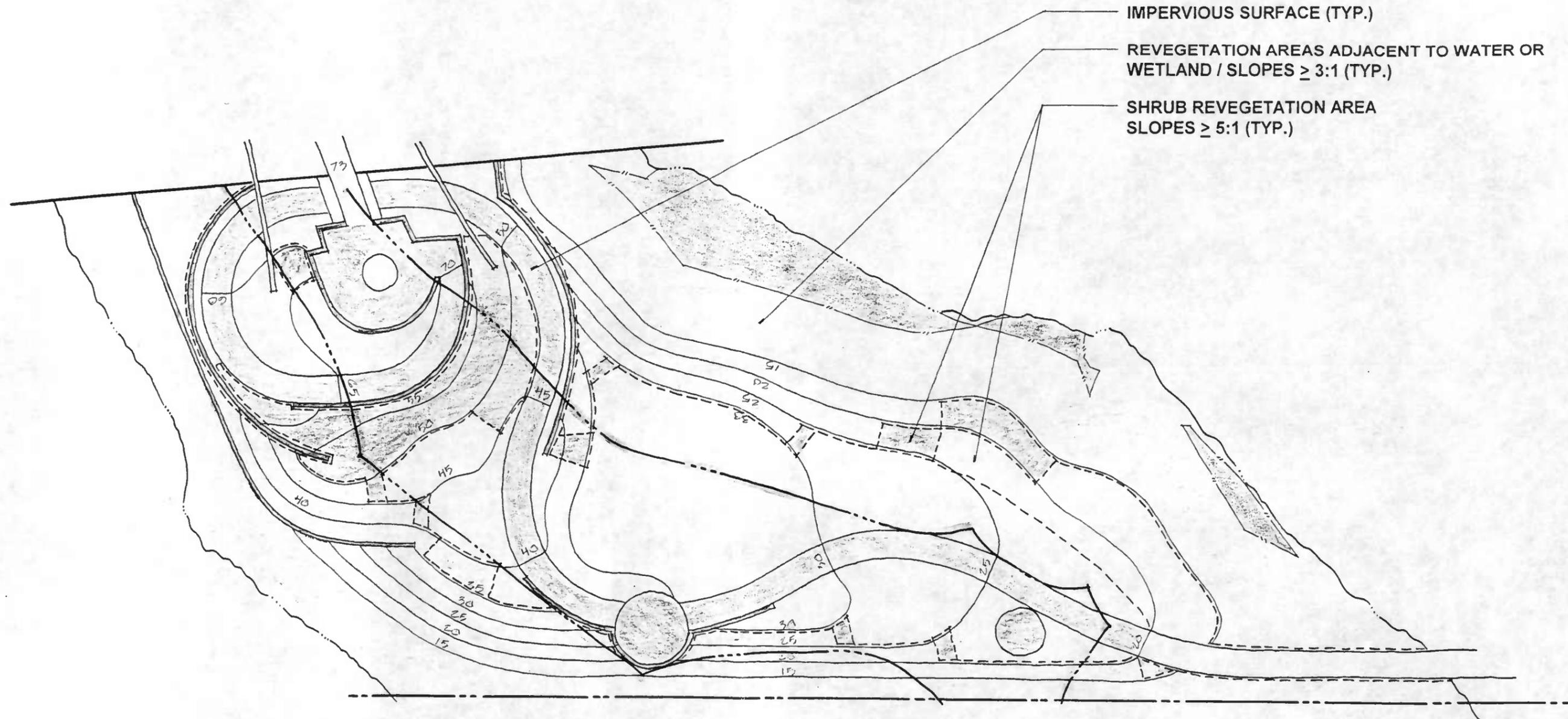
***(3) Measures proposed to mitigate any adverse effects of the project or program on an approved local Critical Area program or, if on State-owned lands, on the criteria set forth in COMAR 27.02.05.***

The proposed plantings will result in increased water quality benefits and improved habitat protection.

Along with the conditions listed below, the conditional approval request is consistent with COMAR 27.02.06, the Commission's regulations for Conditional Approval of State or Local Agency Programs in the Critical Area.

***Conditions:***

- 1) The Buffer Management Plan proposed for this project is designed with the assistance of Critical Area Commission staff. Also, the proposed Buffer Management Plan shall be submitted for review by the Project Subcommittee and subsequent approval by the Critical Area Commission.
- 2) The proposed stormwater management shall be submitted for review by the Project Subcommittee and subsequent approval by the Critical Area Commission.
- 3) The project shall comply with all US FWS and DNR recommendations for protection of the bald eagle.



- IMPERVIOUS SURFACE (TYP.)
- REVEGETATION AREAS ADJACENT TO WATER OR WETLAND / SLOPES  $\geq$  3:1 (TYP.)
- SHRUB REVEGETATION AREA SLOPES  $\geq$  5:1 (TYP.)

**C**

WOODROW WILSON BRIDGE PROJECT  
 Potomac River Waterfront Community Park  
 at Rosalie Island  
 100' CBCAC BUFFER SUPERIMPOSED ON  
 PLAN REVISED AS REQUESTED BY THE  
 CBCAC SUBCOMMITTEE  
 PTG/MRA - 10/12/00 - SCALE: 1" = 30'  
 Revised - 10/20/00



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

October 27, 2000

Mr. Daniel Cowee, Planning Officer  
Talbot County Office of Planning and Zoning  
Courthouse  
Easton, Maryland 21601-3178

Re: Whitehall Farm, LLC - Growth Allocation

Dear Mr. Cowee:

I have received the above-referenced growth allocation request. Before we can accept the request as a complete submittal and schedule this item for Commission review, we need the following additional information:

1. Please provide documentation that the County Council has approved the growth allocation request. It is our understanding that the plat we recently received is the one approved by the County Council and that the growth allocation is tied to this specific proposal.
2. The acreage figures shown on the plan do not appear to add up to the total Critical Area acreage. Please provide clarification.
3. The presence of the two endangered plant species must be determined in order for the Commission to address any Habitat Protection Area issues that could constrain future development. Please provide a copy of Lisa Hagen's report.
4. Additional information is needed about the Waterfowl Staging and Concentration Areas, and the impact on this Habitat Protection Area by any proposed individual private piers. Commission staff will follow-up with Heritage staff and provide additional information about this Habitat Protection Area.

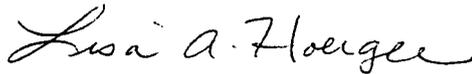
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(410) 822-9047 Fax: (410) 820-5093

Mr. Cowee  
Page Two  
October 27, 2000

5. There is a stream on the southern portion of the property which is identified on the U.S. Geological Survey topographic quadrangle maps. The presence of the stream was confirmed in the field by Commission staff and Mr. Frank Hall on October 23, 2000. In accordance with COMAR 27.01.09.01 C (1), a minimum 100-foot Buffer must be established from tributary streams. It appears that this requirement will affect the design of the subdivision and potentially the shape and size of the development envelope with regard to the subdivision access road and Lots 5 and 6.

Please forward the requested information as soon as possible so we may begin processing the County's request for growth allocation. Commission staff would like to meet with County staff to discuss the stream buffer requirement and its impact on Lots 5 and 6. I will contact you next week to schedule a meeting.

Sincerely,



Lisa A. Hoerger  
Natural Resources Planner

cc: Ms. 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) 260-3460 Fax: (410) 974-5338

October 27, 2000

Mr. Scott Burroughs  
Potomac Crossing Consultants  
1800 Duke Street, Suite 200  
Alexandria, VA 22314

Re: Acceptable Mitigation Sites  
Follow-up to our October 4<sup>th</sup> Meeting

Dear Mr. Burroughs:

Since our last meeting on October 4, 2000, we discussed alternative options to accommodate the required forest mitigation for the Woodrow Wilson Bridge Project. Recently, the State Highway Administration (SHA) granted you permission to pursue mitigation on private lands. As promised, we are providing you with types of reforestation scenarios that are acceptable to Commission staff. I have outlined those options below.

Based on the most recent figures made available to this office, the total mitigation required for clearing associated with the project in the Chesapeake Bay Critical Area is 61.3 acres. At a minimum, the net acreage cleared for this project should be replanted in the Critical Area. Preferably this portion of the required mitigation will occur in the Critical Area of Prince George's County. The net clearing of this project is 36.90 acres. The resulting balance (24.4 acres) of the required reforestation that is not accomplished inside the Critical Area may be accomplished through creation or preservation.

When SHA proposes sites for reforestation inside the Critical Area they will be given full credit for creation and partial credit for preservation. The order of preference for reforestation was provided in a letter dated January 21, 2000. They are:

1. Reforest within the same watershed in the same jurisdiction within the Critical Area
2. Reforest within the Critical Area within the same jurisdiction
3. Reforest within the Critical Area
4. Reforest outside the Critical Area but on a site that is connected to a Critical Area resource.

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

Mr. Burroughs  
Page Two  
October 27, 2000

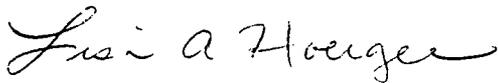
As provided for in option #4, when all options for reforestation in the Critical Area are exhausted, then consideration may be given to sites selected outside the Critical Area. In order for sites outside the Critical Area to be considered acceptable for reforestation, one of the following scenarios must be present:

1. There is some ecological connection to the Critical Area
2. There is a significant resource that merits protection
3. There is a habitat area of special significance that is afforded no protections outside the Critical Area (i.e. Forest Interior Dwelling Bird Habitat).

Finally, all sites selected for reforestation must be protected by a perpetual easement.

If you have further questions, please do not hesitate to contact myself or Claudia Jones, the Commission's Science Advisor, at (410) 260-3478.

Sincerely,



Lisa A. Hoerger  
Natural Resources Planner

Enclosure

cc: Mr. Charlie Adams, SHA  
Mr. Dave Bourdon, CBCAC  
Mr. Samuel Wynkoop, PG DER  
Ms. Sherry Conway Appel, PG DER  
Ms. Regina Esslinger, CBCAC  
Ms. Claudia Jones, CBCAC

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

October 26, 2000

Ms. Mary Kay Verdery  
Talbot County Office of Planning and Zoning  
Courthouse  
Easton, Maryland 21601-3178

Re: Jerry Snow  
Appeal # 1161

Dear Ms. Verdery:

Thank you for forwarding the above-referenced case to this office for review and comment. The applicant alleges an allegation of error on the part of the County for siting him with a violation. The alleged violation is the construction of a shed/boathouse structure in the 100-foot Buffer. Before this office can comment, the matter of whether a violation has in fact occurred must be settled. If the County determines a violation has occurred, then this office will provided further comments.

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

Branch 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 26, 2000

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

Re: Eagles Passage, Section 5, Lot 42  
S #86-263, P #00-229

Dear Mr. Soldano:

I have received the request for a lot line adjustment in order to relocate the previously approved septic reserve area. Generally this office does not oppose these requests, however it appears a portion of the relocated septic reserve area may intrude into the expanded Buffer for steep slopes. The site plan provided shows a 25-foot Buffer from the edge of steep slopes. The County needs to ensure this is the appropriate Buffer as provided for in the County's Zoning Ordinance before final approvals are issued.

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

Sincerely,

Lisa A. Hoerger  
Natural Resources Planner

cc: AA 551-00

Branch 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**  
1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

October 20, 2000

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

Re: Critical Area Reforestation

Dear Ms. Gawel:

This letter is meant to clarify a recent discussion we had concerning reforestation in the Critical Area. This office has routinely advised local jurisdictions that proper reforestation for clearing inside the Critical Area must, at a minimum, replace forest cut on an equal area basis. Therefore, protection by means of an easement is only proper when considering mitigation owed beyond the 1:1 mitigation requirement.

When easements or preservation is the method used to satisfy mitigation beyond the 1:1 ratio, only 20% a forested tract can be counted for preservation. This is based on the fact that only 80% of a forest in the Critical Area are already protected by the provisions found in the Code of Maryland Regulations at §27.01.02.04 C (3) (c). For example, if ten acres are placed in an easement, then the developer can only claim credit for two of those acres.

I hope this clarifies our discussion. If you have further questions, please telephone me at (410) 260-3478.

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

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

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Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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**CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

October 12, 2000

Ms. Gail Owings  
Department of Planning and Zoning  
Kent County Government Center  
400 High Street  
Chestertown, Maryland 21620

Re: Jonathan Penders & Brooke S. Coldiron  
Local Case #00-132

Dear Ms. Owings:

Thank you for forwarding the above-referenced variance request to this office for review and comment. The applicant proposes to repair an existing septic system in the 100-foot Buffer. This office has no objection to the proposed variance since the lot and septic system was constructed prior to the adoption of the Critical Area regulations of Kent County.

It was not clear from the site plan provided whether any clearing will be necessary to complete the repair. If any clearing is required, it should be replaced at a 1:1 ratio with native species. In regard to the repair activity, your office indicated the disturbance to the Buffer will be temporary, therefore mitigation is not required.

Thank you for the opportunity to comment. Please telephone me if you have additional questions or if I can be of further assistance.

Sincerely,

Lisa A. Hoerger  
Natural Resources Planner

cc: KC 533-00

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

**CHESAPEAKE BAY CRITICAL AREA COMMISSION**  
**1804 West Street, Suite 100**  
**Annapolis, Maryland 21401**

October 11, 2000

**TO:** Anne Arundel County Panel  
Larry Duket (Chair)/ Louise Lawrence/Dr. Foor/Bob Goodman

**FROM:** Lisa Hoerger

**SUBJ:** Panel Meeting/ Public Hearing for the Homeport Farms Growth Allocation Request

The public hearing for the Homeport Farm Growth Allocation is scheduled for Monday, October 23, 2000 at 7:00 p.m. and will be located at 2662 Riva Road (the Heritage Center Office Complex) in the Canteen on the first floor.

The County has requested that 18.75 acres of RCA be redesignated to LDA. I have attached my preliminary staff report for the November 1, 2000 meeting to this memorandum. If you have any questions prior to the hearing, or need directions to the hearing, please call me at (410) 260-3478.

Attachment

**CHESAPEAKE BAY CRITICAL AREA COMMISSION**

**STAFF REPORT  
November 1, 2000**

**APPLICANT:** Anne Arundel County

**PROPOSAL:** Growth Allocation - Homeport Farm

**COMMISSION ACTION:** Vote

**PANEL:** Larry Duket (Chair)/Louise Lawrence/James Foor/Bob Goodman

**PANEL RECOMMENDATION:** Pending Panel Discussion

**STAFF:** Lisa Hoerger

**APPLICABLE LAW/  
REGULATIONS:** Natural Resources Article 8-1808.1 and  
COMAR 27.01.02.06

**DISCUSSION:**

Anne Arundel County is requesting growth allocation for the Homeport Farm parcel that will change 18.75 acres of RCA land to LDA. The growth allocation area, or development envelope, will include 19 residential lots (15.11 acres), road right-of-way and community open space (3.64 acres).

The entire parcel consists of 81.30 acres with 16.72 acres outside of the Critical Area and 64.58 acres inside the Critical Area. The interior is agricultural fields with forested areas lining the periphery of the site along the shoreline.

Two areas of the property will retain their RCA designation. The 31.64 acre portion of the RCA land on the northern side of the property will be divided into two parcels. One parcel will consist of 25.15 acres to be deeded to Anne Arundel County for a park. The proposed use of this park is undetermined. The County has informed us that a citizens group will be formed to develop a master plan for the area once it is deeded to the County. The remaining 6.49 acres will remain in open space and will be reforested as mitigation for clearing associated with the proposed development.

The remaining RCA lands on the southern portion of the property will be used as community open space and one RCA lot. This area is 12.27 acres. Under the Critical Area Commission's growth allocation policy, a minimum of twenty acres is required in order to sufficiently protect the

character of the Resource Conservation Area. An additional 7.73 acres will be protected under easement on the adjoining property. The twenty-acre parcel is currently developed with a single family dwelling and this development is consistent with the Critical Area Commission policy.

The County has addressed the guidelines found in both Natural Resources Article 8-1808.1 and COMAR 27.01.02.06 with regard to adjacency to other Intensely Developed Areas or Limited Development Areas, identifying habitat protection areas, minimizing impacts to the Resource Conservation Area, and the provision of a 300-foot Buffer. The County stated that the adjacency requirement is met since the community to the north is designated LDA. Although a 300-foot Buffer was not provided on this project, the 100-foot Buffer was delineated in the field and will be established as forest in accordance with COMAR 27.01.09.01. Following approval of this project, the County has 57.66 acres of growth allocation remaining that can be used to change from RCA to LDA.

# HOMEPORT FARM

ANNE  
ARUNDEL  
Co.  
CHURCH CREEK



VICINITY MAP  
1" = 2,000'

**ITEM DATA**

Project # 87  
General Area Designation: RCA

- Total Site Area: 1,231 Acres (net build)
- Area Outside Capital Area: 16.72 AC
- Area Inside Capital Area: 1,214.28 AC

- Growth Allocation Area Summary:  
RCA in LDA: 14.77 AC (Subject to Future Study and Community Access)  
Private Land: 12.11 AC  
Forest: 1,189.50 AC (77% & 64 AC)

- County Park Area: 25.15 AC  
Existing: 25.15 AC  
Existing: 25.15 AC

- RCA Community Open Space: 1.69 AC

- RCA Community Access / Pier: 0.92 AC

Site 20: 20 AC

Woodland Within Critical Area: 1,189.50 AC (Subject to Future Study and Community Access)  
Existing Wetland: 1,121 AC  
Proposed by Growth Allocation: 1,121 AC  
Land Use: 1,121 AC (100% of Growth Allocation Area Available for Admittance to 100% Community Open Space)  
Municipal Admittance: 1,121 AC (100% of Growth Allocation Area Available for Admittance to 100% Community Open Space)

POTENTIAL ARCHAEOLOGY SITE  
SUBJECT TO FUTURE STUDY

COUNTY PARK / RECREATION AREA 25.15 AC

RCA

POTENTIAL ARCHAEOLOGY SITE  
SUBJECT TO FUTURE STUDY

HOUSE TO BE DOCUMENTED OR  
RELOCATED PER AGREEMENT  
WITH ANNE ARUNDEL COUNTY

COMMUNITY OPEN SPACE / REFORESTATION AREA 6.49 AC

ESS CONFIGURATION AND  
IMPROVEMENTS TO BE  
TERMINED BY MD S.H.A.

**LEGEND**

DRAINAGE COURSES

STEEP SLOPES

SHALLOW SLOPES

WETLANDS

NON-TIDAL WETLANDS

TIDAL WETLANDS

SLOPE BUFFER (25')

SLOPE BUFFER (50')

ARCHAEOLOGY SITE

POTENTIAL ARCHAEOLOGY SITE

**GENERAL NOTES**

1. All boundaries shown on this map are based on the Anne Arundel County 2007 GIS data.

2. The map shows the location of the site and the surrounding area. The site is located in the southeast corner of the map.

3. The map shows the location of the site and the surrounding area. The site is located in the southeast corner of the map.

4. The map shows the location of the site and the surrounding area. The site is located in the southeast corner of the map.

AIN, INC.  
ENGINEERING & DEVELOPMENT SERVICES  
SOLCOMB'S ISLAND ROAD  
APOLIS, MARYLAND 21041

Proposed  
LDA



GROWTH ALLOCATION CONCEPT PLAN  
HOMEPORT FARM

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

October 11, 2000

Ms. Linda Mott  
Environmental Design Division  
State Highway Administration  
707 N. Calvert Street  
P.O. Box 717  
Baltimore, Maryland 21203-0717

Re: MD Rt. 2 Widening – Status of Mitigation

Dear Ms. Mott:

This letter serves to follow-up on our conversation last month regarding the proposed mitigation area for the MD Rt. 2 widening project. It is my understanding that you had secured a site within the 100-foot Buffer on State property at Point Lookout State Park. I suggested an alternative location at Historic St. Mary's City based on information from one of my colleagues. Since that time I have not been informed as to the final location of the mitigation plantings. Please contact me and provide me with any updated information you have regarding the status of the MD Rt. 2 mitigation requirement.

As you are aware the Critical Area Commission approved this project with several conditions. One condition was SHA bank the remaining forest mitigation that cannot be accommodated on site, 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. Therefore, SHA is required to report the above information to the Critical Area Commission at or before its meeting on December 6, 2000.

Since approval of this project last year, we adjusted the required mitigation to .93 acres to reflect the actual mitigation remaining for this project. If SHA chooses to plant above that acreage, that is acceptable. In the meantime, I will need a copy of the Planting Agreement that addresses the .93 acres of off-site mitigation. The Planting Agreement should show a landscaping plan, location of plantings, time of plantings, and other pertinent information on the form.

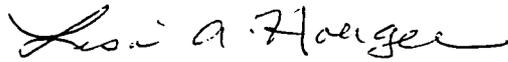
Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

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

Ms. Mott  
October 11, 2000  
Page Two

Please return this information to this office as soon as possible so we can prepare for the update to the Commission in December. Thank you for your cooperation. If you have any questions or concerns, please call me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger  
Natural Resources Planner

cc: Regina Esslinger, CBCAC



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

October 10, 2000

Ms. Penny Chalkley  
Anne Arundel County Department of Planning and Zoning  
2664 Riva Road, MS 6303  
Annapolis, Maryland 21401

Re: Stotz Subdivision  
99-016

Dear Ms. Chalkley:

Thank you for providing the updated information concerning the above-referenced subdivision request. I have provided additional comments below for your consideration.

1. It appears the subdivision will be an intrafamily transfer. Since there are 52.94 acres inside the Critical Area, the applicant is entitled to a total of three lots. The present configuration indicates two lots are being created at this time.
2. We understand the County has a policy concerning tenant houses. That policy indicates that as long as a tenant house remains on a lot, it cannot be converted to a principal structure nor have lot lines drawn around it. For Critical Area purposes, once it becomes a principal structure, and lot lines are created around it, it becomes the third allowable intrafamily transfer lot.
3. Regardless of the status of the tenant house, the Commission considers any dwelling that meets the BOCA code definition to be a dwelling unit that is counted towards density.
4. The County must ensure the lot being created will be conveyed to an immediate family member as defined in the Natural Resources Article §8-1808.2. In addition to a plat note, proper legal documentation should include language that indicates the newly created lot will be conveyed to an immediate family member.

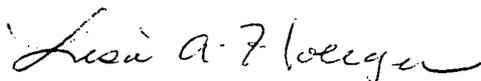
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Ms. Chalkley  
Page Two  
October 10, 2000

5. The applicant had the NRCS and two independent consultants do a field investigation of soils on the property. The results of their studies indicate that no hydric soils or properties of hydric soils exist on proposed Lot 2. All other areas on the plat were not investigated, so the presumption remains that these soils are hydric and an expanded Buffer must be provided. Therefore, any crossing of this area of the parcel to accommodate a septic line requires a variance. This office will not support a variance for the septic line.
6. In addition to the expanded Buffer, the 100-foot Buffer shall not be crossed for the purpose of running the septic line. Instead the proposed septic line should avoid the 100-foot Buffer. This office generally does not support variances to the 100-foot Buffer for new development activities.
7. In regard to the Forest Interior Dwelling Bird (FID) issue, it is still not clear from the site plans provided where the existing canopy begins and ends with respect to the proposed location of lot 2. It is also not clear whether FIDs utilize this site. If the proposed clearing for lot 2 will be within 300-feet from the edge of a cleared area (i.e. the canopy is opened by a minimum distance of at least 20 feet), then mitigation for any FID habitat that may occur on the property should be occur. Proper FID mitigation ensures that new FID habitat is established. Whether this type of mitigation is required is dependent on whether this site supports FIDs.

Thank you for the opportunity to comment. Please contact me if you have any questions, or if I can provide you with additional information.

Sincerely,



Lisa A. Hoerger  
Natural Resources Planner

cc: AA 67-99



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

October 10, 2000

Mary Kay Verdery  
Talbot County Office of Planning & Zoning  
Courthouse  
Easton, Maryland 21601-3178

Re: Woodstock Subdivision  
M-991

Dear Ms. Verdery:

Thank you for forwarding the above-referenced subdivision request for review and comment. The applicant proposes to subdivide the parcel into six lots in the RC zone. I have outlined our comments below regarding this request.

1. The County should not issue final subdivision approval until confirmation is received by the Department of Natural Resources, Heritage and Biodiversity Division that no rare, threatened, or endangered species are present on the site.
2. Since the wooded area on the property exceeds the 15% threshold the applicant is not required to provide afforestation. However, any clearing that is necessary for the development of this subdivision will require reforestation.
3. The area of the 100-foot Buffer shall be reestablished in native vegetation since the use of this parcel will change from a predominately agricultural use to a residential use. Therefore, any areas of the 100-foot Buffer that are not currently vegetated shall be established in vegetation at the time of subdivision.
4. The extension of the existing farm road to serve the additional lots should not require the need for a variance to impact any Habitat Protection Areas (HPAs). This office will not support a variance for new development activities in the Buffer.
5. If the property supports any tributary streams, a 100-foot Buffer shall be observed.

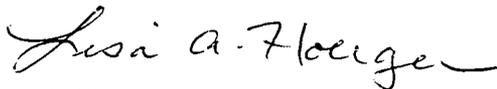
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Ms. Verdery  
Page Two  
October 10, 2000

6. The County and the applicant shall ensure that the proposed lots can be reasonably developed without the need for variances. This office will not support variances on newly created lots. Prior to final subdivision approval, the applicant is in the position to configure the new lots to meet future development needs without impacting any HPAs.
7. The plat should include notes that alert future homeowners that no new disturbances are permitted in the 100-foot Buffer to tidal waters, tributary streams or tidal wetlands, or 25-foot buffer to nontidal wetlands that may occur on their lots.
8. The plat should also include a table that details the limits of impervious surfaces for each lot.
9. Proper sediment and erosion control and stormwater management shall be used on this site.

Thank you for the opportunity to comment. Please contact me if you need additional information or assistance from this office.

Sincerely,



Lisa A. Hoerger  
Natural Resources Planner

cc: TC 515-00

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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

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(410) 260-3460 Fax: (410) 974-5338

October 10, 2000

Mary Kay Verdery  
Talbot County Office of Planning & Zoning  
Courthouse  
Easton, Maryland 21601-3178

Re: Grafton Manour Subdivision  
M-992

Dear Ms. Verdery:

Thank you for forwarding the above-referenced subdivision request for review and comment. The applicant proposes to subdivide this parcel into three lots in the RC zone. I have outlined our comments below regarding this request.

1. The County should not issue final subdivision approval until confirmation is received by the Department of Natural Resources, Heritage and Biodiversity Division that no rare, threatened, or endangered species are present on the site.
2. The applicant is required to provide afforestation since the site does not currently have 15% forest cover. In that regard, it appears an additional 9.26 acres are required. The afforestation should consist of native vegetation and create a corridor for wildlife.
3. The area of the 100-foot Buffer shall be reestablished in native vegetation since the use of this parcel will change from a predominately agricultural use to a residential use. Therefore, any areas of the 100-foot Buffer that are not currently vegetated shall be established in vegetation at the time of subdivision. The revegetation of the 100-foot Buffer can be counted towards satisfying the afforestation requirement.
4. If the property supports any tributary streams, a 100-foot Buffer shall be observed.

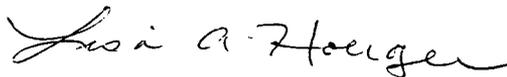
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Ms. Verdery  
Page Two  
October 10, 2000

5. The County and the applicant shall ensure that the proposed lots can be reasonably developed without the need for variances. This office will not support variances on newly created lots. Prior to final subdivision approval, the applicant is in the position to configure the new lots to meet future development needs without impacting any Habitat Protection Areas (HPAs).
6. Any area of tidal wetlands that are owned by the State of Maryland shall not be used for the calculation of density.
7. A note should be added to the plat to alert future lot owners of any HPAs that may be present on their lots.
8. Proper sediment and erosion control and stormwater management shall be used on this site.

Thank you for the opportunity to comment. Please contact me if you need additional information or assistance from this office.

Sincerely,



Lisa A. Hoerger  
Natural Resources Planner

cc: TC 516-00



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

October 11, 2000

Ms. Mary Kay Verdery  
Talbot County Office of Planning and Zoning  
Courthouse  
Easton, Maryland 21601-3178

Re: Robert & Joanne Ehlers  
Appeal # 1159

Dear Ms. Verdery:

Thank you for forwarding the above-referenced special exception request to this office for review and comment. The applicants propose to convert an existing residence into a Bed & Breakfast in the Rural Residential (RR) zone. According to the Talbot County Zoning Ordinance, the RR zone is considered a Limited Development Area when properties are located in the Critical Area. This office has no objection to locating a Bed & Breakfast in an existing dwelling in the RR zone.

It is not clear from the site plan provided whether the parking needed for the proposed use is existing or proposed. In any case, new parking areas or any other related uses associated with the operation of a Bed & Breakfast shall not impact any Habitat Protection Areas (HPAs). Generally, this office does not support variances any HPAs for new uses.

Thank you for the opportunity to comment. Please telephone me if you have additional questions or if I can be of further assistance.

Sincerely,

Lisa A. Hoerger  
Natural Resources Planner

cc: TC 487-00

Branch 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 11, 2000

Mary Kay Verdery  
Talbot County Office of Planning & Zoning  
Courthouse  
Easton, Maryland 21601-3178

Re: Elizabeth Anne Baer Subdivision Request  
M-990

Dear Ms. Verdery:

Thank you for forwarding the above-referenced subdivision request for review and comment. The applicant proposes to subdivide this parcel into two lots in the RC zone in order to correct a nonconforming situation. This office has no comment on the request.

Thank you for the opportunity to comment. Please telephone me if you have additional questions, or require additional information.

Sincerely,

Lisa A. Hoerger  
Natural Resources Planner

cc: TC 517-00

Branch 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**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

October 5, 2000

Mr. Douglas Novocin, P.E.  
Engineering Division  
Maryland Transportation Authority  
303 Authority Drive  
Baltimore, Maryland 21222-2200

Re: Police Memorial Garden at MdTA Police Headquarters  
Baltimore County, Maryland

Dear Mr. Novocin:

At its meeting on October 4, 2000, the Chesapeake Bay Critical Area Commission voted unanimously to approve the Police Memorial Garden at the MdTA Police Headquarters with the condition that the applicant work with Commission staff to modify the proposed plantings and develop a plan for additional plantings within the 100-foot Buffer.

Attached is the Plantings Agreement which you should complete and return to this office once we have made final revisions. I will contact you shortly regarding the revisions to the plantings plan.

Thank you for your cooperation with this project. As always, it is a pleasure working with you.

Sincerely,

Lisa A. Hoerger  
Natural Resources Planner

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

**CHESAPEAKE BAY CRITICAL AREA COMMISSION**

**STAFF REPORT**

**October 4, 2000**

**APPLICANT:** Anne Arundel County

**PROPOSAL:** Growth Allocation - Homeport Farm

**COMMISSION ACTION:** Vote

**PANEL:** Original Panel: Larry Duket (Chair)/Diane Evans/Louise Lawrence/James Foor/Bob Goodman

**PANEL RECOMMENDATION:** Pending Panel Discussion

**STAFF:** Lisa Hoerger

**APPLICABLE LAW/REGULATIONS:** Natural Resources Article 8-1808.1 and COMAR 27.01.02.06

**DISCUSSION:**

Anne Arundel County is requesting growth allocation for the Homeport Farm parcel that will change 18.75 acres of RCA land to LDA. The growth allocation area, or development envelope, will include 19 residential lots (15.11 acres), road right-of-way and community open space (3.64 acres).

The entire parcel consists of 81.30 acres with 16.72 acres outside of the Critical Area and 64.58 acres inside the Critical Area. The interior is agricultural fields with forested areas lining the periphery of the site along the shoreline.

Two areas of the property will retain their RCA designation. The 31.64 acre portion of the RCA land on the northern side of the property will be divided into two parcels. One parcel will consist of 25.15 acres to be deeded to Anne Arundel County for a park. The proposed use of this park is undetermined. The County has informed us that a citizens group will be formed to develop a master plan for the area once it is deeded to the County. The remaining 6.49 acres will remain in open space and will be reforested as mitigation for clearing associated with the proposed development.

The remaining RCA lands on the southern portion of the property will be used as community open space and one RCA lot. This area is 12.27 acres. Under the Critical Area Commission's growth allocation policy, a minimum of twenty acres is required in order to sufficiently protect the character of the Resource Conservation Area. An additional 7.73 acres will be protected under easement on the adjoining property. The twenty acre parcel can be developed with one dwelling unit consistent with the Critical Area Commission policy. In fact, a portion of this twenty acre set aside supports an existing dwelling.

The County has addressed the guidelines found in both Natural Resources Article 8-1808.1 and COMAR 27.01.02.06 with regard to adjacency to other Intensely Developed Areas or Limited Development Areas, identifying habitat protection areas, minimizing impacts to the Resource Conservation Area, and the provision of a 300-foot Buffer. The County stated that the adjacency requirement is met since the community to the north is designated LDA. Although a 300-foot Buffer was not provided on this project, the 100-foot Buffer was delineated in the field and will be established as forest in accordance with COMAR 27.01.09.01. Following approval of this project, the County has 57.66 acres of growth allocation remaining that can be used to change from RCA to LDA.



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401

(410) 260-3460

Fax: (410) 974-5338

October 3, 2000

Mr. Joseph Elbrich  
Anne Arundel County Department of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Dear Mr. Elbrich:

At your request, I am writing this letter to clarify this office's position concerning variances for lots created after the effective date of the County's Critical Area Program. In general, this office does not support variances for newly created lots. New lots in the Critical Area should meet all requirements without the need for a variance.

I hope this satisfies your request. Please feel free to contact me if you have additional questions.

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

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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October 2, 2000

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

Re: Harting Property  
S 00-025, P 00-198

Dear Mr. Wedemeyer:

I have received the above-referenced subdivision request. The applicant proposes to subdivide an existing parcel into six new lots. Generally, it appears the applicant has met the County's Critical Area requirements. I have outlined our comments below.

1. It appears the applicant proposes to clear approximately 60% of the site. The environmental report indicates most of the forested area to be woodland fringe dominated by invasive species. In any case, it appears the configuration of the subdivision might be revised to accommodate the proposed development without clearing 60% of the site. If the applicant does propose to clear greater than 30%, then 3:1 mitigation is required.
2. Since public water and sewer will serve the new lots, the applicant is not constrained by siting septic reserve areas or wells. This should make it easier to reconfigure the design. We recommend siting the dwellings in existing cleared areas and using shared driveways to minimize the impervious areas on site.
3. A note should be added to the plat indicating the impervious surface limitations and clearing restrictions. This might be better accomplished with a table broken down by lot.

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Mr. Wedemeyer  
Page Two  
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4. No Habitat Protection Areas shall be impacted by the proposed subdivision. This office will not support any future variance requests for new development on non-grandfathered lots.
5. Proper sediment and erosion control and stormwater management shall be used.

Thank you for the opportunity to comment. Please contact me if I can provide additional information.

Sincerely,



Lisa A. Hoerger  
Natural Resources Planner

cc: AA 457-00



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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September 27, 2000

Mr. Keith Kelley  
DEPRM  
County Courts Building  
401 Bosley Avenue  
Towson, Maryland 21204

Re: Woodell Property, 00-11

Dear Mr. Kelley:

Thank you for forwarding the above-referenced project to this office for review and comment. The applicant seeks an after-the-fact variance to permit a swimming pool in the 100-foot Buffer to Bear Creek. This office cannot support this request since it does not meet the required standards for granting a variance in the Critical Area. I have outlined our reasons below.

1. The denial of this variance will not create an unwarranted hardship for the applicant. In *Belvoir Farms v. North*, 355 Md. 259 (1999), the Court stated that the unwarranted hardship standard is equivalent to the denial of reasonable and significant use of the property. Therefore, the use of the entire property must be considered when determining whether a property owner has been denied reasonable and significant use of the property. In this case, the applicant enjoys the use for which the property is zoned.
2. The denial of this variance would not deprive the applicant of rights commonly enjoyed by other properties in the area. While the application indicates there are many pools in close proximity to this property that are near the water, there is no indication that these pools were built after the adoption of the Baltimore County Critical Area Program. These pools may have been built prior to the adoption of the County's Program.

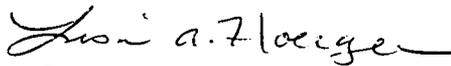
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Mr. Kelley  
September 27, 2000  
Page Two

3. The granting of this variance would grant a special privilege to this property owner that would be denied by the Critical Area regulations to other lands or structures built within the Buffer. By granting this variance, this property owner would be permitted to allow an accessory structure in the 100-foot Buffer. Since the adoption of the County's Critical Area Program, accessory structures are not permitted in the Buffer. Any applicant that has requested such structures since the adoption of the County's Program has not been permitted to site accessory structures in the Buffer.
4. The variance request is based on circumstances which are a result of the actions by the applicant since the applicant built the structure without first seeking a permit.
5. Finally, the granting of this variance would not be consistent with the spirit and intent of the Critical Area Law and Criteria. The State Criteria and the County's Zoning Ordinance expressly prohibit new development activities in the Buffer, except for water-dependent facilities. Allowing a swimming pool in the Buffer does not meet the spirit and intent of the Critical Area Law to minimize the effects of human activity in the shoreline Buffer.

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

Sincerely,



Lisa Hoerger  
Natural Resources Planner

Cc: BC 467-00



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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September 25, 2000

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

Re: Dierdorff Property  
S 00-114, P 00-201

Dear Mr. Soldano:

Thank you for forwarding the above-referenced subdivision request. The applicant proposes to create ten lots in the Limited Development Area (LDA). I have provided our comments to the sketch plan below.

- 1.) The applicant has indicated that impervious coverage and forest clearing will not exceed the allowable limits. At final, the applicant should provide the County with a table that breaks down the clearing and impervious surface information on a lot by lot basis.
- 2.) We recommend notes be added to the final plan indicating the impervious surface and clearing restrictions on each lot for reference by future lot owners.
- 3.) The Buffer and its area of expansion should be placed in a conservation easement and this should also be included as a note on the final plat.
- 4.) The County shall ensure that the expanded Buffer has been properly delineated so that all new development activities can be accommodated outside of the Buffer. This office will not support future variances for new development that impacts designated Habitat Protection Areas. The limits of disturbance on proposed lots 4, 5 and 9 appear to be very close or adjacent to the expanded Buffer. Is this a reasonable LOD?

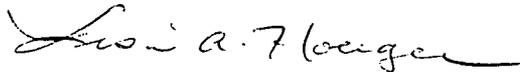
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Mr. Soldano  
September 25, 2000  
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- 5.) The August 20, 1999 letter from the Department of Natural Resources (DNR) discusses the potential for this site to accommodate four threatened and endangered plant species. The applicant's consultant maintains that the species are either not present, or current vegetative conditions appear not to support suitable habitat. Absent evidence to the contrary, it appears the area of the proposed development will not occur in areas that would support these species. In addition, the expanded Buffer placed in a conservation easement should provide additional protection from new development activities.
- 6.) Appropriate sediment and erosion controls and stormwater management measures shall be taken at the time of development of the proposed lots.
- 7.) If individual piers are proposed in the future, the County should request updated Submerged Aquatic Vegetation (SAV) survey information from the applicant. The Critical Area Report submitted contains information from a survey completed in 1998.
- 8.) Has the applicant identified an area to accommodate the required reforestation? Will it be on-site or off-site?

Thank you for the opportunity to comment. If you have any questions, or require additional information from this office, please do not hesitate to contact me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger  
Natural Resources Planner

cc: AA 466-00



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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September 22, 2000

Ms. Mary Kay Verdery  
Talbot County Office of Planning and Zoning  
Courthouse  
Easton, Maryland 21601-3178

Re: Nextel Communications, Appeal # 1153

Dear Ms. Verdery:

In my letter dated September 20, 2000, I incorrectly stated in comment #4 that mitigation for clearing should occur at a 3:1 ratio. The appropriate mitigation for this development activity should be at a 1:1 ratio provided no Habitat Protection Areas would be impacted.

Thank you for your attention to this matter. Please telephone me if you have additional questions or if I can be of further assistance.

Sincerely,

Lisa A. Hoerger  
Natural Resources Planner

cc: TC 487-00

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Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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September 22, 2000

Ms. Gail Owings  
Department of Planning and Zoning  
Kent County Government Center  
400 High Street  
Chestertown, Maryland 21620

Re: Guaranty Towers, LLC/ Friendship Farms, Inc.

Dear Ms. Owings:

Thank you for forwarding the above-referenced site plan to this office for review and comment. The applicant proposes to construct a 180-foot high cellular tower and associated equipment buildings in the Resource Conservation Area (RCA). This office has no objection to citing these towers in the RCA. I have outlined additional comments below.

1. Related development activities, including the two proposed 12' x 30' equipment shelters and parking area are acceptable since they are necessary for the operation of the tower.
2. Access to this site shall not impact any Habitat Protection Areas (HPAs).
3. Any necessary clearing must be mitigation for at a 1:1 ratio unless that clearing occurs in Forest Interior Dwelling Bird (FID) habitat. To determine whether FIDs are present on this site, the applicant must contact the Department of Natural Resources, Heritage and Biodiversity Division.
4. Appropriate stormwater and sediment and erosion controls are also required.

Thank you for the opportunity to comment. Please telephone me if you have additional questions or if I can be of further assistance.

Sincerely,

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

Lisa A. Hoerger  
Natural Resources Planner

cc: KC 497-00

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Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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September 20, 2000

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

Re: Wayson Properties, Inc.  
Formerly C #00-003, S #98-110 and P #00-045

Dear Ms. Chalkley:

Thank you for forwarding the 10% Pollutant Reduction Calculations for the above-referenced project. I have checked the calculations and they appear to be correct. The applicant is required to install a Best Management Practice to remove 20.96 pounds of phosphorous from the site. The selection was a trench design. This design should be acceptable to the County engineer, in terms of treating the first half-inch of runoff and addressing the pollutant removal requirement.

In future submittals, the County should ensure the applicants are using the updated 10% Pollutant Reduction Removal Manuals. They are available free of charge if the County needs additional copies.

Thank you for the opportunity to comment. Please telephone me if you have any questions or need additional information.

Sincerely,

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

Lisa A. Hoerger  
Natural Resources Planner

cc: AA 98-00

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September 20, 2000

Mr. Keith Kelley  
DEPRM  
County Courts Building  
401 Bosley Avenue  
Towson, MD 21204

Re: Bob's Transport  
Local Case Number 00-10

Dear Mr. Kelley:

Thank you for forwarding the above-referenced project to this office for review and comment. The applicant proposes to fill 508 square feet of nontidal wetlands and impact an additional 4,686 square feet of the nontidal wetland buffer to accommodate a parking lot expansion. We do not oppose this request provided the necessary permits are secured and the following comments are addressed.

1. The applicant indicates an approval to fill this wetland was approved by MDE, however there is no documentation in the file to support that claim. Absent that documentation, the County should ensure a permit was secured.
2. In regard to Critical Area obligations for this site, the applicant is required to submit to the County (and a subsequent copy to this office) the 10% Pollutant Reduction Calculations. Once the pollutant removal requirement is calculated, the Best Management Practice selected must achieve the required removal rate.
3. The application indicates mitigation for the impacts to the nontidal wetland will be mitigated inside the pond proposed for the stormwater management function. This may not be an acceptable are for mitigation by MDE. Again, the County should contact MDE regarding this application and the proposed mitigation.

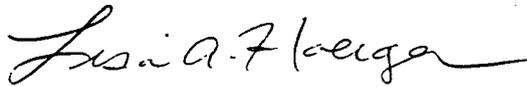
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Mr. Keith Kelly  
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4. The proposed location of the stormwater management pond will require clearing based on the site plan submitted. All clearing should be replaced on an equal basis in the Critical Area in order for the County to maintain the goal of no net loss of forest in the Critical Area.
5. In addition, clearing this area to construct a structure to manage the stormwater runoff for this site may not be the best option. Again, MDE should be consulted. This agency has a draft document soon to be made effective that includes alternatives to traditional forms of stormwater management.

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: BC 459-00

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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

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September 20, 2000

Ms. Mary Kay Verdery  
Talbot County Office of Planning and Zoning  
Courthouse  
Easton, Maryland 21601-3178

Re: Nextel Communications, Appeal # 1153

Dear Ms. Verdery:

Thank you for forwarding the above-referenced special exception request to this office for review and comment. The applicant proposes to construct a 150-foot high wireless telecommunications tower in the RC zone. This office has no objection to citing telecommunications towers in the RC zone. I have outlined additional comments below.

1. Related development activities, including the proposed 12' x 20' equipment shelter and parking area are also acceptable since they are necessary for the operation of the tower.
2. The site plan submitted indicates two possible locations for access to the site. Provided no other Habitat Protection Areas (HPAs) would be impacted, we would support the access that is further away for the adjacent nontidal wetlands. This would provide a wider buffer this resource.
3. Note # 11 indicates the site is outside the Critical Area. This note should be removed or changed to state that most of the site is inside the Critical Area.
4. Any necessary clearing must be mitigation for at a 3:1 ratio.
5. Appropriate stormwater and sediment and erosion controls are also required.

Thank you for the opportunity to comment. Please telephone me if you have additional questions or if I can be of further assistance.

Sincerely,

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

Lisa A. Hoerger  
Natural Resources Planner

cc: TC 487-00

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Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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September 13, 2000

Elinor Gawel  
Anne Arundel County Department of Planning and Zoning  
2664 Riva Road, MS 6402  
Annapolis, Maryland 21401

Re: Homeport Farm Growth Allocation Request

Dear Ms. Gawel:

That you for responding to my letter of August 30, 2000. Based on our telephone conversation, you indicated that the documentation for this growth allocation request is the same as was previously submitted to the Commission in 1998. In essence, I understand that documentation to be County Council Bill # 100-97 and the Concept Plan dated 1/97. My staff report will be based on this information.

Chairman North has determined this to be an amendment to the County's Critical Area Program. The required public hearing was held on February 25, 1998. Subsequent to the public hearing, the Commission panel assigned to this growth allocation request was asked to postpone the application review period in a letter dated March 27, 1998. In your letter dated August 14, 2000, the County now requests to proceed with the growth allocation request. As such it is on the Commission's agenda for its October 4, 2000 meeting. The panel will convene in the morning to formulate a recommendation to the full Commission.

In the meantime, I will need the following support documentation. A copy of the letter from the Department of Natural Resources, Heritage and Biodiversity Division, and documentation of the conservation easement to be placed on the adjoining property to satisfy the twenty-acre residue requirement when utilizing a building envelope.

Thank you for your assistance. Please telephone me if you have any questions.

Sincerely,

Lisa A. Hoerger  
Natural Resources Planner

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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September 12, 2000

Mr. Thomas Hamilton  
Town of Easton  
P.O. Box 520  
Easton, Maryland 21601

Re: Parkway East – PUD Plan

Dear Mr. Hamilton:

Thank you for forwarding the above-referenced site plan to this office for review and comment. I have outlined my comments below.

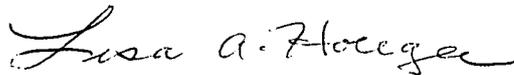
1. Since the project is in the Town's Intensely Developed Area (IDA) the applicant is required to complete the calculations for the 10% Pollutant Reduction Rule. The updated form should be used. If the Town needs updated booklets, please contact me.
2. It appears some clearing will be necessary based on the site plan. The applicant needs to quantify the amount of clearing. The total clearing must be replaced on a 1:1 basis, preferably on the project site area. Any landscaping areas already proposed may be used to satisfy the mitigation requirement.
3. Before the Town issues final approvals, the applicant must contact the Department of Natural Resources (DNR), Heritage and Biodiversity Division to insure that no rare, threatened, or endangered species utilize this site. If DNR determines this site supports such a species, the applicant may need to reconfigure the plan.
4. The proposed stormwater management pond abuts the 100-foot Buffer. Since the 10% calculations have not yet been performed is the applicant certain the pond is properly sized? Also, any grading associated with the construction of this pond is not permitted in the 100-foot Buffer.

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5. The Residential Notes describe a wood chip walking path through the wetland buffer. The Town and/or applicant should contact this office regarding this issue. Generally public access allowed, however, it is not clear whether the wood chip path will provide public access.
6. The Residential Notes also state existing vegetation will be preserved where possible. As stated previously, all clearing must be quantified and properly mitigated. This statement does not provide the Town with adequate information regarding proposed clearing.
7. An easement should be placed on the 100-foot Buffer and a note added to the plat to notify future homeowners that no new disturbance or clearing is permitted.

Thank you for the opportunity to comment. Please telephone me if you have any questions, or if I can provide additional information.

Sincerely,



Lisa A. Hoerger  
Natural Resources Planner

cc: EA 458-00



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

**STATE OF MARYLAND  
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September 8, 2000

Ms. Mary Kay Verdery  
Talbot County Office of Planning and Zoning  
Courthouse  
Easton, Maryland 21601-3178

Re: Dr. & Ms. Theodore Bodner  
Appeal # 1154

Dear Ms. Verdery:

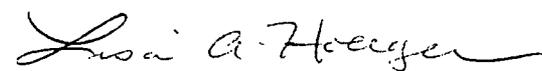
Thank you for forwarding the above-referenced variance request to this office for review. The applicant requests a variance to allow a side yard setback for an existing pool and decking, and a variance to the 100-foot Buffer for existing decking associated with the pool. This office has no comment regarding the sideyard setback. In regard to the request for the variance to the 100-foot Buffer, I have provided my comments and recommendations below.

This office received two site plans from your office. The second plan I received displays the decking associated with the pool in the 100-foot Buffer. Based on the scale it appears the Buffer is not shown correctly when measuring from the edge of tidal wetlands. In that regard, the first site plan received by your office appears more accurate. If the tidal wetlands have been field delineated since the date of these drawings please have the corrected site plan submitted for the variance display these changes. This office also recommends that these plans be signed and sealed prior to accepting them for processing variance requests.

Since the plans did not clearly distinguish which Buffer line is correct, it was necessary to visit the property. Based on our site visit to the property today, we were able to field verify the approximate distance of the pool decking from mean high water or the edge of tidal wetlands. The measurements we took today indicated that approximately five feet of the pool's decking area are within the 100-foot Buffer. This office cannot support a variance to allow an accessory structure in the Buffer. The portion of the decking in the Buffer should be removed. There is and was prior to construction, adequate room to accommodate the pool and decking without encroaching into any setbacks. We understand mistakes are sometimes made, however, when an applicant is siting a structure so close to the Buffer, he should ensure the survey is performed properly prior to construction.

Thank you for the opportunity to comment. Please submit this letter as part of the record for variance. Please notify the Commission of the decision made in this case. If I can provide you with additional assistance, please do not hesitate to contact me at (410) 260-3478.

Sincerely,

  
Lisa A. Hoerger  
Natural Resources Planner

cc: TC 422-00

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Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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August 31, 2000

Mr. Daniel Cowee, Planning Officer  
Talbot County Office of Planning and Zoning  
Courthouse  
Easton, Maryland 21601-3178

Re: Whitehall Farm, LLC - Growth Allocation

Dear Mr. Cowee:

As discussed in our meeting today, the following information is needed in order for us to continue processing this growth allocation request. In addition, subsequent to our meeting, we have identified two additional issues that need to be resolved. See comments five and six.

- 1) The acreage figures for each lot on the site plan should be clearly identified.
- 2) The proposed private road that will access proposed lots 1-4, and the 3.09 acre strip between the proposed private road and the adjoining parcels must be included in the growth allocation envelope since the road supports the development activity in the proposed RR, and the 3.09 acre strip of RC would create an area less than 20 contiguous acres of RC if it is not deducted. This building envelope concept is described in the Commission's policy titled "Guidelines for the County of Growth Allocation." I have enclosed a copy of that policy for your information.
- 3) Contact the consultant and have him field verify the tidal wetlands onsite to determine whether they are privately owned or State-owned wetlands. If the wetlands are owned by the State, this area of the parcel cannot be counted as acreage for calculating allowable density. A change in the total acreage could affect the ability of the parcel to support three dwellings in the RCA.

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

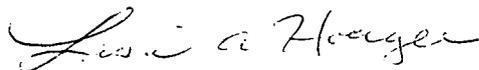


Mr. Cowee  
Page Two  
August 31, 2000

- 4) In a letter dated, November 18, 1999, the Department of Natural Resources, Heritage and Biodiversity Division indicated the potential presence of two endangered plant species. The presence and location of these species must be determined before final subdivision approvals are given. Coordination with the Department is necessary. If the species exists on this site in an area proposed for development, the configuration of the lots may change.
- 5) In regard to the proposed lot configuration, it appears proposed lots 5 and 6 will be accessed via the proposed private road. According to the site plan, the road will cross the 100-foot Buffer to a stream and the stream. These lots cannot be accessed by impacting a Habitat Protection Area (HPA) such as the 100-foot Buffer if an alternative exists. The Commission may not support this configuration since it appears an alternative exists.
- 6) Given the location of the 100-foot Buffer to the stream and the septic disposal areas, it appears there may not be sufficient buildable area remaining on proposed lots 5 and 6 to site the dwellings. This office will not support a variance to impact any HPA including the 100-foot Buffer on newly created lots. Therefore, the County should not be creating new lots that will require a variance to the Critical Area provisions of the County's ordinance. Also, the Commission may not support a growth allocation of this configuration if HPAs will be adversely impacted.
- 7) The Buffer requires expansion in the case of hydric soils. This parcel has inclusions of hydric soils that may be contiguous to the 100-foot Buffer and could require an expansion. Also, while the 100-foot Buffer is shown on the site plan, it must be completed reestablished in native vegetation since the use is changing from an agricultural use to a residential use.

I plan to schedule a site visit in the near future. In the meantime, please telephone me if you have questions, or if I can provide your office with assistance in resolving these issues.

Sincerely,



Lisa A. Hoerger  
Natural Resources Planner

cc: Ms. Mary Owens, Chief, Program Implementation



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

August 31, 2000

Mr. Chris Soldano  
MS 6301  
Anne Arundel County Office of Planning and Zoning  
Heritage Office Center  
2664 Riva Road  
P.O. Box 6675  
Annapolis, Maryland 21401

Re: Arbutus Banks/ Taylor Property

Dear Mr. Soldano:

I have received the resubdivision request for the above referenced property. The applicant proposes to create three additional lots with one residue area remaining. It appears the proposed subdivision meets the Critical Area requirements of the County's program. However, I have outlined additional comments below.

- 1) A note should be added to the plat indicating the areas on lots 1 and 3 that are within the Resource Conservation Area (RCA) of the Critical Area and may not be improved with an development activities associated with the Limited Development Area portion of these lots. This RCA cannot support additional density and the creation of lot 2 uses all available density for this subdivision.
- 2) The information provided indicates that .24 acres of forested area will be removed to accommodate the new development. This clearing must be replanted at a 1:1 ratio inside the Critical Area with native species. Also, a note should be added to the plat to alert lot owners of the clearing restrictions and replacement requirements in the Critical Area.
- 3) The County should not issue final approvals until the Department of Natural Resources, Heritage and Biodiversity Division has commented on this subdivision request. There appeared to be no information from this agency in the file.

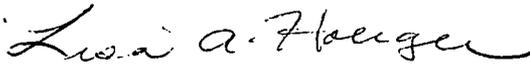
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(410) 822-9047 Fax: (410) 820-5093

Mr. Soldano  
Page Two  
August 31, 2000

- 4) The County should ensure that no variances will be required for the newly created lots. This office will not support future variances on lots created after the effective date of the County's Critical Area Program.
- 5) Proper sediment and erosion control measures shall be taken for the construction of the proposed dwellings.
- 6) The County shall ensure the lots do not exceed the 15% impervious surface limitation. A note should be added to the plat to alert lot owners of this restriction.

Thank you for the opportunity to comment. Please telephone me if you have questions, or if I can provide you with assistance.

Sincerely,



Lisa A. Hoerger  
Natural Resources Planner

cc: AA 427-00



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

August 30, 2000

Ms. Elinor Gawel  
Anne Arundel County Office of Planning and Zoning  
2664 Riva Road, MS 6402  
Annapolis, Maryland 21401

Re: Homeport Farm

Dear Ms. Gawel:

We are in receipt of your letter requesting that the Homeport Farm growth allocation application be placed on the agenda of the next meeting of the Critical Area Commission. Before the Commission can process this request, we need additional information. Please forward the last site plan approved by the Anne Arundel County Council, including all written documentation that accompanied the Council's approval of this growth allocation request. Once this information is received, staff will subsequently notify you of the date and place of the Commission meeting which this application will be heard. Also, your letter indicated an enclosure, however we did not receive any accompanying enclosures.

Thank you for your assistance. Please telephone me if you have any questions or require additional information.

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

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

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

August 29, 2000

Ms. Mary Kay Verdery  
Talbot County Office of Planning and Zoning  
Courthouse  
Easton, Maryland 21601-3178

Re: Larry Porter  
Special Exception #1158

Dear Ms. Verdery:

Thank you for forwarding the above-referenced special exception request for review. The applicant proposes to construct a 380' x 6' pier and a 10' x 20' "L" head with one boat lift, five mooring piles and a 12' finger pier that will encroach into the required setbacks. This office has no comment regarding the setback issues. We have no objection to the requested pier provided the pier will not impact any Habitat Protection Areas (HPAs) in the Choptank River. An HPA would include shellfish beds, anadromous fish propagation waters, submerged aquatic vegetation and any other rare, threatened or endangered species listed by the Department of Natural Resources, Heritage and Biodiversity Division.

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 423-00

Branch 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**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

August 28, 2000

Ms. Penny Chalkley  
Anne Arundel County Department of Planning and Zoning  
2664 Riva Road, MS 6303  
Annapolis, Maryland 21401

Re: Wayson Properties, Inc.  
Formerly C #00-003, S # 98-110 and P #00-045

Dear Ms. Chalkley:

I have received the resubmittal for the above-referenced property. Although the response letter from the applicant indicates the 10% Pollutant Reduction calculations were enclosed, this office did not receive the calculations. The calculations must be received and reviewed by this office and your office prior to issuing final approvals. Notwithstanding other required local, state or federal approvals, the subdivision of this parcel appears consistent with the County's Critical Area Program.

Thank you for the opportunity to comment. Please telephone me if you have any questions or require additional information.

Sincerely,

Lisa A. Hoerger  
Natural Resources Planner

cc: AA 98-00

Branch 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**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

August 25, 2000

Ms. Robin Brown  
See Environmental Services, Inc.  
The Woodbridge Center  
2444 Solomons Island Road, Suite 217  
Annapolis, Maryland 21401

Re: Request for Preliminary Agency Comments on a Proposed Central Water System of the Kent County Sanitary District and Town of Millington

Dear Ms. Brown:

At your request, I am providing you with some preliminary information regarding the service area for a proposed central water system in Kent County and the Town of Millington. The Critical Area maps in the office indicate that a majority of the proposed service area is within the Chesapeake Bay Critical Area. The three Critical Area designations within the Critical Area are Intensely Developed Area (IDA), Limited Development Area (LDA) and Resource Conservation Area (RCA). It appears the service area falls within portions of all three designations.

Generally, clearing is limited and must be replaced at a minimum 1:1 ratio. Also, impervious surfaces are limited to 15% with some lots or parcels that are grandfathered and less than half an acre permitted more impervious area. Most important is that any Habitat Protection Areas (HPAs) must be recognized and appropriate actions taken to protect them. The HPAs include the 100-foot Buffer, threatened and endangered species and species in need of conservation, plant and wildlife habitat, and anadromous fish propagation waters. All construction must have an approved sediment and erosion control plan, and adequate stormwater management.

This office can provide you with additional information in regard to the Critical Area requirements if you have a detailed site plan and information regarding the type of development to occur in the proposed service area. For example, is this just a series of installing pipes underground, or will there be the need to locate structures in certain areas?

Please feel free to telephone me with any other questions. I can be reached at (410) 260-3478.

Sincerely,

Lisa A. Hoerger  
Natural Resources Planner

cc: Ms. Gail Owings

Branch 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**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

August 22, 2000

Mr. Daniel Cowee  
Talbot County Office of Planning and Zoning  
Courthouse  
Easton, Maryland 21601-3178

Re: National Audubon Society  
Special Exception Appeal No. 1145

Dear Mr. Cowee:

I am in receipt of the minutes of the Talbot County Board of Appeals regarding the above-referenced special exception to construct two thirty bed dormitories and an approximately 2,000 square foot structure with a cafeteria and multi-purpose rooms in the RC zone. This letter serves to inform the County that this approval by the Talbot County Board of Appeals is null and void since the Commission was not notified of this application (COMAR 27.03.01.02 F).

The Code of Maryland Regulations at §27.03.01.03 are clear on which applications the Commission wishes to receive notification. The above-referenced project is included as a project that requires notification since it is a special exception request in the RCA, and the proposed disturbance is greater than 5,000 square feet in the RCA.

Please advise the applicant of the status of this project. In the meantime, Commission staff request a meeting to discuss the proposal and whether it is an allowable use in the RCA.

Thank you for your attention to this matter. Please telephone me if you have questions at (410) 260-3478.

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

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

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

August 22, 2000

Ms. Penny Chalkley  
MS 6303  
Office of Planning and Code Enforcement  
2664 Riva Road  
Annapolis, Maryland 21404

Re: Rhode Harbor, Lot 6  
S 77-253, P 95-146

Dear Ms. Chalkley:

I have received the resubmittal for the subdivision request for Rhode Harbor, lot 6. I have outlined our comments below.

- 1) The response letter indicates that impervious surfaces on each lot will exceed 15%. Since the lots will no longer be considered grandfathered, each lot must adhere to the 15% impervious surface limitation absent a variance. It appears 15% could be accommodated on each site by removing excess driveway area on lot 6R and siting the proposed dwelling on lot 7 closer to the existing driveway and by shortening that driveway.
- 2) The current site plan shows two separate areas of afforestation. The afforestation area should be located so that it becomes a contiguous forested area to provide better habitat value for wildlife. Also, it appears this area has some existing trees, therefore only partial credit should be given.

Thank you for the opportunity to comment. Please call if you have any questions regarding the above comments.

Sincerely,

Lisa A. Hoerger  
Natural Resources Planner

cc: AA 400-00

Branch 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**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

August 21, 2000

Ms. Cynthia D. Simpson, Deputy Director  
Office of Planning and Preliminary Engineering  
State Highway Administration  
P.O. Box 717  
Baltimore, Maryland 21202

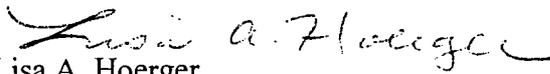
Re: Project No. AA601A21  
US 50/MD 2 South Interchange Project, Anne Arundel County, Maryland

Dear Ms. Simpson:

I have received copies of letters between Ms. Amiee Cauthorn of State Highway Administration (SHA) and Ms. Judy Cole of the Maryland Department of the Environment, Nontidal Wetlands Division. As a result of these letters, it appears SHA will not be impacting any nontidal wetlands in the Critical Area portion of the project area. Therefore, it appears the project meets the conditions in the Memorandum of Understanding (MOU) between the Maryland Transportation Authority, the Maryland Department of Transportation and the Chesapeake Bay Critical Area Commission. As such, this project may proceed subject to COMAR 27.02.03 General Approval of State and Local Agency Programs Which Result in Development of Local Significance on Private Lands or Lands Owned by Local Jurisdictions.

If you have any questions or if I can provide you with assistance in any way, please telephone me at (410) 260-3478.

Sincerely,

  
Lisa A. Hoerger  
Natural Resources Planner

cc: Mr. Joseph Kresslein  
Ms. Heather Amick  
Ms. Aimee Cauthorn

Branch 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**

1804 West Street, Suite 100, Annapolis, Maryland 21401

(410) 260-3460

Fax: (410) 974-5338

August 21, 2000

Ms. Mary Kay Verdery  
Talbot County Office of Planning and Zoning  
Courthouse  
Easton, Maryland 21601-3178

Re: Land of John O. Brooks, Jr. & Sherrill G. Brooks

Dear Ms. Verdery:

Thank you for forwarding the above-referenced subdivision to this office for review and comment. The request is to create a single lot in the RC. I have outlined our comments below.

- 1) After the subdivision of this lot, there will be no further subdivision potential of this parcel based on the one dwelling unit per twenty acre density requirement.
- 2) For any parcel that will be converting from an agricultural use to a residential use, the 100-foot Buffer shall be reestablished. This means that the Buffer must be planted with native vegetation.
- 3) It appears the applicant proposes to locate some of the required afforestation in the 100-foot Buffer. We support this selection and recommend that the Buffer be reestablished using a diversity of native species that include overstory, understory and herbaceous plantings rather than loblolly pine.
- 4) The proposed lots and their future development should not require the need for any variances to the County's Critical Area regulations. This office will not support variances on lots that are not grandfathered.
- 5) The County should verify the Buffer is correctly delineated. The narrative indicates a ditch exists along the northwestern edge of proposed Lot 2. If this is a stream, then a 100-foot-Buffer must be shown on the plat. This may affect the location of the proposed well.

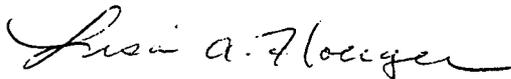
Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

Ms. Verdery  
Page Two  
August 21, 2000

- 6) A note should be added to the final plat that indicates total allowable impervious area. The total impervious area figures should include the area of the driveway on the parcel.
- 7) Also, a note should be added to the final plan that indicates that once the Buffer is reestablished in native vegetation, it shall not be cleared.
- 8) Since comments are pending from the Department of Natural Resources, Heritage and Biodiversity Division the County should not issue final approval until information has been received.
- 9) As always, appropriate sediment and erosion control and stormwater management measures shall be taken when the lot are developed.

Thank you for the opportunity to comment. Please telephone me if you have any questions or if I can provide you with additional information.

Sincerely,



Lisa A. Hoerger  
Natural Resources Planner

cc: TC 390-00

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

August 21, 2000

Ms. Mary Kay Verdery  
Talbot County Office of Planning and Zoning  
Courthouse  
Easton, Maryland 21601-3178

Re: Dunverken, L.L.C.  
M-987

Dear Ms. Verdery:

Thank you for forwarding the above-referenced subdivision to this office for review and comment. The request is to create a single lot in the RC. I have outlined our comments below.

- 1) After the subdivision of this lot, there will be no further subdivision potential of this parcel based on the one dwelling unit per twenty acre density requirement.
- 2) For any parcel that will be converting from an agricultural use to a residential use, the 100-foot Buffer shall be reestablished. This means that the Buffer must be planted with native vegetation.
- 3) Since the Buffer is required to be reestablished we recommend siting any afforestation required in the 100-foot Buffer from the Choptank River. We also recommend that the Buffer be reestablished using a diversity of native species that include overstory, understory and herbaceous plantings rather than loblolly pine.
- 4) The proposed lots and their future development should not require the need for any variances to the County's Critical Area regulations. This office will not support variances on lots that are not grandfathered.

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

Ms. Verdery  
Page Two  
August 21, 2000

- 5) The County should verify if the Buffer is correctly delineated. The narrative indicates there is an existing stream which runs through proposed lot 1. The required Buffer to a stream inside the Critical Area is 100 feet, not five feet as suggested in the environmental report. This provision can be found in the Talbot County Zoning Ordinance at 19.12 (b)(5)(iii)(b). The plat should be amended to reflect a 100-foot Buffer around this stream.
- 6) A note should be added to the final plat that indicates total allowable impervious area.
- 7) Another note should be added to the final plan that indicates that once the Buffer is reestablished in native vegetation, it shall not be cleared.
- 8) Since comments are pending from the Department of Natural Resources, Heritage and Biodiversity Division the County should not issue final approval until information has been received.
- 9) As always, appropriate sediment and erosion control and stormwater management measures shall be taken when the lot are developed.

Thank you for the opportunity to comment. Please telephone me if you have any questions or if I can provide you with additional information.

Sincerely,



Lisa A. Hoerger  
Natural Resources Planner

cc: TC 390-00

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

August 18, 2000

Ms. Mary Kay Verdery  
Talbot County Office of Planning and Zoning  
Courthouse  
Easton, Maryland 21601-3178

Re: George Wilson, Jr. and Yvonne Wilson  
S-907

Dear Ms. Verdery:

Thank you for forwarding the above-referenced subdivision to this office for review and comment. The request is to create a single lot in the RC. I have outlined our comments below.

- 1) It is unclear from the site plan provided whether proposed lot 1 will support two existing dwellings. The County should verify whether the structures are dwellings since the density limitations of the RC are one dwelling unit per twenty acres. If these structures are dwelling units then two development rights are already used and only two additional dwelling units would be permitted on this parcel inside the Critical Area.
- 2) For any parcel that will be converting from an agricultural use to some other use, in this case residential, the 100-foot Buffer shall be reestablished. This means that the Buffer must be planted with native vegetation. In addition, any necessary afforestation that may be required to meet the 15% afforestation requirement can be met by reestablishing the Buffer.
- 3) The proposed lots and their future development should not require the need for any variances to the County's Critical Area regulations. This office will not support variances on lots that are not grandfathered.
- 4) The County should verify the Buffer is correctly delineated. The Buffer is measured from the edge of mean high water, tidal wetlands, tidal waters and tributary streams. It is expanded in the case of steep slopes, hydric soils or highly erodible soils.

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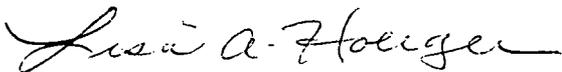


Ms. Verdery  
Page Two  
August 18, 2000

- 5) A note should be added to the final plat that indicates total allowable impervious area. The total impervious area figures should include the area of the two driveways on the parcel.
- 6) Also, a note should be added to the final plan that indicates that the Buffer shall not be cleared.
- 7) The County should not issue final approval until information has been received by the Department of Natural Resources, Heritage and Biodiversity Division concerning the presence, and if necessary, the protection measures required for any rare, threatened or endangered plant or animal species that may utilize this site.
- 7) As always, appropriate sediment and erosion control and stormwater management measures shall be taken when the lot are developed.

Thank you for the opportunity to comment. Please telephone me if you have any questions or if I can provide you with additional information.

Sincerely,



Lisa A. Hoerger  
Natural Resources Planner

cc: TC 390-00



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

August 17, 2000

Mr. Keith Kelley  
Baltimore County - DEPRM  
County Courts Building  
401 Bosley Avenue  
Baltimore, Maryland 21204

Re: Dwayne Scurto  
Local Number 00-07

Dear Mr. Kelley:

Thank you for forwarding the above-referenced variance request to permit a single family dwelling in the 100-foot Buffer. It appears a single family dwelling could be accommodated outside the 100-foot Buffer notwithstanding side-yard setbacks. However, if the County finds a variance to the 100-foot Buffer requirement is more appropriate in this case, then we recommend mitigation of native species at a 3:1 ratio be provided for new disturbance to the 100-foot Buffer. Mitigation should first occur 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 variance. Please notify the Commission of the decision made in this case.

Sincerely,

Lisa A. Hoerger  
Natural Resources Planner

cc: BC 399-00

Branch 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**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

August 4, 2000

Ms. Linda Mott  
Environmental Design Division  
State Highway Administration  
707 N. Calvert Street  
P.O. Box 717  
Baltimore, Maryland 21203-0717

Re: MD Rt. 2 Widening - Virginia Avenue to South of Pike Ridge Road  
State Plantings Agreement Form

Dear Ms. Mott:

A few days ago we discussed the planting agreement for the above-referenced project. According to the planting schedule submitted to this office by your consultant (enclosed) it appears the figures need to be adjusted to more accurately reflect the proposed clearing. Based on the site plan it appears that approximately 47,240 square feet of clearing will occur outside the 100-foot Buffer, and 2,630 square feet of clearing will occur inside the 100-foot Buffer. The mitigation ratio is 1:1 outside the Buffer and 3:1 inside the Buffer. Also, the plan indicates that 14,717 square feet will be replaced on-site, which leaves 40,413 square feet or .93 acres to be planted at an off-site location in the Critical Area. Originally SHA had stated that 1.32 acres remained to be planted off-site, however, this figure appears to be .93 acres. The off-site mitigation should be indicated on a separate plantings agreement when the location has been chosen.

As part of the Chesapeake Bay Critical Area Commission's approval on December 1, 1999, the State Highway Administration was requested to locate an alternative site in the Critical Area for remaining acres of clearing. The condition required that the status of the location and funding availability be reported to the Commission within one year. This means that at its December meeting, SHA will need to report on the status of the issue.

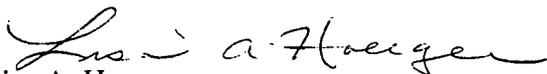
Please return the Planting Agreement for State Projects to this office at your earliest convenience. In regard to the mitigation that cannot be accommodated on-site, as suggested, we will complete a separate form that identifies the proposed site selected.

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-3093

Ms. Mott  
August 4, 2000  
Page Two

Thank you for your attention to this matter. Please telephone me at (410) 260-3478 if you have questions.

Sincerely,

  
Lisa A. Hoerger  
Natural Resources Planner

Enclosure

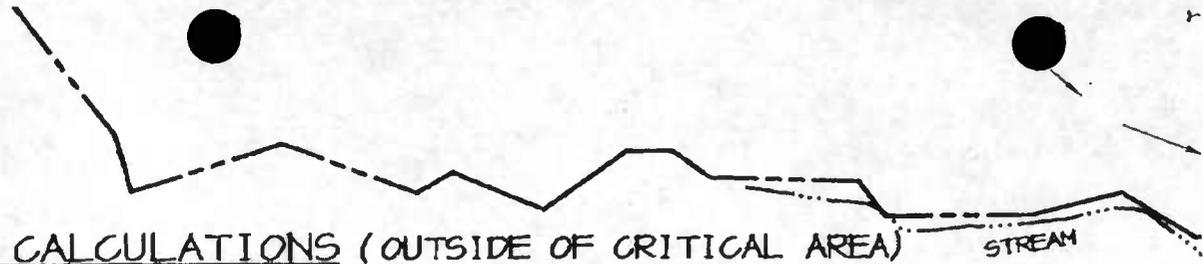
cc: Anne Elrays, SHA  
Regina Esslinger, CBCAC

PAGE 02

RIEMER MUEGGE

4109979282

11/30/1999 17:28



REFORESTATION CALCULATIONS (OUTSIDE OF CRITICAL AREA)

* TOTAL CLEARED: 1:1 FOREST	(0.88 Ac.) 38,319 SF
REFORESTATION REQ'D: FOREST	(0.88 Ac.) 38,319 SF
REFORESTATION PROVIDED (w/in off-site Location B):	(0.88 Ac.) 38,319 SF
FUTURE MITIGATION BANK PROVIDED:	(1.83 Ac.) 79,850 SF
(w/in off-site Location B):	(1.21 Ac.) 52,645 SF
(w/in off-site Location C):	(0.62 Ac.) 27,205 SF

CRITICAL AREA REPLACEMENT CALCULATIONS

* TOTAL DISTURBANCE:	(1.12 Ac.) 48,972 SF
1:1 FOREST CLEARED	(1.08 Ac.) 47,240 SF
3:1 FOREST CLEARED / AREA DISTURBED**	(0.06 Ac.) 2,630 SF
TREES 1.5-2.5" cal. CLEARED	2 TREES
TREES >2.5" cal. CLEARED	7 TREES
SHRUBS CLEARED	44 SHRUBS
REPLACEMENT REQ'D: FOREST / AREA DISTURBED**	(1.27 Ac.) 55,130 SF
TREES 1.5-2.5" cal. (100 sf/tree)	(0.01 Ac.) 200 SF
TREES >2.5" cal. (100 sf/tree)	(0.02 Ac.) 700 SF
SHRUBS (100 sf/3 shrubs)	(0.03 Ac.) 1,467 SF
TOTAL:	(1.32 Ac.) 57,497 SF

EX. B  
@ 3:1 = 7,990

2,367

** TOTAL REPLACEMENT PROVIDED:	(1.32 Ac.) 57,497 SF
W/IN ON-SITE LOCATION A	(0.34 Ac.) 14,717 SF
W/IN OFF-SITE LOCATION B	(0.98 Ac.) 42,780 SF

\* Reference SHA cont. no. AA 530 5170, "Maryland Route 2 Widening", sheets H1-H22.  
Quantity includes forest/trees/shrubs proposed for clearing and those recently cleared (after land survey was completed).

11/29/99

\*\* Within the Critical Area Buffer.



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

August 3, 2000

Mr. Thomas Hamilton  
Town of Easton  
P.O. Box 520  
Easton, Maryland 21601

Re: Marjorie E. Freeman, 503 Glenwood Avenue - V-549

Dear Mr. Hamilton:

Thank you for forwarding the above-referenced variance request to this office for review and comment. The applicant proposes to remove an existing dwelling and it replace it with a new dwelling that will be inside the 100-foot Buffer to a stream. Given the constraints of this lot, this office has no objection to the requested variance. However, the Town should require mitigation for any impervious area or areas of new disturbance at a 3:1 ratio with native species. We recommend plantings rather than collecting a fee from the applicant.

Because this lot is in an Intensely Developed Area (IDA), the applicant is also required to met the 10% pollutant reduction requirement. On residential lots of this size, it has been the practice of this office to permit the local jurisdiction to address this issue through plantings on-site that will have the effect of absorbing stormwater runoff. This office is available to provide assistance in that regard.

Thank you for the opportunity to comment. As a reminder, please forward all variances, special exceptions, conditional uses, and rezonings to this office. Certain categories of subdivisions are also require notification of the Commission. I have attached the relevant sections of the Code of Maryland Regulations (COMAR) for reference. Please note the provision in COMAR 27.03.01.02 F which states that projects of which the Commission is not notified are null and void.

If you have any questions, or I can provide additional information, please contact me at (410) 260-3478.

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

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

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

August 1, 2000

Mr. Paul Dennis  
Department of Environmental Protection  
and Resource Management  
County Courts Building, 401 Bosley Avenue  
Towson, Maryland 21204

Re: River Watch Restaurant - Variance request

Dear Mr. Dennis:

Thank you for forwarding the above-referenced variance request. The applicant has applied for an after-the-fact variance to permit a raw bar, grill hut, and several planters in the 100-foot Buffer to Middle River. Since the site is essentially 100 percent impervious within the 100-foot Buffer, and the applicant continues to propose activities within this area because of site constraints, this office does not oppose the requests. However, in order to adequately address water quality and habitat issues which the 100-foot Buffer is designed to provide, this office recommends the County require an overall plan that addresses water quality and habitat issues. I have provided some suggestions below that the County may consider as condition(s) of granting the requested variances.

- 1) The planters, which presumably are raised above ground level, be replaced with plantings in the ground so that runoff from the immediate area will be able to filter through a vegetated area before it reaches Middle River. These plantings could also provide some degree of habitat to an area that otherwise has no habitat value.
- 2) The County might require the applicant to prepare an overall plan that addresses how stormwater leaving the site will be treated. The drainage pattern could be identified and a Best Management Practice (BMP) be proposed that treats stormwater before it leaves the site.

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

Sincerely,

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

Lisa A. Hoerger  
Natural Resources Planner

cc: Ms. Patricia Farr  
BC 392-00

Branch 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**  
1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

July 31, 2000

Ms. Mary Kay Verdery  
Talbot County Office of Planning and Zoning  
Courthouse  
Easton, Maryland 21601-3178

Re: Udo & Cornelia Heckenbach  
Special Exception/Variance #1133

Dear Ms. Verdery:

Thank you for forwarding the above-referenced special exception to allow a pier to extend 170 feet from the mean high water line, and a variance to allow the pier to extend more than one-half the distance from the mean high water line of their property to the centerline of Irish Creek. This office has no comment regarding either request, and have no objections provided the pier will not impact any Habitat Protection Areas (HPAs) in Irish Creek. An HPA would include shellfish beds, anadromous fish propagation waters, submerged aquatic vegetation and any other rare, threatened or endangered species listed by the Department of Natural Resources, Heritage and Biodiversity Division.

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 391-00

Branch 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**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

July 28, 2000

Ms. Mary Kay Verdery  
Talbot County Office of Planning and Zoning  
Courthouse  
Easton, Maryland 21601-3178

Re: Emerson Point & Hemmersly  
L-801, M-982

Dear Ms. Verdery:

Thank you for forwarding the above-referenced site plans to this office for review and comment. It appears the requests include a lot line revision and the creation of four lots. I have outlined our comments below.

- 1) In regard to the proposed lot line revision, this office has no comment provided the applicant is aware that future subdivision of this newly created parcel should not require the need for any variances. This office will not support a variance to the Critical Area provisions of the Talbot County Ordinance on a parcel which is no longer afforded grandfathered status.
- 2) For any parcel that will be converting from an agricultural use to some other use, in this case residential, the 100-foot Buffer shall be reestablished. This means that the Buffer must be planted with native vegetation. Any necessary afforestation that may be required to meet the 15% afforestation requirement can be met by reestablishing the Buffer.
- 3) The proposed lots and their future development should not require the need for any variances the to the County's Critical Area regulations. This office will not support variances on lots that are not grandfathered.

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

Ms. Verdery  
Page Two  
July 28, 2000

- 4) The County should verify the Buffer is correctly delineated. The Buffer is measured from the edge of mean high water, tidal wetlands, tidal waters and tributary streams. It is expanded in the case of steep slopes, hydric soils or highly erodible soils. All pockets on nontidal wetlands that are contiguous to the 100-foot Buffer are included within that area of expansion.
- 5) A note should be added to the final plat that indicates total allowable impervious area and indicates that the Buffer shall not be cleared.
- 6) The County should not issue final approval until information has been received by the Department of Natural Resources, Heritage and Biodiversity Division concerning the presence, and if necessary, the protection measures required for any rare, threatened or endangered plant or animal species that may be present on this site.
- 7) As always, appropriate sediment and erosion control and stormwater management measures shall be taken when the lot are developed.

Thank you for the opportunity to comment. Please telephone me if you have any questions or if I can provide you with additional information.

Sincerely,



Lisa A. Hoerger  
Natural Resources Planner

cc: TC 369-00, TC 37-00

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

July 28, 2000

Ms. Mary Kay Verdery  
Talbot County Office of Planning and Zoning  
Courthouse  
Easton, Maryland 21601-3178

Re: Knapps Narrows Marina, Inc.  
#1150

Dear Ms. Verdery:

Thank you for forwarding the above-referenced project to this office for review and comment. The applicant proposes to build seven new inn rooms accessory to a commercial marina. The proposed rooms will require a special exception for rooms exceeding ten, and a variance to the 100-foot Buffer provisions of the Talbot County Ordinance. This office has no comment regarding the special exception request to exceed the ten room limit.

In regard to the variance, this office cannot support the request. We acknowledge the applicant requested, and was granted a variance by the Board of Appeals last year to the Buffer requirements. At that time, this office did not oppose the request based on information from the County Planning Office that preparations were underway and imminent to designate this shoreline as an official Buffer Exemption Area (BEA). However, since that time the BEA has not been officially approved by the County Council or the Chesapeake Bay Critical Area Commission. As such, this office is not comfortable continuing to support development in an area of the shoreline that the County has not committed to as an official BEA.

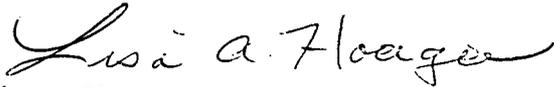
In the minutes of the Public Hearing for appeal number 1099, the Board states on page eight, "The Critical Area Commission has permitted the area of the marina to have Buffer Exemption status." We would like to take this opportunity to correct this misunderstanding. This office nor the Commission has permitted this area of the shoreline to have BEA status. Instead, we were recognizing that this area may shortly become a BEA with the approval of the County Council and the Chesapeake Bay Critical Area Commission. We did concede that based on our site visit this shoreline would certainly qualify as a BEA. However, absent BEA status, the County should not be approving variances based on the possibility that one day this shoreline will be a BEA.

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

Ms. Verdery  
Page Two  
July 28, 2000

If you have any questions, or if I can provide you with assistance in any way, please do not hesitate to contact me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger  
Natural Resources Planner

cc: TC 390-00



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

July 26, 2000

Ms. Gail Owings  
Kent County Planning Office  
Courthouse  
Chestertown, Maryland 20620

Re: American Tower Corporation, James Hurtt  
00-94/00-89

Dear Ms. Owings:

Thank you for forwarding the above-reference site plan and variance request to this office for review and comment. Since the requested variance is a height variance, this office has no comment. In regard to the use in the Resource Conservation Area (RCA), communication towers are permitted. The accompanying building and any future buildings on this site must be directly related to the functioning of the tower. In other words, the equipment housed in these structures must be located near the tower in order for it to function. All other uses of the structure (i.e. house personnel, conduct business, etc.) would not be permitted in an RCA without growth allocation as they assume a commercial nature.

Thank you for the opportunity to comment. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger

Natural Resources Planner

CC: KC 376-00

Branch 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**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
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July 26, 2000

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

Re: Bryan & Verna Lang  
MS 00-085

Dear Mr. Wedemeyer:

Thank you for forwarding the above-referenced subdivision request to this office for review and comment. The applicants propose to subdivide one parcel into two lots. The creation of lot 2 should not require the need for any variances. I have outlined my comments below.

1. It appears the 100-foot Buffer to the stream will not be impacted, however, the LOD for proposed lot 2 infringes upon the buffer to the nontidal wetland. The development of lot 2 should be able to accommodate all development outside of all required buffers and setbacks.
2. We encourage the applicant to reforest on-site for any necessary clearing.
3. As always, proper sediment and erosion control, and stormwater management shall be undertaken.
4. A plat note should appear on the final plat that explains the clearing and impervious surface limitations of each lot.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3478.

Sincerely,

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

Lisa A. Hoerger  
Natural Resources Planner

cc: AA 372-00

Branch 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**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
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July 25, 2000

Mr. Daniel Cowee  
Talbot County Office of Planning and Zoning  
Courthouse  
11 N. Washington Street  
Easton, Maryland 21601

Re: Four-Year Comprehensive Review

Dear Mr. Cowee:

This letter serves as comments to the County regarding changes to Chapter 19.11 of the Zoning Ordinance, including the addition of the RAC use list and the proposed Buffer Exemption Area (BEA) regulations. As you are aware, this office has been working with the County on this review for several years. Since the last meeting between County staff and this office it appears there has been a redraft of Section 19.11 of the Talbot County Zoning Ordinance, therefore I am providing you with a list of comments for all components of the review.

We are in receipt of the County's proposed BEA language and maps, however, we are awaiting a response from the County concerning initiating the site visits to the proposed BEA sites. I indicated this to you in a letter dated February 9, 2000. That letter also requested a copy of the Talbot County Critical Area Forest Management Manual that is referenced in the draft language, and copies of updated text amendment to the Talbot County Ordinances. Also, in a letter dated September 14, 1999 we discovered there was an inconsistency between COMAR 27.01.02.03.D (3) and Section 9.12(b)(5)(vi)[c][1][ii] a of the Talbot County Zoning Ordinance concerning the 10% Pollutant Reduction Rule. We requested that you notify us if this will be reconciled in the Comprehensive Review, or as a separate refinement to the County's program. Please update us on these items.

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



**Section 19.11 – Zoning Ordinance**

1. **Cover page** - indicates “New Definitions Needed” and lists tree, normal maintenance, Critical Area Forest Preservation Plan, Talbot County Critical Area Planning and Mitigation Manual, and Development Activity. What does this mean? Is the County proposing new terms? Please indicate where these terms are located.
2. **Page 2** – Section 19.11(a)(1)(ii)[a][1][ii] states, “These standards shall remain in effect until such time as a residential building permit has been issued and a foundation inspection has been approved.” This provision does not adequately address the concept that the Buffer must be established when there is a change in use. Establishing the Buffer means planting it. We recommend adding language that clearly states the 100-foot Buffer shall be established when a parcel changes from an agricultural use to another use. See COMAR 27.01.09.01(C)(6).
3. **Page 3** – The language for steep slopes at Section 19.11(a)(1)(ii)(b) is not consistent with the Code of Maryland Regulations (COMAR). For expansion of the minimum 100-foot Buffer, COMAR 27.01.09.01(C)(7) reads:

Local jurisdictions shall expand the Buffer beyond 100-feet to include contiguous, sensitive areas, such as steep slopes, hydric soils, or highly erodible soils, whose development or disturbance may impact streams, wetlands, or other aquatic environments. In the case of contiguous slopes of 15 percent or greater, the Buffer shall be expanded 4 feet for every 1 percent of slope, or to the top of the slope, whichever is greater in extent.

As you can see, the current language in the Ordinance uses the word “may”, and does not specifically address steep slopes as in COMAR. We recommend the language in the Ordinance be written as COMAR is written in order to avoid any confusion.

4. **Page 4** – Section 19.11(b)(2)(v)[b] refers to mitigation required in a BEA as being two times the total ground area disturbed. This is okay for residential development activities in a BEA; however, the County needs to add mitigation ratio (specifically the 25-foot bufferyard) for commercial and industrial activities. I am attaching the final, approved versions of the BEA Policies for your use.
5. **Page 5** – Section 19.11. (b)(2)(v)[e] refers to mitigation required for the installation of shore erosion control devices. When shore erosion control measures involve clearing, then mitigation must be provided. We recommend stating that the mitigation shall be equal to the area cleared or at a 1:1 ratio.

6. **Page 5** – In Section 19.11(c) change “wherever possible” to “preferably” in reference to increasing the forested vegetation of the Critical Area. This phrase should be removed. This more accurately reflects the provision in the Criteria.
7. **Page 6** – Section 19.11(c)(1) references the project forester. References to the project forester should be removed and these sections should only reference the Maryland Department of Natural Resources and the District Forestry Board.
8. **Page 7** – Section 19.11(c)(1)(ii) in the last sentences refers to the Maryland Forest, Park and Wildlife Service. We suggest that this be changed to the Maryland Department of Natural Resources since the individual unit names change often.
9. **Page 7** – Section 19.11(c)(2)(i)[a] is not clear regarding establishing the 100-foot Buffer when there is a change in the use of a property. This should be more clearly worded. It should be clear that establishing the Buffer means planting native vegetation where none exists.
10. **Page 9** – Section 19.11(c)(2)(ii)[b][2] In order to be more consistent with the Criteria a period should follow the word “removed” and the remainder of the sentence should be deleted. Mitigation is required at a 1.5 to 1 ratio for the entire area cleared.
11. **Page 9** – Section 19.11(c)(2)(ii)[b][4] states, “...total caliper inches of the trees removed times 0.5 inches.” In order to determine if these provisions are consistent with the Criteria, we need to review TCCA Forest Management Manual.
12. **Page 10** – Section 19.11(c)(3)(I) – The last sentences states, “Those maintenance activities that occur outside of the Shoreline Development Buffer do not require replacement however, are restricted to these same listed permitted activities.” This is not accurate. All live trees that are cut, cleared or removed must be replaced at a minimum 1:1 basis; therefore, the statement should be removed and replaced with language that requires mitigation for all cutting, clearing, or removal of trees and vegetation.
13. **Page 10** - Section 19.11(c)(3)(i)[a] The first sentence refers to a Forest Preservation Plan. In order to avoid confusion we recommend referring to this plan as a Buffer Management Plan for any cutting, clearing or removal of vegetation within the 100-foot Buffer.
14. **Page 11** – Section 19.11(c)(3)(i)[a][6] This sentence refers to removal of invasive species and suggests that these might include trees by requiring a written statement by a qualified professional forester. Invasive species generally means vines, not trees.

Mr. Cowee  
Page Four  
July 25, 2000

15. **Page 12** – At the top of page 12 is the term “Forest Preservation Plan.” Again, we recommend changing this to Buffer Management Plan to avoid confusion.
16. **Page 12** – Paragraph [b] allows “mowing of natural vegetation under 2 inches diameter at breast height, leaving a minimum height of 3 inches.” The Commission recognizes this as effectively bushhogging the Buffer; therefore it is not permitted and should be removed.
17. **Page 12** – In [c] pruning should take place under a Buffer Management Plan, and the amount pruned should be determined on case by case basis depending on the age, size, and species of the vegetation to be pruned.
18. **Page 12** – Finally, all activities undertaken in the Buffer outside of mowing need a Buffer Management Plan.
19. **Page 12** - Section 19.11(c)(4) [ii][a] states “replacement shall equal two caliper inches for every one inch of total caliper inches removed in violation.” In order to determine if these provisions are consistent with the Criteria, we need to review TCCA Forest Management Manual.
20. **Page 23** – Section 19.11(f)(2)(I)[c][1] should include Forest Interior Dwelling Bird (FID) Habitat.

#### **Buffer Exemption Areas**

Since you last submitted the proposed BEA language and maps the Commission adopted two policies: One policy address residential BEAs and the other policy addresses commercial, industrial, institutional, recreational, multi-family residential BEAs. I am enclosing these policies for your use.

We suggest you model your BEA language to reflect the guidelines in the policies. The Commission has developed ordinance language that is consistent with the Commission’s BEA policies. You may use this ordinance language or you may develop your own language.

At a minimum, the County should follow the suggested mitigation ratios and add definitions to their ordinance for new terms that may otherwise not appear in Section 19.2. The definitions that should be added to Section 19.2 to accommodate the BEA language are new development, redevelopment, principal structure, accessory structure and bufferyard.

21. **Page Two** – Section 19.11(3) The County will be required to make findings for each BEA addressing how the Buffer functions are impaired. Attached is an example of the findings for several BEAs in Annapolis (see attachment).
22. **Page Three** - Section 19.11(3)(a) provides a grandfathering date of August 13, 1989. The County may use this date as long as this date is used consistently as the grandfathering date throughout the County's zoning ordinance.
23. **Page Three** - Section 19.11(3)(a)(6) refers to Section 19.12(b)(vi)[c][1], which are the impervious surface limitations. The copy of the Zoning Ordinance in this office is old language. Please make certain the updated language, which was determined to be a refinement to the Talbot County Critical Area Program in December 1996 is incorporated.
24. **Page Four** – Section 19.11(3)(a)(9) References Section 19.11(3). What is in this section? Is this citation accurate? We could not locate it. Also, this section should state that mitigation must be provided as stated in the Commission's policies.
25. **Page Five** – Section 19.11(3)(b)(1) appears to allow new commercial, industrial or institutional uses in the RC. These types of uses are not permitted except in accordance with COMAR 27.01.02.07A. Also, the term "uses" might be changed to "structures" in this sentence in order to accommodate the permitted expansion of these types of uses.
26. **Page Seven** – Section 19.11(3)(c)(1). Somewhere in this section it should be stated that when designating new areas as a BEA, the jurisdiction shall provide written documentation of and supporting reasons demonstrating the degree to which the BEA does not perform the Buffer functions described in COMAR 27.01.09.01.B.
27. **Page Eight** – Section 19.11(3)(d) should include that the maps require County Council approval and approval by the Critical Area Commission.

#### Resource Conservation Area (RCA) Use List

28. **Page Two** – SECTION ONE: County staff and Commission staff agreed that this use may be permitted as long as it is "an accessory use to a farm." Please clarify.

29. **Page Two** – SECTION TWO and SECTION THREE: It is not clear whether the plants, bushes, trees or other nursery items for sale must be grown on-site. Please clarify.
30. **Page Three** – SECTION SIX: The language says County Clubs. Did you mean Country Clubs? Also, how would the County handle golf courses with a large residential component incorporated into the fairway design? In the past, the Commission has required growth allocation for this type of development. Please clarify.
30. **Page Four**– SECTION EIGHT: What is the basis for allowing existing structures to be expanded to up to 50% of the gross floor area without Growth Allocation? Where did this percentage come from? How many of these types of uses exist in the County? Would some of these nonconforming uses qualify for consideration as mapping mistakes?
31. **Page Four**– SECTION NINE: It appears that these uses are commercial and would require growth allocation. Please clarify whether this only applies to existing grandfathered uses or applies to new ones as well.
32. **Page Four**– SECTION TEN and SECTION ELEVEN: The County should provide limits for expansion for existing cemeteries and churches. As an example, Anne Arundel County proposed a cap of 15% impervious or 20,000 square feet, whichever is greater, and this was accepted by the Commission.
33. **Page Four**– SECTION TEN: What are the standards for a columbarium? How would its size and intensity be limited?
34. **Page Four/Five**– SECTION TWELVE: These types of uses may be difficult to regulate as a group because of differences between private (commercial) and public types of facilities. Generally public projects would be viewed as a local government activity and would not require growth allocation, whereas a private facility would be considered a new institutional use and would require growth allocation. Clarification is needed.

35. **Page Five** – SECTION THIRTEEN: The County's Zoning Ordinance defines "Day Care Facility-Family" as any arrangement that provides day care on a regular basis for eight (8) or fewer clients. Generally, the Commission has supported the concept of day care facilities limited to eight or fewer clients in the RCA without the use of growth allocation. It is probable that the Commission will require the County to use growth allocation for facilities with more than eight clients.
36. **Page Five** – SECTION FOURTEEN and SECTION FIFTEEN: The following phrase should be added to the sentence, "In the RC zone public allowed, *in accordance with COMAR 27.02.02*, private subject to Section 19.12 Site Plan Review and Section 19.14(c)(1)(v) Growth Allocation. What is the basis for allowing existing structures to be expanded to up to 50% of the gross floor area without Growth Allocation? Is this the standard used outside the Critical Area? How many of these types of uses exist in the County? Would some of these nonconforming uses qualify for consideration as mapping mistakes? In Anne Arundel County, the Commission supported private schools with a 15% cap on impervious area or total square footage of 20,000 square feet, whichever was less. Similar provisions would probably be considered favorably by the Commission.
37. **Page Five** – SECTION FIFTEEN: For quasi-public facilities (such as volunteer fire departments), the County may allow these uses without growth allocation with some limitations (i.e. A fire department hall that was rented for banquets would require growth allocation whereas the garage and office area would not.)
38. **Page Five** – SECTION SIXTEEN: Although noncommercial or philanthropic clubs, lodges, and fraternal societies may be appropriate uses in the RCA, the Commission will probably want to ensure that the size and intensity of the uses are limited. In Anne Arundel, the Commission supported the following description: "Service organizations and nonprofit charitable and philanthropic organizations or institutions provided that impervious surfaces are limited to 15% of the site or 20,000 square feet whichever is less."
39. **Page Six** – SECTION SEVENTEEN: Generally nursing homes are considered commercial uses and can not be permitted in the RCA without growth allocation. What is the basis for allowing twenty beds? Clarification is needed.
40. **Page Six** – SECTION EIGHTEEN: In this section it must be made clear that sawmills or temporary sawmills must be associated with on-site timber harvests, unless growth allocation will be awarded.

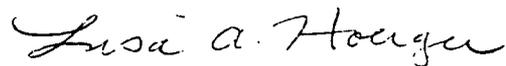
Mr. Cowee  
July 25, 2000  
Page Eight

41. **Page Six** – SECTION NINETEEN: What is meant by treated septage? Where would the land application occur? How is it different from sludge?
42. **Page Six** – SECTION TWENTY: Septic systems and Bermed Infiltration Ponds may only be located in the RC if they are serving development located in the RC. The septic systems should not be located in the RC to serve development outside of the RC or Critical Area. Clarification is needed.
43. **Page Six** – SECTION TWENTY-ONE: Community Sewage Treatment plants may only be located in the RC if they are serving development in the RC. These facilities can not be located in the RC if they are serving development outside of the RC or outside the Critical Area. Clarification is needed.
44. **Page Six** – SECTION TWENTY-THREE: Utilities facilities are not permitted in the RCA without growth allocation, unless they can meet the definition of a local government project as described in COMAR 27.02.02 or 04. It is not clear if these projects only include local government projects or include private projects as well. It is also not clear if these provisions apply only to transmission facilities (cables, overhead wires, pipelines, etc.). Clarification is needed.

Finally, we are unable to locate in your current ordinance the procedures for structures on piers, shore erosion control, and local government projects. Please advise us as to whether these items are covered in the Ordinance. If they are not covered, the County needs to provide for them in the Ordinance.

Thank you for your continued cooperation in addressing the concerns of the Commission relative to the need to update the Talbot County Critical Area Program as part of the required comprehensive review. Please telephone Mary Owens or myself if you have questions or require additional information. In the meantime, I will be giving you a call within the next two weeks to set up a meeting time to discuss these comments so you do not have to draft a response. Again, thank you for your cooperation, and I will be talking to you soon.

Sincerely,



Lisa A. Hoerger  
Natural Resources Planner

LAH/jjd

cc: Ms. Mary Owens, Chief, Program Evaluation



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

July 24, 2000

Mr. Wayne Black  
Water and Sewer Design Section  
Washington Suburban Sanitary Commission  
14501 Sweitzer Lane  
Laurel, Maryland 20707-5902

Re: WSSC Contract 99CM2551-A  
Swan Harbour Sewer Replacement

Dear Mr. Black:

Thank you for submitting an updated plan for the above-referenced project. It appears your project now includes removing an existing CMP and replacing it with approximately 20' of 24" RCP to Swan Creek. Since this is considered a maintenance activity, this addition to the original contract will not require formal approval by the Critical Area Commission.

Any disturbance should be temporary, and any clearing of natural vegetation should be replaced at a 1:1 ratio. If additional clearing will occur as a result of this activity, please forward that information to this office as an addendum to your Plantings Agreement.

Thank you for your cooperation. If you have any questions, or if I can provide additional assistance, please call me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger  
Natural Resources Planner

cc: Mr. Terry Valentine, Environmental Engineering Science Section  
Mr. Paul J. Bonaccorsi, Acting Section Head, Water and Sewer Design Section

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



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Executive Director

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July 24, 2000

Mr. Joseph A. Gruber, Civil Engineer  
Easton Utilities  
142 North Harrison Street  
P.O. Box 1189  
Easton, Maryland 21601

Re: Easton Utilities Cable TV Head-end Building Addition  
As-Built Landscaping Plans

Dear Mr. Gruber:

Thank you for forwarding the as-built landscaping plan as completed at the head-end building addition project in Easton. I see you have added some additional plantings and have completed all landscaping the week of July 3<sup>rd</sup>. As such, I will make a note of the plantings completion on your Plantings Agreement Form and will contact you sometime this fall to schedule a follow-up site visit to ensure the survivability of the plantings.

Thank you for your cooperation. If I can provide further assistance, or if you have any questions, please contact me at my new telephone number which is (410) 260-3478.

Sincerely,

Lisa A. Hoerger  
Natural Resources Planner

cc: Mr. Timothy W. Glass, Easton Utilities  
Mr. Thomas Hamilton, Town Planner for Town of Easton  
Mr. Lynn Thomas, Assistant Town Planner for Town of Easton

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Staff Correspondence Reader File # 2. Lee Anne

2000

S1832-146-4



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Ren Serey  
Executive Director

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Fax: (410) 974-5338

July 13, 2000

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

RE: Variance 2000-0210-V, Warren Walton

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 and with greater impervious coverage than allowed. The property is designated LDA, Buffer Exempt and is currently developed with a single family dwelling.

It appears that this property is currently in the process of being re-developed. The large site plan included with this application is dated October 1999 and it shows an existing house and a proposed house with detached garage. At that time, it appears that the proposed conditions would actually decrease the impervious surface on the lot, though it still far exceeded the permitted percentage. This office did not receive or review any previous plans on this property. Was a variance not required because they were decreasing impervious surfaces? Regardless, the current proposal now exceeds the previously existing impervious and goes further waterward than the previously existing dwelling. It seems that the porch could have been accommodated without variances if it were included on the original proposal. Why was it not included on the original proposal? We recommend that there be no net increase of impervious surface over the previously approved plans (3781 square feet). The size of the garage, driveway or house could be reduced to allow for the porch. The porch could also be reduced in size. (This would also minimize the Buffer variance required.) Mitigation should be provided for all new impervious surfaces in accordance with the County Zoning Ordinance. The question of stormwater management should also be addressed, especially since proposed impervious exceeds 50% of the lot.

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

Sincerely,

LeeAnne Chandler  
Natural Resources Planner

cc: AA317-00

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



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July 14, 2000

Ms. Bobbie Hutchison  
Calvert County Planning & Zoning  
150 Main St.  
Prince Frederick, Maryland 20678

RE: SPR 2000-44, Glascock Property Retail Center

Dear Ms. Hutchison:

Thank you for providing the above referenced site plan for our review. This office reviewed a prior plan for the entire Glascock Property in 1998. At that time, our initial comment letter stated that we needed a copy of the 10% calculations in order to complete our review. We never received a copy of the calculations. Again, we request a copy of the 10% calculations and other information pertaining to stormwater management in order for us to complete our review of this project.

The current site plan reflects changes made from the 1998 plans. Previously, two restaurants were proposed in this section of the property. It appears that there will be more impervious surface in this section than previously proposed. Will the 10% calculations be re-done to assess the adequacy of the stormwater management facility? Was the stormwater facility designed to handle additional quantity and quality requirements?

Please provide the requested information to this office for further review. If you have any questions or comments, please contact me at (410) 260-3477.

Sincerely,

LeeAnne Chandler  
Natural Resources Planner

cc: CA349-00

Branch 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 14, 2000

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

RE: Variance 2000-0178-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 deck with less setbacks and Buffer than required. The property is designated LDA, Buffer Exempt and is currently developed with a single family dwelling.

This request is actually for an after-the-fact variance because it appears that the deck is already built. This property was the subject of a variance request for a dwelling in 1998 (1998-0149-V). That variance was denied, but because the lot was apparently Buffer-Exempt, development of the dwelling was permitted at its current location. Why was the deck built forward of the setback line as set from adjacent houses? It seems that this hardship is self-created and that it could have been easily avoided. The house could have been moved towards the street and the deck built without requiring a variance. This office recommends that the decking waterward of the house be removed and the area beneath the deck restored.

Commission staff has noted that the proposed house on lot 1106 does not show a deck. Will a similar variance be necessary on that lot as well? All improvements associated with a new dwelling should be placed outside of 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: AA256-00

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



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July 14, 2000

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

RE: Variance 2000-0185-S, Naccash/Argentieri

Dear Mr. Dooley:

Thank you for providing information on the above referenced special exception application. The applicants are requesting a special exception to permit the expansion of a nonconforming use. The property is designated LDA, Buffer Exempt and is currently developed with a house and parking areas.

This office defers to MDE on the pier issues and to the County on the general zoning issue. However, we would like to comment on the location of the proposed bathhouse. It appears that a variance should be required for the bathhouse because it is an accessory, non-water dependent structure located waterward of the existing dwelling on this property. The septic piping is also located in the Buffer. These structures should be moved outside of the Buffer. It appears that the bathhouse could be located in the western end of the parking lot. The septic area could be in the same location, with the piping running along the western edge of the property rather than the eastern (waterside) edge of the property. While it may be more convenient to have the bathhouse adjacent to the water, impacts to the Buffer must be minimized, even in Buffer Exemption Areas. Also, please note, the Critical Area report states that there are no Buffers on this property. This should be corrected and the appropriate Buffer should be shown on the site plan.

The proposed impervious surface, though equal to that currently existing, is over 20% of the lot. We recommend that stormwater management be addressed on this lot due to the commercial nature of the operation, the extent of imperviousness, and close proximity to the water. The Critical Area report clearly states that the runoff from the bathhouse "will be directed directly to Mill Creek." Water quality protection 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,

*Lee Anne Chandler*  
Lee Anne Chandler  
Natural Resources Planner

cc: AA265-00

Branch 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 14, 2000

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

RE: Variance 2000-0212-V, Richard Dietrich

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 RCA and is currently developed with a single family dwelling.

This property was the subject of a previous variance request (1999-0014-V) that was approved with modifications. Specifically, the previous proposal requested a variance for dwelling additions that included an addition to an accessory structure. That decision was appealed, though it now appears that the appeal was withdrawn and the proposed additions have been redesigned.

This office does not oppose the redevelopment of this lot. However, impacts from redevelopment should be minimized and the variance requested the minimum to provide relief. In addition to the dwelling, a stormwater management trench and the primary septic drainfields are proposed within the Buffer. The site plan states that the existing dwelling will be demolished. Ideally, a new dwelling could be placed outside of the Buffer. The proposed house is large (2432 sq. ft. footprint) and it seems that it will necessitate a new septic system. From the site plan, it appears that there are opportunities to minimize impacts. The primary drainfields are located in the Buffer. Could the septic area be moved to the right of the driveway? This would reduce impacts to the Buffer. Alternatives for the stormwater management trench should be explored and the stockpile area should be moved outside of the Buffer.

Also, please note that the second replacement drainfield is proposed within an area of steep slopes. A variance to disturb steep slopes may be necessary. In addition, the new site plan shows a larger shed than the shed on the 1999 site plan. Was the enlargement of the shed a permitted activity? We recommend mitigation for all disturbance to the Buffer at a 3:1 ratio.

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Mr. Kevin Dooley  
July 13, 2000  
Page 2

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

Sincerely,

LeeAnne Chandler  
Natural Resources Planner

cc: AA318-00



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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July 14, 2000

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

RE: Variance 2000-0255-V, James Marsellas

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 LDA and is currently developed with two dwellings. The proposal involves changing lot lines to encompass existing homes built over internal lots lines.

This office has no comment on the area variance from a zoning standpoint. However, subdividing this property as proposed may create a nonconforming lot from an impervious limit standpoint. No information has been provided on the amount of impervious surfaces existing on either lot. Impervious surfaces on Lot A can not exceed 25%. This question should be addressed prior to any 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,

LeeAnne Chandler  
Natural Resources Planner

cc: AA355-00

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



Judge John C. North, II  
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July 14, 2000

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

RE: Variance 2000-0239-V, 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 roof overhang with less setbacks and Buffer than required. The property is designated IDA, is Buffer Exempt and is currently developed with a single family dwelling and two accessory structures.

Because it appears that the overhang is reasonable in size and will not disturb the ground surface of the Buffer, this office does not oppose the variance requested. Mitigation should be required at a 2:1 ratio for the new impervious 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: AA349-00



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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July 14, 2000

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

RE: Variance 2000-0247-V, Nancy & Jack Steere

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.

Because impervious surfaces are not an issue and because there are no impacts to habitat protection areas, this office has no comment on the setback issue. Clearing should be minimized as much as possible and appropriate mitigation should be required accordingly.

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: AA351-00



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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July 17, 2000

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

RE: Variance 2000-0262-V, Fred Hall

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 undeveloped.

Because impervious surfaces are not an issue and because there are no habitat protection area impacts, this office has no comment on this setback variance. 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,

LeeAnne Chandler  
Natural Resources Planner

cc: AA357-00

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

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



Judge John C. North, II  
Chairman

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Executive Director

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July 17, 2000

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

RE: Variance 2000-0227-V, Hogendorp Custom Homes, Inc.

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling on steep slopes with less setbacks than required. 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. Due to the extensive steep slopes on the property, it appears that any development of the lot would require a variance. However, any variance requested should be the minimum necessary to provide relief. The Critical Area Report included with the application indicates that the site contains a mature forest and leads to a ravine. Impacts of development, especially clearing, should be reduced. As proposed, reforestation will be required at a 3:1 ratio. Special care should be taken during construction to minimize erosion on such 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. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler  
Natural Resources Planner

cc: AA360-00

Branch Office: 31 Creamery Lane, Easton, MD 21601  
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July 17, 2000

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

RE: Variance 2000-0260-V, Wayne Speight

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 and setbacks than required and with disturbance to steep slopes. The property is designated LDA and is currently developed with a cottage (to be replaced).

This office does not oppose redevelopment of this lot with a new dwelling on the existing footprint. Vegetation removed in the course of construction should be replaced in kind. New impacts to steep slopes should be avoided.

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

Sincerely,

LeeAnne Chandler  
Natural Resources Planner

cc: AA356-00

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

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July 17, 2000

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

RE: Variance 2000-0251-V, Faye A. Green

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit dwelling additions with less Buffer and setbacks than required. The property is designated LDA and is currently developed with a single family dwelling.

The additions on the water side of the dwelling include two decks and a bumpout for a family room. This office often does not oppose attached decks and additions of reasonable size, provided impacts to the Buffer are minimized. The proposed decks are extensive. Would it be possible to reduce the size of the proposed decks? Mitigation should be provided for all new impervious on this Buffer Exempt lot in accordance with the County Zoning Ordinance. Also, we recommend that the footers for the decks be hand dug to minimize disturbance.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for 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: AA354-00

Branch Office: 31 Creamery Lane, Easton, MD 21601  
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July 17, 2000

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

RE: Variance 2000-0249-V, Valentine and Margaret Schiller

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling on steep slopes with less Buffer and setbacks 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. It appears that any development of this lot would require a variance. However, impacts should be minimized as much as possible and the variance requested the minimum to provide relief. It seems that an alternative house design could reduce impacts to the Buffer and provide additional space between the impervious surfaces and the water. As proposed, over 30% of the site will be cleared and the house would be only 26 feet from the water. Alternative designs and layouts should be considered to minimize impacts to this site. We recommend mitigation at a 3:1 ratio for all 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: AA352-00

Branch 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 17, 2000

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

RE: Variance 2000-0250-V, George L. Parsley

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling and utilities on steep slopes with less Buffer and setbacks 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. However, impacts should be minimized as much as possible and the variance requested the minimum to provide relief. The proposed house is of modest size but extensive disturbance is proposed for the associated utilities. Also, the front BRL seems to be pushing the house onto the steep slopes. It seems that the house could be located at the southern end of the property without any impact to steep slopes (subject to health department requirements). Alternatively, a variance to the front BRL could be considered.

Also, please note, the drainage area map shown on the site plan shows a stream on this property. The proposed stone outlet structure is located in the stream's vicinity. If in fact there is a stream on this property, a variance to the 100-foot Buffer to the tributary stream may also be required. This should be verified prior to any approvals. Reforestation should occur in accordance with the County Zoning Ordinance. If there are Buffer impacts, we recommend mitigation for all disturbance 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: AA353-00

Branch 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 17, 2000

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

RE: Variance 2000-0226-V, Real Estate General, Ltd.

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling and utilities with less Buffer and setbacks than required. The property is designated LDA and is currently undeveloped.

The subject property is actually a combination of two lots, Lot 32 and Lot 44. 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 and the variance requested the minimum to provide relief. It appears that a variance could be avoided entirely if the house were placed on Lot 44 rather than Lot 32. The elevation is higher and it is also adjacent to an existing street. We recommend that the house be moved to Lot 44.

If for some unforeseen reason the house can not be moved to Lot 44, impacts to Lot 32 should be minimized, especially clearing. Also, authorization to disturb non-tidal wetlands and their buffer should be obtained from the Maryland Department of the Environment.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission 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: AA359-00

Branch 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**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

July 17, 2000

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

RE: Variance 2000-0225-V, 8919 LLC

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a private well with less Buffer and setbacks 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. Due to the distance requirements for the private well, it does not appear that there is an alternative location for the well. However, we would like to comment on the amount of proposed clearing (57%) on this lot. Clearing and grading should be kept to the minimum necessary and as many trees as possible should be preserved. Mitigation should be provided in accordance with the County Zoning Ordinance.

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

Sincerely,

LeeAnne Chandler  
Natural Resources Planner

cc: AA358-00

Branch 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**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

July 18, 2000

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

RE: Variance 2000-0241-V, Diane Mitchell

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.

The existing house on the subject lot is located wholly within the Buffer. Any type of addition would require a variance. Because the proposed addition is to be located over an existing patio and because it is proposed on the side of the house away from the water, this office does not oppose the variance requested. We recommend mitigation at a 3:1 ratio for all disturbance within the 100-foot Buffer. The Buffer (between the dwelling and the water) should be a priority location for the mitigation.

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: AA350-00

Branch 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**

1804 West Street, Suite 100, Annapolis, Maryland 21401

(410) 260-3460 Fax: (410) 974-5338

July 26, 2000

Mr. Douglas G. Wetmore  
Charles County Planning and Growth Management  
P.O. Box 2150  
La Plata, MD 20646

RE: Critical Area brochure

Dear Mr. ~~Wetmore~~ *Doug*:

Thank you for the opportunity to review and comment on the County's new Critical Area brochure. It will definitely be a valuable tool in the never ending task of public education. The brochure is concise yet includes all of the pertinent information that would affect a Critical Area property owner. I have just a few minor comments and suggestions.

1. The last part of "What is the Critical Area Buffer?" regarding potential Buffer expansion seems a bit awkward. That sentence could read, "...Except in Buffer Exemption Areas, disturbance of vegetation or construction is prohibited within the 100-foot Buffer or, in situations where steep slopes or sensitive soils are present, within the expanded Buffer." Also, since this section mentions Buffer Exemption Areas, it may be appropriate to refer the reader to the official BEA maps in the Planning Office.
2. In the middle section which addresses the three land use designations, under Resource Conservation Areas, you may wish to mention the limit placed on other uses (e.g., no new commercial activities) within the RCA. This issue is still unresolved, but some mention of it may be warranted.
3. Under Intensely Developed Areas, a brief mention of the 10% pollutant reduction requirement is appropriate.
4. In the section titled, "How do the regulations affect tree clearing in the Critical Area?", the second bullet could be clarified by mentioning that all trees cleared for development purposes must be replaced on at least a 1 to 1 ratio and that the more trees cleared results in more mitigation.

Thank you again for the opportunity to comment. If you have any questions or would like to discuss any of these comments in further detail, please feel free to contact me at (410) 260-3477.

Sincerely,

*LeeAnne Chandler*  
LeeAnne Chandler  
Natural Resources Planner

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

**CHARLES COUNTY GOVERNMENT**

Planning and Growth Management



ROY E. HANCOCK, *Director, Planning and Growth Management*

July 18, 2000

Ms. LeeAnne Chandler  
Chesapeake Bay Critical Area Commission  
1804 West St. Suite 100  
Annapolis, MD 21401

**Re: Critical Area Brochure**

Dear LeeAnne:

I have enclosed a draft of Charles County's Critical Area Program brochure for your review. Please send me any comments that you might have.

Thank you for your assistance. If you have any questions or concerns, please feel free to contact me at (301) 645-0650.

Sincerely,

Douglas G. Wetmore  
Planner II

cc: reading file

**RECEIVED**

JUL 21 2000

CHESAPEAKE BAY  
CRITICAL AREA COMMISSION

**SAY NO TO DRUGS**

Post Office Box 2150, La Plata, Maryland 20646

Administration: (301) 645-0627 C.I.P.: (301) 645-0621 Development Services: (301) 645-0618 / (301) 870-3937

Permits: (301) 645-0692 / (301) 870-3935 Planning: (301) 645-0689 / (301) 645-0540 / (301) 870-3896

TDD Transfer Number for the Hearing Impaired: 1-800-735-2258

*EQUAL OPPORTUNITY COUNTY*



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

July 21, 2000

Ms. Christine Holmberg  
Calvert County Department of Planning & Zoning  
150 Main Street  
Prince Frederick, Maryland 20678

RE: Engh Family Partnership - Building & Grading Permits for access construction

Dear Ms. Holmberg:

Thank you for providing the revised plan for 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 two site visits, 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. The access should be designed to minimize clearing, grading and impacts to steep slopes. The use of heavy equipment should not be permitted. The pathway should be constructed with pervious materials. Clearing should be kept to the minimum possible and natural vegetation should be retained up to the edge of the pathway. It should be made clear to the applicant that the area of the slopes should not be disturbed (i.e., including all understory and ground vegetation) and should not turn into a park-like environment. Disturbance to steep slopes in excess of that necessary for the access should only be permitted through the variance process.
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. The County should be notified at the start of work to allow monitoring during the course of construction. 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 beyond that specifically authorized 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 any new 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) 260-3477.

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**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

July 25, 2000

Ms. Bobbie Hutchison  
Calvert County Planning & Zoning  
150 Main Street  
Prince Frederick, Maryland 20678

RE: SPR 2000-45, McDonald's Restaurant, Solomons

Dear Ms. Hutchison:

Thank you for providing information on the above referenced site plan. Commission staff has reviewed the information provided and we have the following comments:

1. Impervious surfaces do not appear to be an issue of concern. However, the applicant should be made aware of the restrictions on any future expansion of the project. In absence of an award of growth allocation, the parcel is strictly limited to 15% impervious.
2. As you can see from the soils map included with the application, at one time there was a stream which crossed the corner of the property. In fact, approximately two years ago when the extension of MD 765 was being designed, the Maryland Department of the Environment determined that a stream still exists there. This stream system has obviously been drastically impacted by drainage from Route 2/4. While a full 100-foot Buffer may be inappropriate in this instance, we recommend that some plantings be used to buffer this area of the property.
3. We strongly recommend that only native trees and shrubs be used to landscape the site. The Critical Area Conservation Manual contains a list of recommended species. The applicant should work with the Critical Area planner to choose appropriate species.

Thank you for the opportunity to comment. If additional or revised information becomes available, please forward it to this office for further review. If you have any questions or concerns about the comments above, please contact me at (410) 260-3477.

Sincerely,

LeeAnne Chandler  
Natural Resources Planner

cc: CA350-00

Branch 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**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

July 26, 2000

Ms. Roxana Whitt  
Calvert County Planning & Zoning  
150 Main Street  
Prince Frederick, MD 20678

RE: Variance Case No. 00-2655, Mr. & Mrs. Louis Forrest, Jr.

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance from the 100-foot Buffer requirements to construct a deck on a residence currently under construction. The property is designated LDA.

This office reviewed previous subdivision and variance applications on this property. In 1998, the parcel was subdivided into two lots and both had existing dwellings on them. Also in 1998, a variance was requested (Case No. 98-2471) for the construction of a new dwelling on Lot 1 (to replace an existing mobile home). On the site plan for the subdivision as well as the previous variance, Lot 2 is shown with an existing dwelling approximately 59 feet from the water. Now it appears that a new dwelling is being built on Lot 2, though this office did not receive any information prior to this request. The concrete slab shown on the most recent site plan is located 54 feet from the water with a slightly different footprint than the previous dwelling. Why was a variance not required for redevelopment of Lot 2? It appears that there is space outside of the Buffer that could have accommodated any house expansion. Also, please note, previous site plans show substantially more trees on Lot 2 than are shown on the most recent plan. What happened to the existing vegetation, especially within the Buffer?

Notwithstanding the above, this office often does not oppose decks of reasonable size provided that impacts are minimized. The previously existing dwelling had a modest deck. We would recommend that the proposed deck be similar to that previously existing. Also, we recommend that any approval be conditioned on mitigation for disturbance within the Buffer, included the trees that are no longer present. All trees removed (on the entire property) should be replaced on at least 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 request. 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: CA365-00

Branch 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**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

July 26, 2000

Ms. Roxana Whitt  
Calvert County Planning & Zoning  
150 Main Street  
Prince Frederick, MD 20678

RE: Variance Case No. 00-2654, Mr. & Mrs. Dale Nelson

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to disturb steep slopes 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 should be minimized as much as possible. For example, would it be possible to move the initial septic system closer to the house? This would prevent the creation of two separate areas of clearing and grading on steep slopes and instead have only one at the bottom of the slope. Also, the proposed house is very substantial in size, with a large porch and a large deck. Would it be possible to redesign to reduce impacts? As proposed, reforestation is required at a 1.5 to 1 ratio. Care should be taken during construction to avoid future erosion problems.

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,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: CA366-00

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

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

July 26, 2000

Ms. Roxana Whitt  
Calvert County Planning & Zoning  
150 Main Street  
Prince Frederick, MD 20678

RE: Variance Case No. 00-2657, Mr. & Mrs. Roy Droege

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to disturb the 100-foot Buffer for installation of a well (to serve a future house on Lots 537, 538, 548 and 549) and septic piping (to serve a future house on Lots 539, 543, 544 and 547). Each group of lots is 16,680 square feet in size (.38 acres) in size and is currently fully wooded and undeveloped.

Provided these lots are properly grandfathered, this office does not oppose the siting of a single family dwelling on them. Based on the size of the lots, it is possible that variances to clear over 30% of the sites may also be necessary. Development of these lots should be designed to minimize impacts such as clearing and grading and development activities in the Buffer. It is not clear from the information provided exactly how many lots the applicants own. Lot consolidation should occur in a way that minimizes overall impacts.

With regard to the well within the Buffer, it appears that the well could be relocated outside of the Buffer, while still maintaining the required distance from the other well and the house. With regard to the septic piping in the Buffer on the other set of lots, it seems that if the applicants also own lots 542, 541, 540 or 546, the septic design could be altered such that piping would not go through the Buffer (via a utility easement of some sort).

Again, while we do not oppose development of properly grandfathered lots, it appears that the requested variances could be avoided. Please advise this office if a variance for clearing over 30% is also going to be required. We would like the opportunity to comment on that request as well.

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,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: CA367-00

Branch 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**

1804 West Street, Suite 100, Annapolis, Maryland 21401

(410) 260-3460 Fax: (410) 974-5338

July 26, 2000

Ms. Olivia Vidotto  
Calvert County Planning & Zoning  
150 Main Street  
Prince Frederick, MD 20678

RE: MSD-00-12, Thomas Ireland, Lot 3

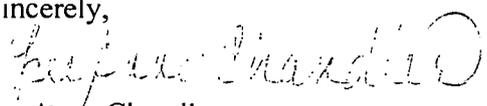
Dear Ms. Vidotto:

Thank you for providing information on the above referenced subdivision. Commission staff has reviewed the information provided and we have the following comments:

1. The property has 16 acres within the Critical Area and is designated RCA. Approximately three years ago, a lot was subdivided from this parcel. Lot 3 would be the second of the two allowable lots to be created under the intrafamily transfer provisions. No further subdivision of the property (within the Critical Area) would be permitted.
2. In reviewing the plan, it was noted that a portion of Lot 3 contains steep slopes. The driveway to access Lot 3 should be located at the far eastern end of the lot in order to avoid crossing the steep slopes.
3. In order to qualify as an intrafamily transfer, this lot must be conveyed to a member of the owner's immediate family. The details of this transfer (name of person, relationship to owner) must be provided. What is the relationship of the developer (as provided on the subdivision application) to the owners? This information should be provided in a plat note subject to the intrafamily transfer provisions of the County Zoning Ordinance. The intrafamily transfer must occur at the time of subdivision approval by the County. The approval is subject to the condition that the deed for the intrafamily transfer lot contain a covenant stating that the lot was created subject to the intrafamily transfer provisions and that the lot may not be subsequently conveyed to any person other than a member of the owner's immediate family (Calvert County Zoning Ordinance, Section 4-9.08).

Thank you for the opportunity to review this subdivision. Please provide the information described in comment #3 above. If you have any questions or concerns regarding the comments above, please contact me at (410) 260-3477.

Sincerely,

  
LeeAnne Chandler  
Natural Resources Planner

cc: CA355-00

Branch 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**

1804 West Street, Suite 100, Annapolis, Maryland 21401

(410) 260-3460 Fax: (410) 974-5338

July 26, 2000

Mr. Robert W. Linder, Chief  
Planning Division  
Baltimore District, Corps of Engineers  
P.O. Box 1715  
Baltimore, Maryland 21203-1715

RE: Navigational improvement project - Webster's Cove, Somerset County

Dear Mr. Linder:

Thank you for informing this office of the proposed navigational improvement project in Webster's Cove in Somerset County. The Critical Area Law and regulations certainly support public access and navigational improvements. From the description provided in your letter, it appears that benefits of the project will be numerous. As you are aware, the Maryland Department of the Environment is the lead permitting agency for projects such as this. However, the Critical Area regulations do briefly address dredging. The Water-Dependent Facilities Chapter of the regulations specify 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" (COMAR 27.01.03.04(6)). It also specifies permitted placement of dredge spoil within the Critical Area under certain circumstances. A copy of this chapter of our regulations is enclosed for your use.

In order to fully assess this project's impact on Critical Area resources, additional information is necessary. I have included a checklist of information that is required for a full review of the project. Issues of particular interest include: impacts to submerged aquatic vegetation and other aquatic habitats; potential effects on waterfowl staging areas or colonial waterbird nesting sites; existing condition of and potential impacts to the landward portion of the project site (e.g., disturbance of the 100-foot Buffer, necessary tree clearing, placement of impervious surface, etc.) and the presence of any protected species. Once designs are more fully developed, please provide this information to us for further review.

Again, thank you for the opportunity to provide input on this project. If you have any questions or would like to discuss any of the above comments in more detail, please feel free to call me at (410) 260-3477.

Sincerely,

LeeAnne Chandler  
Natural Resources Planner

cc: Ms. Joan Kean, Somerset County

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



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

REPLY TO  
ATTENTION OF

June 23, 2000

Planning Division

**RECEIVED**

JUL 3 2000

Ms. Claudia Jones  
Maryland Department of Natural Resources  
Chesapeake Bay Critical Area Commission  
45 Calvert Street  
Annapolis, Maryland 21401

**CHESAPEAKE BAY  
CRITICAL AREA COMMISSION**

Dear Ms. Jones:

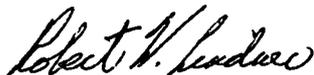
The purpose of this letter is to inform you that the Baltimore District, U.S. Army Corps of Engineers, in partnership with Somerset County, is commencing on a navigational improvement project in Webster's Cove in Somerset County, located off the Wicomico River. The Webster's Cove project is being implemented under Section 107 of the Rivers and Harbors Act of 1960, as amended. In addition, this project is expected to have a substantial environmental restoration component. We are writing to request your assistance in making this project a success.

The Corps is proposing to implement a combined navigation improvement and beneficial use of dredged material project, designed to protect the harbor and channel and restore nearby wetlands. At present, the maintenance dredging of Webster's Cove occurs every 3 to 5 years and damages to commercial structures and watermen justify a federal project. In addition, the nearby area has experienced substantial tidal wetland losses, further endangering the future of the harbor and limiting available habitat. The majority of the material dredged from the Wicomico River is disposed of in conventional upland areas and this project has the chance to improve the disposal options. This project has the potential to use this material to create wetlands and habitat adjacent to the River.

The Corps is proposing to construct a jetty protecting the cove and another structure designed to use dredged material to restore a portion of the wetlands. The Corps has begun the feasibility phase of the study and is examining different jetty configurations and restoration alternatives, which include different project sizes, capacities, and restoration techniques. We would like to request your assistance in this effort by providing any relevant information or concerns regarding the Webster's Cove project area by August 15, 2000. This project is an excellent opportunity to actively address both the navigational and environmental needs of the Chesapeake Bay and show that these needs are compatible. The Corps of Engineers is committed to finding innovative solutions to both navigation and aquatic ecosystem problems. The Webster's Cove project provides an opportunity to address these critical issues in an efficient and effective manner.

If you have any questions or need further information, please contact Mr. Steven Kopecky, the study team leader, at (410) 962-3413 or email him at [steven.kopecky@usace.army.mil](mailto:steven.kopecky@usace.army.mil).

Sincerely,



Robert W. Lindner  
Chief, Planning Division



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

July 26, 2000

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

RE: Variances 2000-0228-V, 2000-0229-V, 2000-0230-V, 2000-0231-V, 2000-0233-V, 2000-0234-V, 2000-0235-V, 2000-0238-V □ Real Estate General

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 a single family dwelling on them. However, we recommend lot consolidation wherever possible. Impacts of development should be minimized and the variances requested the minimum to provide relief. The proposed houses should be designed to have the smallest footprint possible to minimize the clearing, grading and filling of non-tidal wetlands. The issue of drainage and stormwater management should be addressed. As many trees as possible should be retained on site. We recommend mitigation at a 3:1 ratio for the extensive clearing proposed within the non-tidal wetlands on each lot. Also, appropriate authorization should be obtained from the Maryland Department of the Environment prior to any final 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,

LeeAnne Chandler  
Natural Resources Planner

cc: AA361-00

Branch 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**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

July 26, 2000

Ms. Roxana Whitt  
Calvert County Planning & Zoning  
150 Main Street  
Prince Frederick, MD 20678

RE: Variance Case No. 00-2656, Mr. Thomas Dougherty

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance from the impervious surface limits to permit the conversion of a residential property to an office building and associated parking. The property is 0.33 acres in size, is designated LDA and is developed with a single family dwelling.

The permitted level of imperviousness for this parcel is 25% or 3593.75 square feet. The proposed level of imperviousness is 76% or 10,884 square feet. This office opposes the variance requested because the proposed level of impervious surface far exceeds that permitted by the County Program and Zoning Ordinance.

In order to allow the conversion of this property from residential to commercial use, it would be appropriate for the applicant to apply for growth allocation to change the Critical Area designation from LDA to IDA. Given its commercial nature and its proposed level of imperviousness, the character of this property would be consistent with IDA characteristics. Also, if it were designated IDA, stormwater management to reduce pollutants coming from the site by 10% would be required, thus improving overall water quality. It would be a small acreage request and it seems that the project is consistent with the guidelines for granting growth allocation listed in Section 4-6.07 of the County's Zoning Ordinance. Again, we recommend denial of the variance requested and recommend that the applicant obtain growth allocation for this project. Commission staff is available to assist in the timely processing of such a request.

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: CA377-00

Branch 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**

July 28, 2000

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

Ms. Charlene Morgan  
Anne Arundel County Department of Planning and Code Enforcement  
2664 Riva Road, MS 6301  
Annapolis, MD 21401

RE: Variance 2000-0187-V, Riva South Limited Partnership - ADDITIONAL COMMENTS

Dear Ms. Morgan:

As a result of the site visit which took place July 27, 2000, I would like to submit additional comments on the above referenced variance application for your consideration. The applicant is requesting a variance for a deck addition with less setbacks and Buffer than required. The property is designated LDA and is currently developed with a new large single family dwelling and detached garage. A variance was requested and granted for construction of the house in 1997 (Variance Case No. 1997-0399-V). Much of the site is encumbered by the expanded Buffer.

First, the site plan does not accurately represent the present condition of the site. There is substantially more impervious surface (e.g., driveway up to the front door, patio connection between the house and garage, stone pathways to the back of the house, etc.) than what appears on the site plan. This should be corrected. Second, as stated in previous correspondence, the variance granted in 1997 specifically denied a swimming pool and associated decking. Despite this, there has been a large impervious patio built at the back of the dwelling with a door coming from the basement level. The house was built into the slope so the first floor is approximately 12 to 15 feet off the ground in the back of the house. It was disturbing to see three separate sets of doors at first floor level. The house was built up to the previously established setback line, yet it was also built with the assumption that a variance would be granted for a deck to go even further into the Buffer. This is contrary to the previous variance decision and inconsistent with the spirit and intent of the Critical Area Law. The variance could have been avoided if the house was sited back further, such that the deck would be within the established setback line. The need for this variance is clearly self-created. **For these reasons, we recommend denial of 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: AA267-00

Branch 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**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

July 31, 2000

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

RE: Special Exceptions 2000-0035-S, 2000-0036-S, and 2000-0037-S, Annapolis Life Care, Inc.

Dear Mr. Dooley:

Thank you for providing information on the above referenced special exception applications. The applicant is requesting special exceptions to permit a nursing and care center in a planned unit development, to permit a modification to a planned unit development, and to permit the expansion of a nursing home. The site is already developed with a nursing care facility and associated parking. Existing impervious surface covers 28% of the site, already exceeding the 15% limit.

This office has no comment on the zoning use issues. However, we would like to comment on the site plan and the impervious surface calculations. Neither the site plan nor the application package include any topographical information. This should be provided in accordance with County requirements. With regard to the impervious surface calculations, this office is concerned that despite the applicant's attempt to minimize impervious areas, that the excessive impervious on this property will contribute to the degradation of water quality. Please note that the impervious numbers on the cover sheet of the site plan (Sheet 1) do not match up with those on Sheet 3. For example, the list on the cover sheet mentions "existing paved/sidewalk areas to be converted to semi-pervious pavers." These areas are not indicated on the site plan, nor do the numbers match up. This should be clarified. Pervious pavers can not be considered semi-pervious in any commercial setting where they would get heavy daily use (i.e., parking lots). Also, under "Impervious Reduction Areas" on Sheet 3, #5 states that one foot will be removed from the width of the entire 2,943 linear foot walkway. This seems to be implausible. How would the County ensure that this was done? Other "reductions" should be clarified as well.

We recommend that any expansion of use on this property be conditioned on improved stormwater management. Runoff from the all existing and proposed impervious should be managed such that there would be a net improvement in water quality. Also, any trees removed should be replaced in kind.

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

Sincerely,

LeeAnne Chandler  
Natural Resources Planner

cc: AA51-00

Branch 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**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

July 28, 2000

Ms. Bobbie Hutchison  
Calvert County Planning & Zoning  
150 Main St.  
Prince Frederick, Maryland 20678

RE: SPR 2000-44, Glascock Property Retail Center

Dear Ms. Hutchison:

This office has received the requested 10% pollutant reduction calculations on the above referenced project. I have reviewed the calculations and it appears that the existing stormwater facility will adequately treat the runoff from the proposed retail center. Thank you for providing the site plan for our review. If you have any questions, please contact me at (410) 260-3477.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: Mr. Keith E. Ulrich, COA  
CA349-00

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**

August 1, 2000

1804 West Street, Suite 100, Annapolis, Maryland 21401

(410) 260-3460

Fax: (410) 974-5338

Mr. Kevin Vienneau  
Charles County Planning  
P.O. Box 2150  
La Plata, Maryland 20646

RE: Port Tobacco Campground

Dear Mr. Vienneau:

This office has received the additional information on the proposed condominium plat for the Port Tobacco Campground. Commission staff has reviewed the new information provided. Based on this information and our discussion, we would like to submit these comments for your consideration.

1. The proposal seems to enhance the existing condition of the property through a decrease in impervious surfaces and installation of trees and shrubs. Additional planting would further enhance the property, particularly along the water.
2. We understand that the use on each of the "units" is required to be temporary. However, we are still concerned that some of the units along the waterfront are less than 35 feet in depth. When being used, impervious surfaces will be extremely close to the water. Once subdivided into condominium units, how will the usage be monitored in order to keep it temporary? Will the recreational vehicles be moved for one day and then brought back? Once individuals own the units, will anything be left from season to season? We are concerned that over time, the individual property owners will leave permanent impacts resulting in degradation of the site.
3. On the landscape plan, under "Typical RV Site" it states that all surfaces are to remain grass or permeable surfaces such as pea gravel. Pea gravel will become compacted over time to become impervious, especially when under heavy use. This should be taken into consideration. We recommend that only grass be permitted on the RV sites.

Thank you for the opportunity to further review and provide comments on this project. If you have any questions or would like further information, please contact me at (410) 260-3477.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: CS239-00

Branch 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**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

August 7, 2000

**VIA FACSIMILE**

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

RE: Special Exceptions 2000-0035-S, 2000-0036-S, and 2000-0037-S, Annapolis Life Care, Inc.

Dear Ms. Miley:

This office has received a copy of the letter sent to you by Messick & Associates in referenced to the Annapolis Life Care project. We have also received an excerpt from the revised cover sheet for the site plans, which show changes to the impervious surface calculations.

We understand that pervious pavers will not be utilized anywhere on the property, except for aesthetic reasons (where they will be considered impervious). Also, our previous concern with regard to the one foot of asphalt removed from the perimeter of the property has been addressed during a discussion with the consulting engineer. However, there are still discrepancies between the numbers on the revised cover sheet and sheet 3. The cover sheet now states that proposed impervious totals 32,283 square feet, with 7,850 square feet already being impervious. This is a net gain of 24,433 square feet. The "miscellaneous on-site impervious area reductions" total 20,914 square feet. There still appears to be a **gain** in impervious of 3,519 square feet. However, the cover sheet states that there is an impervious area reduction of 15 feet. This does not appear to be correct. This should be corrected prior to any approvals. No gain in impervious surfaces should be permitted without a variance.

Our previous comment with regard to the lack of topographical information is still valid. This information should be provided in accordance with the County requirements.

We recommend that any expansion of use on this property be conditioned on improved stormwater management. Runoff from all existing and proposed impervious should be managed such that there would be a net improvement in water quality. This office questions whether a relatively small reduction in impervious (a 1% decrease from existing conditions on Lots 2 and 3) will adequately manage or offset the runoff from all the impervious on these properties.

Thank you again 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: AA51-00

Branch 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**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

August 4, 2000

Ms. Lisa Seaman-Crawford  
Anne Arundel County Public Schools  
2644 Riva Road  
Annapolis, Maryland 21401

RE: Mayo Elementary School, Conditional Approval to Exceed Allowable Impervious Surface

Dear Ms. Seaman-Crawford:

At its meeting on August 2, 2000, the Chesapeake Bay Critical Area Commission unanimously approved the proposal to exceed allowable impervious surfaces on the existing Mayo Elementary School site. Pursuant to COMAR 27.02.06, this project required conditional approval from the Commission because it was not consistent with the Anne Arundel County Critical Area Program, specifically the strict 15% impervious surface limit.

In order to be considered by the Commission, Anne Arundel County Public Schools demonstrated that there were special circumstances (the existing school already exceeded the impervious surface limits); that the project was otherwise in conformance with the Critical Area Program; and that the project otherwise provides substantial benefits to the Critical Area Program (provisions for stormwater management and substantial native plantings).

The Commission approved the request for conditional approval based on the extent to which the project is in compliance with the Critical Area Program; the adequacy of the mitigation measures proposed and the extent to which the project (including any mitigation measures), provides substantial public benefits to the Critical Area Program. The Commission approved the request with the following conditions:

1. *The applicant shall resubmit any revisions to the project to the County (Department of Planning and Code Enforcement) for review and to the Commission for Approval.*
2. *The applicant will work with County and Commission staff regarding the use of only native species in landscaping the site.*
3. *If construction begins after the new stormwater management regulations are adopted, then the applicant will provide treatment for the first inch of rainfall in accordance with the new regulations.*

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

Ms. Lisa Seaman-Crawford

August 4, 2000

Page 2

This approval is specific to the existing Mayo Elementary School site. If any alternative sites are considered, those plans should be submitted to this office for review and possibly for conditional approval by the full Commission.

I have enclosed several lists of native plant species that are recommend for use within the Critical Area. Anne Arundel County also has recently published a list of recommended species. Please forward this information to the landscape architect that you are working with on this project. Final revised landscape plans should be submitted to the County and to this office for review.

If you have any questions or would like to discuss any of the above comments in more detail, please feel free to contact me at (410) 260-3477.

Sincerely,



LeeAnne Chandler

Natural Resources Planner

cc: Mr. Alan Levy, County Executive's Office (w/o encl.)  
Mr. Michael Lambert, KCI Technologies, Inc.  
Mr. Kevin Dooley, PACE (w/o encl.)  
Ms. Penny Chalkley, PACE (w/o encl.)  
AA364-00

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

August 1, 2000

Mr. Brian T. Soltz, AICP  
The John R. McAdams Company, Inc.  
P.O. Box 14005  
Research Triangle Park, NC 27709

RE: Dollar General Retail Store, Snow Hill, Maryland

Dear Mr. Soltz:

Thank you for your patience in awaiting our review of the proposed stormwater management for the proposed store in Snow Hill, Maryland. The proposed subdivision of the Curtis property will create Lot 4, the site of the proposed store. However, in building the store and associated parking, the existing stormwater pond for the existing development on Lot 2A (the Duck Inn) will be eliminated. Stormwater management for the Duck Inn must be addressed in some manner.

The Curtis property originally received growth allocation in 1992 to change its Critical Area designation from RCA to LDA. The file in our office included information on the proposed development of the Duck Inn, including calculations on stormwater management prepared by the Worcester Soil Conservation District. These calculations determined that stormwater management for the Duck Inn would treat the first inch of runoff for water quality for an area of 42,240 square feet.

The original Dollar General site plan and 10% calculations were reviewed for consistency with the 10% rule in May. The proposed stormwater management facility was found to adequately meet the 10% pollutant reduction requirement for the Dollar General site alone. However, treatment for the first inch of runoff from the portion of the Duck Inn site which drains to the existing stormwater pond must also be adequately treated.

In your letter of June 14, 2000, you described Dollar General's proposal for managing the Duck Inn runoff. Rather than creating a separate facility for the Duck Inn runoff, you propose to manage it together with the Dollar General runoff. By raising the riser on the extended detention pond, its volume is increased to handle runoff from both sites. Because this was an unusual case, Commission staff consulted with the Maryland Department of the Environment (MDE) to help determine the adequacy of your proposal. Based on your letter of June 14, 2000 and the revised

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Mr. Brian Soltz

August 1, 2000

Page 2

sand filter drawings and profile, it appears that your proposal will meet the 10% pollutant reduction requirement for the Dollar General site as well as provide adequate stormwater management for the Duck Inn.

As we discussed today, the stormwater report should be revised to reflect our discussions and the management of runoff from the Duck Inn. Also, a revised grading plan should be prepared which clearly indicates the drainage path from the Duck Inn site into the Dollar General stormwater facility. Please provide this information at your earliest convenience.

I apologize again for the long delay in the review of this project. If you have any questions or would like to discuss this project any further, please feel free to contact me at (410) 260-3477.

Sincerely,



LeeAnne Chandler

Natural Resources Planner

cc: Mr. Clyde Curtis  
Mr. Edward Tudor, Worcester County  
Mr. Al Cohen, Town of Snow Hill  
Ms. Tracey Green, Maryland Department of Planning  
SN190-00



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

August 9, 2000

Mr. Kevin Vienneau  
Charles County Planning  
P.O. Box 2150  
La Plata, Maryland 20646

Post-it® Fax Note	7671	Date	8/9	# of pages	1
To	Kevin Vienneau		From	LeeAnne	
Co./Dept.			Co.		
Phone #	original in the mail.		Phone #		
Fax #			Fax #		

RE: Port Tobacco Campground

Dear Mr. Vienneau:

This office has received a letter of explanation and a revised landscape plan for the proposed "Port Tobacco Resort and Campground Condominium" from the Tech Group, Inc. Additional plantings have been added to the landscape plan, further enhancing the existing condition of the property. Our previous concerns in regard to the temporary nature of the use of this property have been addressed in the additional information provided on the community covenants. Lastly, because we now understand that the site is primarily dredge spoils, the use of pea gravel where necessary to provide stability and increase infiltration seems to be a reasonable alternative. This office has no further concerns on this project. Once the plantings are installed, it seems that this proposal will actually improve the site.

If you have any questions, please contact me at (410) 260-3477.

Sincerely,

LeeAnne Chandler  
Natural Resources Planner

cc: Robert C. Boyd, The Tech Group, Inc.  
CS239-00

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



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Executive Director

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**CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

August 9, 2000

Mr. Kevin Vienneau  
Charles County Planning  
P.O. Box 2150  
La Plata, Maryland 20646

RE: Port Tobacco Campground

Dear Mr. Vienneau:

This office has received a letter of explanation and a revised landscape plan for the proposed "Port Tobacco Resort and Campground Condominium" from the Tech Group, Inc. Additional plantings have been added to the landscape plan, further enhancing the existing condition of the property. Our previous concerns in regard to the temporary nature of the use of this property have been addressed in the additional information provided on the community covenants. Lastly, because we now understand that the site is primarily dredge spoils, the use of pea gravel where necessary to provide stability and increase infiltration seems to be a reasonable alternative. This office has no further concerns on this project. Once the plantings are installed, it seems that this proposal will actually improve the site.

If you have any questions, please contact me at (410) 260-3477.

Sincerely,

LeeAnne Chandler  
Natural Resources Planner

cc: Robert C. Boyd, The Tech Group, Inc.  
CS239-00

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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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August 9, 2000

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

RE: Variance 2000-0266-V, Catherine Quade

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit dwelling additions with less setbacks than required. The property is designated LDA and is currently developed with a house and driveway.

It appears that the proposed additions to the dwelling are reasonable in size and will extend only four feet closer to the water. Also, it appears that the waterfront addition will be placed over existing (grandfathered?) impervious surface. Provided that impacts are minimized during the course of construction and that the brick patio was built with proper permits, this office does not oppose the variance requested. We recommend mitigation at a 3:1 ratio for all new disturbance within the Buffer and 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: AA383-00

Branch 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) 260-3460 Fax: (410) 974-5338

August 9, 2000

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

RE: Variance 2000-0288-V, James Muell

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 IDA and is currently developed with a house, garage and driveway.

Because there are no Habitat Protection Areas impacted by this proposal, this office has no comment on the setback issue. This lot is designated IDA, therefore the 10% pollutant reduction rule should 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,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: AA396-00

Branch 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) 260-3460 Fax: (410) 974-5338

August 9, 2000

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

RE: Variance 2000-0283-V, Wendell & Sarah Powell

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit an above ground pool with less setbacks than required. The property is designated IDA and is currently developed with a house and driveway.

Because there are no Habitat Protection Areas impacted by this proposal, this office has no comment on the setback issue. This lot is designated IDA, therefore the 10% pollutant reduction rule should 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: AA395-00

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



Judge John C. North, II  
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(410) 260-3460 Fax: (410) 974-5338

August 9, 2000

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

RE: Variance 2000-0280-V, Joe Brennan

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 with less setbacks than required. The property is designated LDA and is currently developed with a house and driveway.

Because impervious surfaces are not an issue and because there are no impacts to Habitat Protection Areas, this office has no comment on the setback issue. Vegetation removed in the course of construction should be replaced in kind.

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

Sincerely,

LeeAnne Chandler  
Natural Resources Planner

cc: AA393-00

Branch 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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1804 West Street, Suite 100, Annapolis, Maryland 21401  
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August 9, 2000

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

RE: Variance 2000-0281-V, William Hubers

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a pier with less setbacks than required and closer to the center of the creek than allowed. The property is designated LDA and is currently developed with a house, driveway and pier.

This office defers to the Maryland Department of the Environment and the County on pier setback and distance requirements. Proper authorization for pier expansion should be obtained from MDE prior to any final 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,

  
LeeAnne Chandler  
Natural Resources Planner

cc: AA394-00

Branch 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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August 14, 2000

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

RE: Variance 2000-0256-V, Dorothy Butz

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 and with disturbance to steep slopes. The property is designated IDA and is currently developed with a house, deck, pool, and driveway.

This office often does not oppose attached decks, provided they are reasonable in size and that impacts are minimized. The site plan provided does not include detailed topographical information and it is difficult to assess the amount of intrusion on steep slopes. It appears that there already is an existing deck and a pool. It would seem that the proposed use is already provided for in the existing deck. If the deck is approved, we recommend that the footers be hand dug and that mitigation be provided at a 3:1 ratio for all new disturbance within the Buffer and 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,

LeeAnne Chandler  
Natural Resources Planner

cc: AA381-00

Branch 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) 260-3460 Fax: (410) 974-5338

August 14, 2000

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

RE: Variance 2000-0268-V, Craig and Debra Ann White

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 with disturbance to steep slopes. The property is designated LDA and is currently developed with a house, shed, and driveway.

This office often does not oppose dwelling additions which provide a reasonable expansion of living space while minimizing impacts. The existing house is not small in size, though it is not overly large in this neighborhood of mixed housing types and sizes. The proposed addition will add 416 square feet to the footprint of the dwelling. (There is also a shed on the property on the northern side of the dwelling which is not shown on the site plan.) It is not clear from the information provided why construction of a 416 square foot addition and a 160 square foot deck will disturb so much of the site. The fourth bullet under #3 on the Critical Area report states that "Construction will disturb no more than 3000 sq. feet" but then continues to say "Approximately 4300 square feet will be disturbed in the construction process." This should be clarified. Impacts of construction should be the minimum necessary, including hand digging the footers if possible. If approved, we recommend mitigation for new disturbance in 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 in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler  
Natural Resources Planner

cc: AA385-00

Branch 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**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

August 15, 2000

RE: Anne Arundel County Judicial Appeal  
/§8-1812(a) Notice

Dear Commission Member:

On August 10, 2000 we filed a Petition for Judicial Review stating our intent to appeal the variances granted to Steven Andraka (Anne Arundel Board of Appeals Case No. BA66-99V).

I believe that the decision of the Anne Arundel County Board of Appeals improperly approved the request. The applicant requested variances to permit construction of a dwelling with less Buffer than required and with disturbance to steep slopes. The applicant is the contract purchaser of a 2.3 acre undeveloped, forested lot. The lot has irregular boundaries and is shaped like a "dumbbell" with one bulbous end along the road and the other at the waterfront. The lot is shaped in such a way that there were two potential house locations. One is located within the expanded Buffer and steep slopes approximately 100 feet from the water. In order to access the house in this location the driveway would be 400 feet long (totaling 4000 square feet in size) and cross steep slopes and the 100-foot Critical Area Buffer. The alternative location is not within the Buffer, although its location adjacent to the road is partially within an area of steep slopes. The applicant proposed to develop the house in the former location, necessitating a number of variances. Commission staff provided written and verbal testimony at the Board's hearing in opposition to the proposed Buffer disturbance based on the fact that it could be avoided by using the alternative location.

The Board of Appeals approved the requested variances for the house location adjacent to the water, finding that the applicant would otherwise be denied a water view from his residence resulting in denial of reasonable and significant use of the property. The Board also found that the selected site would have fewer environmental impacts. Our analysis indicates otherwise, but the more troubling aspect of the Board's decision is the creation of a guaranteed property right to have a water view. State law does not waive Buffer requirements in order to guarantee waterfront property owners the right to view the water from their residences.

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

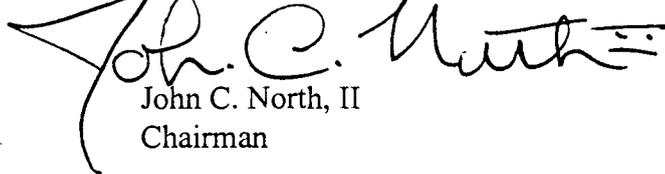
August 15, 2000

Page Two

In accordance with Natural Resources Article §8-1812, Annotated Code of Maryland, copy enclosed, if you disapprove of my action in this case, please notify me in writing within 35 days after the date of this notice. As provided in §8-1812, if 13 members of the Commission indicate disapproval of my action in a timely manner, I shall withdraw the action initiated. Please note the other procedural safeguards set forth in §8-1812.

Thank you for your anticipated cooperation. The full Commission file on this matter is available at the Commission office for your review. If you have questions or need additional information, please contact Ms. LeeAnne Chandler at (410) 260-3477.

Very truly yours,

A handwritten signature in black ink that reads "John C. North, II". The signature is written in a cursive style with a large, sweeping initial "J".

John C. North, II  
Chairman

JCN/LAC/jjd

Enclosure

cc: Marianne D. Mason, Esquire



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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

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August 15, 2000

Mr. Rudy Espinoza  
Worcester County Department of  
Development Review & Permitting  
Room 116, Courthouse  
One West Market Street  
Snow Hill, Maryland 21863

RE: Dollar General Retail Store, Snow Hill, Maryland

Dear Mr. Espinoza:

The Critical Area Commission has received the final site plan and stormwater calculations for the proposed Dollar General Retail Store in Snow Hill. Based on a review of the calculations and the site plan, this office has found that the 10% pollutant reduction requirements have been adequately addressed. This includes the management of stormwater coming from the Duck Inn property. Because the 10% rule is the primary Critical Area requirement within Intensely Developed Areas, this office is satisfied that all Critical Area requirements have been met.

If you have any questions or would like to discuss this matter further, please contact me at (410) 260-3477.

Sincerely,

LeeAnne Chandler  
Natural Resources Planner

cc: Tracey Greene  
Brian Soltz  
Al Cohen  
Clyde Curtis  
SN190-00

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Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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August 23, 2000

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

RE: Variance 2000-0270-V, Reynold Brenna

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 in the front yard and with less setbacks and Buffer than required. The property is designated IDA and is currently developed with a house, garage, an enclosed detached patio and driveway.

The application is not clear as to whether the proposal is to simply enclose an existing covered area or remove it and replace it. It seems that the proposal is the latter due to the addition of concrete foundation and a roof extension. Regardless, this office cannot support the variance requested. The County Code, 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 strict language, the proposed new "sun porch" 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 this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

  
LeeAnne Chandler  
Natural Resources Planner

cc: AA386-00

Branch 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 21, 2000

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

RE: Variance 2000-0267-V, Ezio Casalena

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit an inground swimming pool with less Buffer than required and with disturbance to steep slopes. The property is designated LDA and is currently developed with a house, deck and driveway.

This office opposes the variance requested. This proposal does not meet the required standards, individually or in general, for granting of a variance within the Critical Area. We believe that denial of the variance does not create an unwarranted hardship for the applicant. As stated in *Belvoir Farms V. North*, 355 Md. 259 (1999), the unwarranted hardship standard, and its similar manifestations, are equivalent to the denial of reasonable and significant use of the property. The use of the entire property must be considered when determining whether a property owner has been denied reasonable and significant use of his property. In this case the applicant enjoys the use for which the property is zoned, i.e., a residence, as well as access to the water via a community open space area. Use of the property as a whole should be considered, rather than whether a particular structure is a reasonable and significant use. If the entirety of the property and other factors in this case are examined, it is clear that denial of the variance would not constitute an unwarranted hardship.

This property is located in the "Waterford" subdivision, a subdivision approved after the County's Critical Area Program was in place. It is part of the Halle Enterprises/Asquith Farm Planned Unit Development (local number S348-88). This is not a grandfathered lot. The desire for accessory structures by individual property owners should have been considered in the original design of the community. The community is made up of large, well-kept homes with very wide streets. The houses vary in distance from the street. The subject lot is located in a section where the homes are set back 50 feet from the street. During a site visit and drive through the neighborhood, only one pool was observed in the entire neighborhood. According to the Critical Area maps, it appears that pool is located outside of the Critical Area on a relatively flat lot. A swimming pool is not a right commonly enjoyed. Rather, the granting of this variance would confer a special privilege to the applicant. Installation of a pool would

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Mr. Kevin Dooley  
August 15, 2000  
Page 2

disturb steep slopes, which is prohibited within the Limited Development Area. Similarly, it appears that if neighboring property owners proposed swimming pools, they also would need variances from the steep slope requirements. Approval of a swimming pool in this community would open the door to many similar requests.

Granting of this variance would not be consistent with the spirit and intent of the Critical Area Law and Criteria. The State Criteria and the County's Zoning Ordinance expressly prohibit development activities on slopes of 15% or greater unless the project is the only effective way to maintain or improve the stability of the slope. The slope appears to be stable in its current condition. Also, the lack of topographical detail on the site plan makes it difficult to assess the total impact to steep slopes or if there is an alternative location for the swimming pool that would not need a variance. This information should be provided and an alternative location should be explored.

As stated previously, the applicants already enjoy reasonable use of the property. There is no unwarranted hardship in this case. A pool would be very unusual in this neighborhood and is not a standard amenity. A pool is not a right commonly enjoyed. Granting of this variance would confer a special privilege to this applicant.

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: Marianne D. Mason, Esq.  
AA384-00



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401  
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August 21, 2000

Ms. Roxana Whitt  
Calvert County Planning & Zoning  
150 Main Street  
Prince Frederick, MD 20678

RE: Variance Case No. 99-2663, Fred Phalen

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 with well, septic, deck and garage on steep slopes within the Buffer and with greater disturbance 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. The site plan does not indicate the proposed limits of disturbance. This should be clarified. The proposed dwelling appears to be large in size as compared to others in the neighborhood. It seems that intrusion into the Buffer could be reduced through a redesign of the house with a smaller footprint. Also, we recommend that only a deck be permitted on the back of the house, such that the surface beneath the deck would remain pervious. The patio, as proposed, will be as close as 50 feet to the water. Alternatively, the deck could be placed to the northeastern side of the house. This office recommends that the applicant explore alternative designs for this site. 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,

LeeAnne Chandler  
Natural Resources Planner

cc: CA401-00

Branch 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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August 21, 2000

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

RE: Variance 2000-0291-V, Eileen Lawry

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 has a split designation of LDA and RCA and is currently developed with a house, shed and driveway.

It appears that the Buffer has been expanded for hydric soils to encompass the entire site. The addition is a minimum of 105 feet from the tidal wetlands and 54 feet from the non-tidal wetlands. The proposed addition is significant in size. While this office often does not oppose additions which provide a reasonable expansion of living space, we recommend that, if possible, some or all of the addition be built no closer to the water than currently exists. If approved, we recommend mitigation at a 3:1 ratio for all new disturbance in the Buffer.

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

Sincerely,

LeeAnne Chandler  
Natural Resources Planner

cc: AA397-00

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Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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August 22, 2000

Ms. Roxana Whitt  
Calvert County Planning & Zoning  
150 Main Street  
Prince Frederick, MD 20678

RE: Variance Case No. 99-2664, Donn Holt and Raymonde Holt

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance request. The applicants are requesting a variance to build a single family dwelling with well, septic, deck and garage on steep slopes within the Buffer. 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. Much of the site is within the Buffer and it seems that the lot could not be developed without a variance. However, the variance should be the minimum necessary to provide relief. It seems that some minor modifications to the house design could further reduce impacts to the Buffer. For example, if the garage were incorporated into the house (i.e., instead of protruding forward of the house), the entire house could be moved towards the street. This would increase the distance between the limits of disturbance (the proposed earth dike) and the shoreline. Also, it appears that a differently shaped house (a square shaped footprint instead of a rectangular one) may also reduce impacts. The house should be designed according to the constraints of the site. Mitigation should be provided at a 2:1 ratio for all disturbance within the Buffer and at a 1.5 to 1 ratio outside of 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,

LeeAnne Chandler  
Natural Resources Planner

cc: CA402-00

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Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

August 22, 2000

Ms. Roxana Whitt  
Calvert County Planning & Zoning  
150 Main Street  
Prince Frederick, MD 20678

RE: Variance Case No. 99-2664, Mr. & Mrs. Roland Case

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance request. The applicants are requesting variances to build a large single family dwelling on slopes of 15% or greater, within the expanded Buffer, and to clear more than 30% of the lot during construction. The lot is 1.33 acres in size, is designated LDA and is currently undeveloped. Mrs. Case contacted this office to discuss the site plan in late July.

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 and any variance requested should be the minimum to provide relief. The applicants are requesting multiple variances. It clearly appears that impacts could be reduced such that some or all of the variances would be unnecessary.

First, it appears that the lot could be developed with a dwelling without a variance if the house were brought towards the street. As proposed, the house is 128 feet from the street, far exceeding the 60 foot building setback. Moving the house towards the street would significantly reduce clearing and grading and remove all impacts to the Buffer and to steep slopes. We understand that the applicant is concerned with maintaining the same setback as neighboring homes. Nonetheless, we recommend the house be moved towards the street.

Notwithstanding the above, there are other opportunities to reduce impacts. The applicants are proposing an excessive amount of clearing and grading around the proposed house site. They propose to flatten a steep slope ("removing the stockpile from previous excavation") for convenience or aesthetic purposes. How recent was the previous excavation? It has to be many years ago if trees have grown up on this "stockpile". The steep slopes should remain in their vegetated state and limits of disturbance should be the minimum necessary for construction. Also, the circular driveway in the front yard is unnecessary and as proposed, it does not even include a walkway from the driveway to the front door. If a walkway is proposed, it should be shown on the site plan. A rough calculation of the square footage of a walkway from the circular

Branch Office: 31 Creamery Lane, Easton, MD 21601  
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Ms. Roxana Whitt  
August 22, 2000  
Page 2

drive to the front porch resulted in an impervious increase of 100 square feet. An additional 100 square feet of impervious would necessitate yet another variance, one to exceed the impervious surface limits.

It seems that changes to the house design could greatly reduce impacts. As proposed, the house is 95 feet long. The proposed location on the lot simply cannot accommodate a house of that size and shape. If the house were redesigned according to the constraints of the site (i.e., to avoid the steep slopes and expanded Buffer), there would be no need for the variances. On any proposed house, we recommend that the impervious patios be replaced with pervious decks. With such a large amount of clearing and grading, how will stormwater management be addressed? This should be clarified.

Again, as stated previously, this office does not oppose the siting of a single family dwelling on this lot. However, there are numerous opportunities to reduce impacts and we strongly recommend that the applicants redesign the house according to the constraints of the site. This is clearly a situation where reasonable and significant use of the property can be provided without numerous variances. There is no unwarranted hardship in this case.

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: CA403-00



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401  
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August 21, 2000

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 the revised site plan for 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. As proposed, over 68% of the site will be cleared and graded, with the potential for additional grading if the backup drainfield is needed. This amount of clearing and grading is excessive. Have alternative septic designs been explored? Has the applicant consulted with the County Health Department? How will stormwater management be addressed? This office recommends that the applicant explore alternative designs for this site. As proposed, impacts are not the minimum necessary to provide relief. 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,

LeeAnne Chandler  
Natural Resources Planner

cc: CA365-99

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Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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August 21, 2000

Ms. Roxana Whitt  
Calvert County Planning & Zoning  
150 Main Street  
Prince Frederick, MD 20678

RE: Variance Case No. 99-2663, Fred Phalen

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 with well, septic, deck and garage on steep slopes within the Buffer and with greater disturbance 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. The site plan does not indicate the proposed limits of disturbance. This should be clarified. The proposed dwelling appears to be large in size as compared to others in the neighborhood. It seems that intrusion into the Buffer could be reduced through a redesign of the house with a smaller footprint. Also, we recommend that only a deck be permitted on the back of the house, such that the surface beneath the deck would remain pervious. The patio, as proposed, will be as close as 50 feet to the water. Alternatively, the deck could be placed to the northeastern side of the house. This office recommends that the applicant explore alternative designs for this site. 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,

LeeAnne Chandler  
Natural Resources Planner

cc: CA401-00

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Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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August 22, 2000

Ms. Roxana Whitt  
Calvert County Planning & Zoning  
150 Main Street  
Prince Frederick, Maryland 20678

RE: Variance Case No. 00-2643, Vacation Estates

Dear Ms. Whitt:

Thank you for providing the revised site plan for the above referenced variance application. The applicants are requesting a variance to permit construction of a large single family dwelling and garage on steep slopes within the waterfront Buffer. The property is designated LDA and is currently undeveloped.

It is our understanding that this parcel was left over from the platting of the White Sands subdivision. Because the subdivision occurred prior to zoning rules, this left over parcel is recognized as a grandfathered parcel by the County. Given its grandfathered status, this office does not oppose the siting of a single family dwelling on it. However, development of this lot should minimize impacts as much as possible. Our previous comments on this case dated May 30, 2000 are still applicable as no changes have been made to the site plan. Please refer to those comments (copy attached) for our recommendations.

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: CA251-00

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

Ren Serey  
Executive Director

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

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August 22, 2000

Ms. Roxana Whitt  
Calvert County Planning & Zoning  
150 Main Street  
Prince Frederick, Maryland 20678

RE: Variance Case No. 00-2643, Vacation Estates

Dear Ms. Whitt:

Thank you for providing the revised site plan for the above referenced variance application. The applicants are requesting a variance to permit construction of a large single family dwelling and garage on steep slopes within the waterfront Buffer. The property is designated LDA and is currently undeveloped.

It is our understanding that this parcel was left over from the platting of the White Sands subdivision. Because the subdivision occurred prior to zoning rules, this left over parcel is recognized as a grandfathered parcel by the County. Given its grandfathered status, this office does not oppose the siting of a single family dwelling on it. However, development of this lot should minimize impacts as much as possible. Our previous comments on this case dated May 30, 2000 are still applicable as no changes have been made to the site plan. Please refer to those comments (copy attached) for our recommendations.

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: CA251-00

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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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August 23, 2000

Ms. Charlene Morgan  
Anne Arundel County Department of Planning and Code Enforcement  
2664 Riva Road, MS 6301  
Annapolis, MD 21401

RE: Variance 2000-0218, Scott Bateman

Dear Ms. Morgan:

This office would like to rescind the previous comments dated July 6, 2000 that we submitted on the above referenced variance application. The applicant in this case is requesting a variance to permit a deck addition with less setbacks and Buffer than required and with disturbance to steep slopes. The property is designated LDA and is currently being developed with a single family dwelling. Construction of the dwelling required a variance to the expanded Buffer requirements.

Commission staff has visited the site. The site has been developed with a large house and grading has occurred around the house. The house is larger than the neighboring homes and appears out of character with the neighborhood. The house was constructed with two sliding doors. One is at basement level and the other is the first floor level. The basement door is currently about one foot above grade. There are indications that the ground has not been properly stabilized. The ground has sunk in the southwestern corner of the house such that approximately two feet of below grade foundation is visible.

The house was built up to the setback line as established by the previous variance approval. It was also built with the assumption that a variance would be granted for a deck to go even further into the Buffer. This is contrary to the previous variance decision and inconsistent with the spirit and intent of the Critical Area Law. The need for this variance could have been avoided if the house were redesigned and perhaps made smaller, such that the deck would be within the established setback line. The need for this variance is clearly self-created. Any further disturbance of the area waterward of the house should be avoided.

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

Sincerely,

LeeAnne Chandler  
Natural Resources Planner

cc: AA321-00

Branch 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**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

August 24, 2000

Ms. Elsa Ault  
Charles County Planning  
P.O. Box  
La Plata, Maryland 20646

RE: Woodland Point, Lot 57, SFD 00-0641

Dear Ms. Ault:

Thank you for providing information on the above referenced building permit application. The site is designated RCA and is 2.44 acres in size. Based on the site plan, it appears that the proposed development of this lot is fully consistent with the Charles County Critical Area Program.

Thank you for the opportunity to review this plan.

Sincerely,

LeeAnne Chandler  
Natural Resources Planner

cc: CS410-00

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

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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August 24, 2000

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

RE: Variance 2000-0301-V, Alvin White

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 must be minimized and the variance requested the minimum to provide relief. This property is a total of 2.05 acres in size with 1.16 acres within the Critical Area. A stream runs through the length of the property. The house is sited within the Critical Area on steep slopes in the 100-foot Buffer and expanded Buffer. There is an area outside of the Critical Area that is suitable for a house site that would likely not require any variances.

This office opposes the variance requested. As stated in the Critical Area report, the site has many sensitive features and it appears that constructing a house anywhere within the Critical Area portion of the property would require a variance. However, there is a location on this property that would allow significant and reasonable use of the property (a residence) without the need for a variance. We strongly recommend that the house be sited outside of the Critical Area in the relatively flat area at the edge of the trees outside of the 50-foot stream buffer. No impacts to Critical Area resources would occur. The Critical Area report states that this area was not suitable because it is lower in elevation and "tends to collect a lot of water." However, as indicated on wetland determination sheet four, it is not a non-tidal wetland. As is apparent in many other cases throughout the County, these areas can be developed with significantly sized dwellings. The reason given for not building in this area is not sufficient to justify the extensive impacts within the Critical Area portion of the site.

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Mr. Kevin Dooley  
August 24, 2000  
Page 2

We disagree that building on the chosen site within the Critical Area "will actually have the least impact on the environment because of its distance from the sensitive features." Building on the chosen site will necessitate a 360 foot long driveway which impacts steep slopes and the 100-foot Buffer. Significant grading is proposed around the house including a significant cut into the steep slopes. The Critical Area report states that runoff is currently captured by the leaf litter and vegetation. Construction of the house and driveway will disrupt the natural management of runoff through clearing and grading and require stormwater management. The site outside of the Critical Area is partially cleared and relatively flat. It simply does not make any sense to build in the proposed location.

Again, this office recommends denial of the variance requested. There is no unwarranted hardship in this case. The need for the variance is self-created by the choice of location for the house. Denial of the variance would not deprive the applicant of rights commonly enjoyed but rather would confer a special privilege because all property owners within the Critical Area must minimize impacts to Critical Area resources. Approval of the variance would not be consistent with the spirit and intent of the Critical Area Program. Based on the failure to meet any of the strict variance standards, we must oppose the applicant's request.

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: AA412-00



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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**CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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August 24, 2000

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

RE: Variance 2000-0299-V, Patricia Krebs

Dear Mr. 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 and Buffer than required. The property is designated LDA and is currently developed with a condominium unit.

This office has reviewed numerous variance applications in this condominium development. All previous applications have been for construction of attached decks. This office has not opposed those applications. This variance request for a shed on the deck may start a new trend in the neighborhood. Considered by itself, it appears to be a minimal request and, based on the size of the structure, it may be a portable Rubbermaid type of storage cabinet. Are there any alternative locations for the shed such that a variance would not be necessary? Are impervious surface limits an issue in this case? Because of the development being a condo, were there any restrictions on placement of addition impervious surfaces by individual unit owners? Provided that impervious surfaces are not an issue and given its size and portability, this office does not oppose the variance requested. However, if it is approved, we would recommend that it be removed should the condo ever be sold to new owners. Also, mitigation should be provided at a 3:1 ratio for the new impervious 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: AA414-00

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



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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August 24, 2000

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

RE: Variance 2000-0302-V, Lisa Callaway & Jane Burton

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 LDA and is currently developed with a house and driveway.

Because impervious surfaces are not an issue and because there are no impacts to Habitat Protection Areas, this office has no comment on this setback variance. Vegetation removed in the course of construction should be replaced in kind. Because this lot is Buffer Exempt, mitigation should be provided for the new impervious surfaces outside of the Buffer 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: AA416-00

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

Judge John C. North, II  
Chairman



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August 24, 2000

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

RE: Variance 2000-0301-V, Doris Steadman-McGuckian

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 more impervious than allowed. The property is designated LDA and is currently developed with a house, attached deck, shed and driveway.

The applicant in this case would like to enclose the existing deck to make a screened porch. The letter of explanation states that they would exceed their 25% impervious area by a little over 300 square feet. The lot size is 17,500 square feet. We understand that the County has been using and has recently officially adopted new ordinance language that would allow up to 31.25% impervious coverage (in accordance with SB657, passed by the General Assembly in 1996) on a lot of this size. Therefore, it appears that a variance should not be needed in this case. If this conclusion is not correct, please contact me and I will re-analyze the information provided and send comments.

Thank you for the opportunity to review this application.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: AA415-00

Branch Office: 31 Creamery Lane, Easton, MD 21601  
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August 24, 2000

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

RE: Variance 2000-0298-V, Robert D. Ward

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 developed with a house, shed and driveway.

Because the new dwelling will be placed on the footprint of the existing dwelling with no further encroachment into the Buffer, this office does not oppose the variance requested. However, because this lot is designated IDA, the 10% pollutant reduction rule must be addressed. Usually on lots of this size, plantings are sufficient to meet this requirement. The Buffer should be a priority location for the plantings. Also, since the house will be close to the water, we recommend that gutters and downspouts direct runoff away from 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: AA413-00

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

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



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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August 24, 2000

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

RE: Variance 2000-0304-V, Edward Dobrzykowski

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 IDA and is currently developed with a house and driveway.

Because there are no impacts to Habitat Protection Areas, this office has no comment on this setback variance. However, because this lot is designated IDA, 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: AA417-00

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

Judge John C. North, II  
Chairman



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Executive Director

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August 28, 2000

Ms. Charlene Morgan  
Anne Arundel County Department of Planning and Code Enforcement  
2664 Riva Road, MS 6301  
Annapolis, MD 21401

RE: Special Exception 2000-0216-S and Variance 2000-0217-V, Anne Arundel County

Dear Ms. Morgan:

Thank you for providing information on the above referenced special exception and variance. The applicant, Anne Arundel County Department of Public Works, is requesting a special exception to permit modifications to an existing public utility and a variance to permit a public utility with less setbacks and Buffer than required. The property has a split designation of LDA/IDA, with the majority of the area being IDA.

The entirety of the 0.644 acre property is located within the expanded Buffer to a tributary stream. The tributary stream flows into Warehouse Creek, a tributary to the South River. The proposal includes significant expansion to the existing pumping station, additional paving along Mayo Road and construction of a stormwater management facility. Optimally, the pumping station would be moved to a location outside of any sensitive areas. This particular tributary stream has recently been disrupted by a drain pipe installation project under Washington Avenue. Another stream feeding to Warehouse Creek was disrupted in the recent past for drainage improvement from the large townhouse community being constructed across Mayo Road. The planned improvements to Route 2 also includes a large stormwater facility which will outfall into Warehouse Creek. This office is concerned that further impact to this area will exacerbate existing sedimentation and water quality problems in the Creek.

Notwithstanding the above, it seems that relocating the pumping station would be prohibitively expensive and impractical. We do not oppose the variance requested, but we remain concerned about the impacts to the stream on site. We recommend that the limits of disturbance be kept as close to the proposed fence behind the pumping station as possible. It is not clear why it is necessary to clear in the area of steep slopes directly behind the building. Existing vegetation should be avoided and it should be supplemented with additional plantings where possible. Ideally, the remaining area between the fence and the stream should be heavily planted with trees and shrubs such that some Buffer functions remain.

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Ms. Charlene Morgan  
August 28, 2000  
Page 2

With regard to stormwater management, the 10% pollutant reduction calculations were reviewed and it appears that the proposed stormwater management pond will fulfill this requirement.

This office recommends mitigation at a 3:1 ratio for all new disturbance within the Buffer. The proposed "conceptual landscaping" may contribute to this requirement, provided native species are used. As stated previously, as much as existing vegetation as possible should be retained and the area between the fence and the stream should be heavily vegetated.

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: AA320-00

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

September 7, 2000

Ms. Tracey L. Greene  
Maryland Department of Planning  
201 Baptist St., Box 24  
Salisbury, Maryland 21801

RE: Town of Snow Hill Drainage Project

Dear Ms. Greene: *Tracey*

Thank you for providing the consistency report and background information for the above referenced project. Based on the information provided, the project will be fully consistent with the Town's Critical Area Program.

Sincerely,

*LeeAnne Chandler*  
LeeAnne Chandler  
Natural Resources Planner

cc: SN429-00

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

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



Judge John C. North, II  
Chairman



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Executive Director

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(410) 260-3460 Fax: (410) 974-5338

September 8, 2000

Ms. Olivia Vidotto  
Calvert County Planning & Zoning  
150 Main Street  
Prince Frederick, Maryland 20678

RE: MSD-00-18, Avondale, Lot 8

Dear Ms. Vidotto:

Thank you for providing information on the above referenced subdivision. Commission staff has reviewed the information provided. It appears that the proposed subdivision is consistent with the County's Critical Area Program and regulations. Because this new lot is designated IDA, the 10% pollutant reduction rule should be addressed at the time of development.

Thank you for the opportunity to comment. Please include this letter in the file for this subdivision. If you have any questions or concerns, please contact me at (410) 260-3477.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: CA411-00



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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September 11, 2000

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

RE: Variance 2000-0249-V, Valentine and Margaret Schiller - ADDITIONAL COMMENTS

Dear Mr. Dooley:

I would like to submit follow-up comments on the above referenced case. Several details of the proposed development have come to our attention. It is our understanding that this proposal had received a variance in 1996 from the County Board of Appeals after several revisions to the proposed plan were made. The time has expired on the previous variance and a new variance is necessary. The design of development of this lot seems to be limited by the septic system and its distance requirements.

We remain concerned about the short distance between the house and the water as well as the extent of proposed clearing. However, it appears that alternative designs have been explored and unfortunately rejected due to health department requirements. Barring any innovative septic systems, this office is unaware of possible alternatives for site design. Clearing and grading around the proposed house should be kept to a minimum. We recommend mitigation at a 3:1 ratio for all disturbance to this site.

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

Sincerely,

LeeAnne Chandler  
Natural Resources Planner

cc: AA352-00



Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

September 13, 2000

Ms. Tracey L. Greene  
Maryland Department of Planning  
201 Baptist St., Box 24  
Salisbury, Maryland 21801

RE: Town of Snow Hill - Chesapeake Bay Gateways Project

Dear Ms. Greene:

Thank you for providing the consistency report and background information for the above referenced project. Public access and public education certainly are encouraged by the Town's Critical Area program. The Gateways project appears to accomplish both of these things while also improving water quality.

Provided that the 10% pollutant reduction rule is addressed, the project will be consistent with the Town's Critical Area program. The information provided describes an existing stormwater management problem on the parking lot. As discussed, piping the stormwater into the Town's water treatment system will not be permitted by the Department of Public Works. We are concerned that the existing stormwater problem will not be adequately addressed. Given that correction of this problem was a substantial reason for award of the grant, it seems that additional planning and design needs to occur prior to any construction. Any finding of consistency should be made contingent on adequately addressing the documented stormwater problem.

Thank you for the opportunity to review this project. Please contact me if you would like to discuss the stormwater issue in further detail.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: SN428-00

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



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Ren Serey  
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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September 15, 2000

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

RE: Variance 2000-0317-V, Richard Adams

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit additions for access with less setbacks than required. The property is designated IDA and is currently developed with a house and driveway.

Because there are no habitat protection areas which would be impacted, this office has no comment on this setback variance. Because the lot is designated IDA, the 10% pollutant reduction rule should be addressed. Usually, on lots of this size, plantings are sufficient to meet this requirement.

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: AA472-00

Branch 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) 260-3460 Fax: (410) 974-5338

September 15, 2000

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

RE: Variance 2000-0303-V, Charles Herron

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 house and driveway.

Because there are no habitat protection areas that would be impacted, this office has no comment on this setback variance. Vegetation which is removed in the course of construction should be replaced in kind.

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: AA468-00

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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1804 West Street, Suite 100, Annapolis, Maryland 21401  
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September 15, 2000

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

RE: Variance 2000-0324-V, Ann Parks

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit dwelling additions with less setbacks than required. The property is designated LDA and is currently developed with a house and two sheds.

Information was not provided on the amount of existing impervious surface and it is difficult to determine from the site plan. Provided that impervious surfaces do not exceed the permitted amount (i.e., this should be clarified), this office has no comment on the setback variance. Vegetation which is removed in the course of construction should be replaced in kind. Also, areas where impervious surfaces are removed should be revegetated to ensure perviousness.

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: AA478-00

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



Judge John C. North, II  
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September 15, 2000

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

RE: Variance 2000-0308-V, John Gardiner

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 IDA and is currently developed with a house, garage (to be replaced), and two sheds.

Because there are no habitat protection areas which would be impacted, this office has no comment on this setback variance. Because the lot is designated IDA, the 10% pollutant reduction rule should be addressed. Usually, on lots of this size, plantings are sufficient to meet this requirement. Also, mitigation for new impervious surfaces on this Buffer Exempt lot should be provided 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: AA469-00

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



Ren Serey  
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September 15, 2000

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

RE: Variance 2000-0317-V, Richard Adams

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit additions for access with less setbacks than required. The property is designated IDA and is currently developed with a house and driveway.

Because there are no habitat protection areas which would be impacted, this office has no comment on this setback variance. Because the lot is designated IDA, the 10% pollutant reduction rule should be addressed. Usually, on lots of this size, plantings are sufficient to meet this requirement.

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,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: AA472-00

Branch Office: 31 Creamery Lane, Easton, MD 21601  
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(410) 260-3460 Fax: (410) 974-5338

September 15, 2000

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

RE: Variance 2000-0127-V, Albert Lee - Board of Appeals Case BA51-00V

Dear Ms. Diffenderfer:

This office has received the most recent site plan (Sept. 2000) for 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 developed with a single family dwelling, septic system and driveway.

This office does not oppose redevelopment of this lot provided impacts are minimized and the variance requested the minimum to provide relief. The applicant received a variance (Variance 1999-0240-V) for this property in July 1999. Subsequently, the design was changed and a new variance was necessary. The redesign had more impacts than the original and this office could not support the variance requested (Variance 2000-0127-V). The current design is similar to the originally approved design with additional features such as pervious pavers for the driveway. This office does not oppose the variance requested.

We recommend mitigation at a 3:1 ratio in the form of native plantings for all new impervious surfaces. Also, areas where impervious surfaces are removed should be revegetated to ensure perviousness.

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

Sincerely,

LeeAnne Chandler  
Natural Resources Planner

cc: AA327-99

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**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

September 15, 2000

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

RE: Variance 2000-0303-V, Charles Herron

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 house and driveway.

Because there are no habitat protection areas that would be impacted, this office has no comment on this setback variance. Vegetation which is removed in the course of construction should be replaced in kind.

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: AA468-00

Branch 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**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

September 15, 2000

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

RE: Variance 2000-0324-V, Ann Parks

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit dwelling additions with less setbacks than required. The property is designated LDA and is currently developed with a house and two sheds.

Information was not provided on the amount of existing impervious surface and it is difficult to determine from the site plan. Provided that impervious surfaces do not exceed the permitted amount (i.e., this should be clarified), this office has no comment on the setback variance. Vegetation which is removed in the course of construction should be replaced in kind. Also, areas where impervious surfaces are removed should be revegetated to ensure perviousness.

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: AA478-00

Branch 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**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

September 15, 2000

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

RE: Variance 2000-0308-V, John Gardiner

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 IDA and is currently developed with a house, garage (to be replaced), and two sheds.

Because there are no habitat protection areas which would be impacted, this office has no comment on this setback variance. Because the lot is designated IDA, the 10% pollutant reduction rule should be addressed. Usually, on lots of this size, plantings are sufficient to meet this requirement. Also, mitigation for new impervious surfaces on this Buffer Exempt lot should be provided 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: AA469-00

Branch 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**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

September 15, 2000

Ms. Elsa Ault  
Charles County Office of Planning  
P.O. Box 2150  
La Plata, MD 20646

RE: Variance #1013, Frank & Nancy Roach

Dear Ms. Ault:

Thank you for providing information on the above referenced variance request. The applicant is requesting a variance to construct an addition within the Critical Area 100-foot Buffer. The property is designated RCA and is not Buffer Exempt.

Because the proposed addition does not intrude further into the Buffer than the existing dwelling and because it appears to be a reasonable expansion of living space, this office does not oppose the variance requested. Strict sediment and erosion control should be provided during the course of construction. Also, the applicant is proposing mitigation to offset the new impervious within the Buffer at a 2:1 ratio. This ratio of mitigation is typically applied in Buffer Exemption Areas. In non-Buffer exempt areas such as the subject property, this office consistently recommends mitigation at a 3:1 ratio for new disturbance within the Buffer. (See for example Charles County Variance #1002 for Stephen Elder.) Mitigation should be provided on site within the Buffer and should consist of native trees and shrubs.

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

Sincerely,

LeeAnne Chandler  
Natural Resources Planner

cc: CS465-00

Branch 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**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

September 14, 2000

Ms. Tracey L. Greene  
Maryland Department of Planning  
201 Baptist St., Box 24  
Salisbury, Maryland 21801

RE: Town of Snow Hill - Worcester County Courthouse expansion

Dear Ms. Greene:

Thank you for providing the consistency report and background information for the above referenced project. Due to the decrease in impervious surfaces within the Critical Area portion of the area of expansion, the 10% calculations result in a negative removal requirement and it appears that the project will be consistent with the Town's Critical Area program.

Thank you for the opportunity to review this project.

Sincerely,

LeeAnne Chandler  
Natural Resources Planner

cc: SN483-00

Branch 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**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

September 18, 2000

Ms. Charlene Morgan  
Anne Arundel County Department of Planning and Code Enforcement  
2664 Riva Road, MS 6301  
Annapolis, MD 21401

RE: Variance 2000-0256-V, Dorothy Butz - REVISED COMMENTS

Dear Ms. Morgan:

This office would like to rescind the comments previously submitted on the above referenced variance application. Thank you for providing the accurate site plan. Based on the new information, this office opposes the variance requested. The applicant is requesting a variance to permit a detached deck with less setbacks and Buffer and with disturbance to steep slopes. The property is designated IDA and is currently developed with a house, deck, pool, and driveway.

The subject property already is developed with a pool and associated deck. The proposed use is already provided for in the existing deck. Development is prohibited within the Buffer and expanded Buffer except for water-dependent facilities. A detached deck is not a water-dependent facility and therefore should not be permitted within the Buffer. The standard of unwarranted hardship can not be met, therefore this office can not support the variance requested.

Thank you for the opportunity to comment. Please include this letter in your file (replacing the 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: AA381-00

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

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

September 18, 2000

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

RE: Variance 2000-0327-V, William Lohr

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 house, garage and shed.

This office often does not oppose additions which provide a reasonable expansion of living space. Information was not provided as to the distance from mean high water to the proposed addition so it is difficult to determine what the impacts will be. Because the addition will be placed over an existing deck and because of the existing position of the house, this office does not oppose the variance requested. We recommend mitigation at a 2:1 ratio for the new impervious surfaces within the Buffer in accordance with the County's provisions for Buffer Exemption Areas. Mitigation should occur on site within the Buffer to the extent possible.

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,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: AA480-00

Branch 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**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

September 18, 2000

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

RE: Variance 2000-0319-V, Anthony Digirolamo

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 the subject lots are properly grandfathered, this office does not oppose the siting of a single family dwelling on them. However, impacts should be minimized and the variance requested the minimum to provide relief. Would it be possible to move the well further into the north corner of the property or another corner of the property? If so, the house could be moved such that direct impacts to the non-tidal wetlands could be avoided. Also, it is not clear from the information provided why the direct impact to the non-tidal wetland is necessary. Is substantial fill and grading proposed? If so, this should be shown on the site plan. As proposed, 67.5% of the forest on site will be cleared. There are opportunities to further reduce impacts on this site. We recommend that the applicant redesign for further minimization. As proposed, reforestation should be provided at a 3:1 ratio 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: AA473-00

Branch 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) 260-3460 Fax: (410) 974-5338

September 18, 2000

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

RE: Variance 2000-0328-V, Real Estate General

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling, driveway, well and septic tank within non-tidal wetlands and their buffers. The property is designated IDA and is currently undeveloped.

Provided the subject lots are properly grandfathered, this office does not oppose the siting of a single family dwelling on them. However, impacts should be minimized and the variance requested the minimum to provide relief. Is the size of the proposed dwelling in character with the neighborhood? Though the house is of reasonable size, a change in the footprint could further reduce impacts. Clearing and grading should be contained in the immediate vicinity of the site and the remainder of the lot be kept in a no-disturbance conservation easement. Future property owners should be informed of the restrictions on this lot, including the lack of a "typical" backyard. We recommend mitigation at a 3:1 ratio for all disturbance to this site.

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: AA482-00

Branch 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**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

September 18, 2000

Ms. Elsa Ault  
Charles County Office of Planning  
P.O. Box 2150  
La Plata, MD 20646

RE: Building permit #SFD00-0699, Waverly Creek, Lot 2

Dear Ms. Ault:

Thank you for providing information on the above referenced building permit. The applicant is proposing to disturb 0.911 acres of a 7.484 acre lot in order to construct a single family dwelling. While the original site plan submitted showed extensive grading around the house as well as within the Critical Area Buffer, the revised plan shows grading only in the immediate vicinity of the house. Provided that the revised plan is followed and that trees are replanted as indicated, it appears that the proposal is consistent with the County's Critical Area Program.

Thank you for the opportunity to review this application. If you have any questions or concerns, please contact me at (410) 260-3477.

Sincerely,

LeeAnne Chandler  
Natural Resources Planner

cc: CS484-00

Branch 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**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

September 18, 2000

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

RE: Variance 2000-0309-V, John Oberright

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 on steep slopes with less setbacks and Buffer than required. The property is designated LDA and is currently developed with a house and driveway.

Because the entire lot is encumbered by steep slopes and their buffers and because a garage is a reasonable use, this office does not oppose the variance requested. However, impacts should be minimized. Areas where impervious surfaces are removed should be revegetated to ensure perviousness. This office recommends mitigation for the new disturbance to steep slopes and the buffer at a 3:1 ratio. (According to the "Notification of Project Application," there are no trees on site, therefore this mitigation could count towards the 15% afforestation requirement.)

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: AA470-00

Branch 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**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

September 18, 2000

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

RE: Variance 2000-0321-V, Lauri O'Neal

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 the subject lots are properly grandfathered, this office does not oppose the siting of a single family dwelling on them. However, impacts should be minimized and the variance requested the minimum to provide relief. Is the size of the proposed dwelling in character with the neighborhood? Since so many variances are needed, the house may be simply too large for the lot. A change in the footprint could further reduce impacts. The limits of disturbance are not shown on the site plan. This information should be provided. Clearing and grading should be contained to the immediate vicinity of the proposed dwelling and utilities. We recommend that the applicant redesign for further minimization. Currently, 46% of the lot is proposed to be cleared. Accordingly, reforestation should be provided at a 3:1 ratio.

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,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: AA475-00

Branch 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

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

September 21, 2000

Mr. Rick Dwyer  
Salisbury/Wicomico County  
Dept. of Planning, Zoning & Community  
P.O. Box 870  
Salisbury, MD 21803

*original is in the mail!*

Post-it® Fax Note	7671	Date	9/21	# of pages	2
To	RICK Dwyer	From	Lee Anne		
Co./Dept.		Co.			
Phone #		Phone #	410 260 3477		
Fax #	(410) 548-4955	Fax #			

RE: Calvin D. Peacock Variance

Dear Mr. Dwyer:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to the impervious surface limits in order to construct a dwelling and an extensive driveway on a 0.57 acre lot. The lot has an LDA Critical Area designation and is subject to an impervious surface limit of 5445 square feet.

This office can not support the variance requested. The site is currently undeveloped. Therefore, there is ample opportunity to design development of this lot with a single family dwelling without exceeding the impervious surface limits. Unwarranted hardship exists only when denial of a variance would be denial of reasonable and significant use of a property. Clearly, reasonable and significant use of the property (i.e., a residence) can occur without this variance. Any hardship is self-created due to the desired design of the house and the extensive loop driveway and large parking area. Alternatives do exist such that the variance could be avoided. For example, the loop driveway could be eliminated from the design and the parking area made smaller. While these features may be desirable and convenient, they are not critical for use of the property. Alternative paving materials, such as certain types of gravel and porous paving blocks, are pervious to a certain degree and their use on this property could eliminate the need for the variance. Since there are alternatives and the need for this variance is self-created, this office simply cannot support the variance requested.

Also, as we discussed, a portion of the house and the well are both located within the Critical Area Buffer. A variance to the Buffer requirement is not being requested at this time. The applicant is delaying any building permit request until the Buffer Exemption Area (BEA) mapping is complete and approved by the Critical Area Commission and the County Council. If the applicant chooses to move forward prior to the adoption of the BEA maps, a variance to the Buffer requirements will be necessary.

Branch 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**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

September 21, 2000

Mr. Rick Dwyer  
Salisbury/Wicomico County  
Dept. of Planning, Zoning & Community Development  
P.O. Box 870  
Salisbury, MD 21803

RE: Calvin D. Peacock Variance

Dear Mr. Dwyer:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to the impervious surface limits in order to construct a dwelling and an extensive driveway on a 0.57 acre lot. The lot has an LDA Critical Area designation and is subject to an impervious surface limit of 5445 square feet.

This office can not support the variance requested. The site is currently undeveloped. Therefore, there is ample opportunity to design development of this lot with a single family dwelling without exceeding the impervious surface limits. Unwarranted hardship exists only when denial of a variance would be denial of reasonable and significant use of a property. Clearly, reasonable and significant use of the property (i.e., a residence) can occur without this variance. Any hardship is self-created due to the desired design of the house and the extensive loop driveway and large parking area. Alternatives do exist such that the variance could be avoided. For example, the loop driveway could be eliminated from the design and the parking area made smaller. While these features may be desirable and convenient, they are not critical for use of the property. Alternative paving materials, such as certain types of gravel and porous paving blocks, are pervious to a certain degree and their use on this property could eliminate the need for the variance. Since there are alternatives and the need for this variance is self-created, this office simply cannot support the variance requested.

Also, as we discussed, a portion of the house and the well are both located within the Critical Area Buffer. A variance to the Buffer requirement is not being requested at this time. The applicant is delaying any building permit request until the Buffer Exemption Area (BEA) mapping is complete and approved by the Critical Area Commission and the County Council. If the applicant chooses to move forward prior to the adoption of the BEA maps, a variance to the Buffer requirements will be necessary.

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

Mr. Rick Dwyer  
September 21, 2000  
Page 2

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

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler". The signature is written in black ink and ends with a horizontal line.

LeeAnne Chandler  
Natural Resources Planner

cc: WI489-00

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

September 20, 2000

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

RE: Variance 2000-0316-V, Theodore Allison

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 developed with a single family dwelling (to be replaced).

This office does not oppose redevelopment of this lot. However, in the course of redevelopment impacts must be minimized. It seems that a minor redesign could allow the three large trees to be saved. The footprint of the proposed dwelling is extensive and it seems that there are opportunities to reduce impacts. Information was not provided on the limits of disturbance or the extent of any grading proposed. This should be clarified. Also, the Critical Area report and the site drawings provided indicated that there will be a net decrease of one (1) square foot of impervious surface. This is incorrect. The drawing showing the proposed house and the proposed impervious amount does not take the driveway into account. The label on the driveway says, "Exist. gravel parking to be removed and replaced with new gravel installed on "Geo-Pavers." Such pavers, if found acceptable by the County, are given a credit of only 40% perviousness. Therefore, at best, an additional 311 square feet of impervious would be added to the total, exceeding the current amount to a total of 2726 square feet. This lot is limited to 2484 square feet. An impervious surface variance is also necessary. This office could not support such a variance because an alternative design would make the variance unnecessary.

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,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: AA471-00

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

CHESAPEAKE BAY CRITICAL AREA COMMISSION  
1804 West Street, Suite 100  
Annapolis, Maryland 21401

FACSIMILE TRANSMITTAL

TO: Sue Veith FAX: 301 475-4635  
COMPANY: St. Mary's Co.  
FROM: Lee Anne Chandler  
DATE: 9/22 TIME: 10:50 a.m. p.m. NO. PAGES: 2  
COMMENTS:

Looking  
back,

Sue - Here's the guidance we discussed.  
I should have realized ~~that~~ (and remembered)  
that the 10% rule doesn't work for single  
lot development. I'm sorry if I caused  
you any extra hassle.

-Lee Anne



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

September 26, 2000

Mr. Gerald T. Mason, Chief Administrative Officer  
Worcester County, Office of the County Commissioners  
Room 112 Court House  
One West Market St.  
Snow Hill, Maryland 21863-1072

RE: Growth Allocation for Burbage Funeral Home, Snow Hill, Maryland

Dear Mr. Mason:

The Critical Area Commission is in receipt of the request to change the Critical Area designation on a portion of Parcel 385 as shown on Tax Map 200 from Limited Development Area (LDA) to Intensely Developed Area (IDA) through the use of 1.63 acres of growth allocation. We understand that the award of growth allocation has been approved by both the Town of Snow Hill as well as Worcester County.

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 November 1, 2000 Commission meeting. I will notify you subsequent to his decision.

Sincerely,

LeeAnne Chandler  
Natural Resources Planner

cc: Edward Tudor, Worcester County  
Rudy Espinoza, Worcester County  
Tracey Greene, Maryland Dept. of Planning

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



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

September 26, 2000

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

RE: Variance 2000-0325-V, Michael and Julie Reisinger

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 house and a frame "beach house" structure.

This office often does not oppose additions which provide a reasonable expansion of living space. The proposed addition is substantial in size and the resulting dwelling will have a footprint of nearly 6000 square feet. At the same time, the addition does not intrude further into the Buffer than the existing structures. In the course of any redevelopment, impacts should be minimized and the variance requested the minimum to provide relief. Have any alternative designs been explored to provide expansion and perhaps a connection between the two structures but with less impacts to the Buffer? If the project is approved, we recommend that stormwater management be addressed in some way. It seems that roof drains from such a large area could potentially cause erosion along the slopes towards the water. Lastly, mitigation should be provided for the new impervious within the Buffer at a 2:1 ratio and the new impervious outside the Buffer at a 1:1 ratio in accordance with the County Zoning Ordinance. The Buffer should be a priority location for the plantings.

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: AA479-00

Branch 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**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

September 26, 2000

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

RE: Variance 2000-0322-V, Peter Kiper

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 not Buffer Exempt, and is currently developed with a house, detached garage, and swimming pool.

This office often does not oppose additions which provide a reasonable expansion of living space. The proposed addition is waterward of the existing dwelling. It appears that there may be an alternative location for an addition that would not get any closer to the water. (Though it does appear that putting an addition along the side of the house would also require a variance.) Impacts should be minimized as much as possible. We recommend mitigation at a 3:1 ratio for all new disturbance within the expanded Buffer. Where possible, the Buffer should be a priority location for plantings.

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: AA476-00

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

Ren Serey  
Executive Director

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**CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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September 28, 2000

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

RE: Variance 2000-0350-V, Vincent Pereira

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 house and driveway.

Since impervious surfaces are not an issue and because no habitat protection areas will be impacted, this office has no comment on the setback variance. Mitigation should be provided for the new impervious surface on this Buffer exempt lot 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: AA503-00

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



Judge John C. North, II  
Chairman

Ren Serey  
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September 28, 2000

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

RE: Variance 2000-0357-V, John Hills

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 developed with a house and driveway.

Since impervious surfaces are not an issue and because no habitat protection areas will be impacted, this office has no comment on the setback variance. Vegetation removed should be replaced in kind.

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: AA504-00

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



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September 28, 2000

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

RE: Variance 2000-0312-V, James Baldecchi

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 developed with a house to be replaced.

This office reviewed a variance request for this property in 1999 (1999-0113-V). Based on testimony of County staff during that hearing, it does not appear that a Buffer variance is necessary for this lot. Specifically page two of the decision states, "The property is not waterfront and does not lie within the Chesapeake Bay Critical Area buffer or expanded buffer." Therefore, it appears that only a setback variance is necessary. Since impervious surfaces are not an issue and because no habitat protection areas will be impacted, this office has no comment on the setback variance. Vegetation removed should be replaced in kind.

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,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: AA160-99

Branch Office: 31 Creamery Lane, Easton, MD 21601  
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Judge John C. North, II  
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(410) 260-3460 Fax: (410) 974-5338

September 28, 2000

Ms. Roxana Whitt  
Calvert County Planning & Zoning  
150 Main Street  
Prince Frederick, MD 20678

RE: Variance Case No. 00-2668, Bosse/Desidero

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance request. The applicants are requesting a variance to relocate an existing house away from the cliff edge but still within the cliff setback, extended Buffer, and on slopes of 15% or greater. The property is designated LDA.

This office does not oppose relocation of the house. The new location should be as far from the cliff as possible but also should minimize other impacts. For example, it is not clear why the house is oriented vertically on the site plan such that the driveway has to impact so much of the lot. Also, given that underground seepage is often a cause of erosion, the drain fields may be a cause of concern. Would it be possible to situate the house horizontally on the lot, such that the driveway could be much shorter and the drain fields pulled further away from the edge of the cliff? Also, there is a concrete swale which runs from the existing driveway to the cliff edge. This should be eliminated and stormwater be addressed in another way. Mitigation should be provided for clearing 74% of the lot at a 3:1 ratio. Areas where impervious surfaces are removed should be revegetated to ensure perviousness.

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: CA491-00

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



Judge John C. North, II  
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September 28, 2000

Ms. Roxana Whitt  
Calvert County Planning & Zoning  
150 Main Street  
Prince Frederick, MD 20678

RE: Variance Case No. 00-2672, Lawson

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance request. The applicants are requesting a variance to construct a 2-car garage within the Buffer and cliff setback. The property is designated LDA and is developed with a single family dwelling and gravel driveway.

Ideally, the proposed garage should be placed as close to the road as possible to reduce impacts to the Buffer. However, it appears that the garage will be placed over the existing gravel driveway and that the only new disturbance will be the footers for the garage. Provided that impacts are minimized during construction, this office does not oppose the variance requested. If possible, stormwater from the new garage should be directed away from the cliff.

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: CA495-00

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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September 29, 2000

Ms. Roxana Whitt  
Calvert County Planning & Zoning  
150 Main Street  
Prince Frederick, Maryland 20678

RE: Variance Case No. 00-2639, Hathaway/Heffron - REVISED PLAN

Dear Ms. Whitt:

Thank you for providing the revised plan on the above referenced variance application. The applicants are requesting a variance to permit construction of a single family and garage within the 100-foot Buffer. The property is designated LDA and is currently developed with a house.

It appears that the applicant has changed the plans and reduced impacts since April. While still within the Buffer, the house has been moved off of the steep slopes. The total area of disturbance has also decreased. Ideally, the new house could take advantage of the existing house footprint (to minimize new impacts to the Buffer). Provided that the area of the existing house is revegetated to ensure perviousness, we do not oppose the variance requested. Mitigation should be provided for all new disturbance within the Buffer at a 2:1 ratio (in accordance with the County Zoning Ordinance). The Buffer (especially the area of the existing house) should be a priority location for the mitigation. (This would also help satisfy 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 request. 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: CA205-00

Branch Office: 31 Creamery Lane, Easton, MD 21601  
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Chairman

Ren Serey  
Executive Director

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September 29, 2000

(410) 260-3460

Fax: (410) 974-5338

Ms. Roxana Whitt  
Calvert County Planning & Zoning  
150 Main Street  
Prince Frederick, MD 20678

RE: Variance Case No. 99-2664, Mr. & Mrs. Roland Case - REVISED PLANS

Dear Ms. Whitt:

Thank you for providing the revised plans for the above referenced variance request. The applicants are requesting variances to build a large single family dwelling on slopes of 15% or greater, within the expanded Buffer, and to clear more than 30% of the lot during construction. The lot is 1.33 acres in size, is designated LDA and is currently undeveloped.

There has been a reduction of impacts since the previous plan. The loop driveway was eliminated as well as some grading behind the house. There are still some impacts to the extended Buffer and steep slopes. As stated in our previous comments, it appears that the lot could be developed with a dwelling without a variance if the house were brought towards the street. As proposed, the house is 128 feet from the street, far exceeding the 60 foot building setback. Moving the house towards the street would significantly reduce clearing and grading and remove all impacts to the Buffer and to steep slopes. We understand that the applicant is concerned with maintaining the same setback as neighboring homes. Nonetheless, we recommend the house be moved towards the street.

Again, it seems that changes to the house design could greatly reduce impacts. As proposed, the house is 95 feet long. The proposed location on the lot simply cannot accommodate a house of that size and shape. If the house were redesigned according to the constraints of the site (i.e., to avoid the steep slopes and expanded Buffer), there would be no need for the variances. The need for the variance is caused by the house location and design rather than any feature of the site.

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: CA403-00

Branch 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 2, 2000

**VIA FACSIMILE**

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

RE: Variance 2000-0212-V, Richard Dietrich - REVISED PLANS

Dear Ms. Miley:

This office has received the revised plans for 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 RCA and is currently developed with a single family dwelling.

The revised plans show some minor modifications including a different house design. Many of the concerns previously expressed in our letter of July 14, 2000 are still applicable. It seems that there are multiple constraints on this site and any development will require a variance. It appears that the stormwater management facility has been moved and made smaller. The driveway turn around and primary septic are still within the Buffer. There is a note on the site plan that states that no trees will be removed for installation of the septic trenches, yet they are located within the woods (according to the tree line). How is this possible? Could the septic area be moved to the right of the driveway? This would reduce impacts to the Buffer. This office does not oppose redevelopment of this lot. Impacts of redevelopment should be minimized. Any new disturbance should be mitigated at a 3:1 ratio.

Thank you for the opportunity to comment on the revised plans. Please include this letter in your file and submit it, and our previous letter, 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: AA318-00

Branch 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) 260-3460 Fax: (410) 974-5338

October 3, 2000

Ms. Roxana Whitt  
Calvert County Planning & Zoning  
150 Main Street  
Prince Frederick, MD 20678

RE: Variance Case No. 00-2671, Albrittain

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance request. The applicants are requesting a variance from the 10-foot setback to natural vegetative areas requirement in order to construct a swimming pool.

Provided that all disturbance occurs outside of the 100-foot Critical Area Buffer, this office has no comment on this setback variance. The Buffer should be clearly identified in the field and fenced off if necessary to ensure that no disturbance impacts 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,

LeeAnne Chandler  
Natural Resources Planner

cc: CA494-00

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

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



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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(410) 260-3460 Fax: (410) 974-5338

October 3, 2000

Ms. Roxana Whitt  
Calvert County Planning & Zoning  
150 Main Street  
Prince Frederick, MD 20678

RE: Variance Case No. 00-2670, Poole

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance request. The applicants are requesting an after-the-fact variance in the 100-foot Buffer requirements to remodel and expand an existing deck/cabana within the Buffer. The applicant is also requesting an impervious surface variance to exceed the 15% limit. The property is designated LDA and is currently developed with a large dwelling, driveway, two garages, extensive walkways, and a play house.

This office opposes the variances requested. This is clearly a case of self-created hardship. The applicant has placed extensive impervious surfaces within the Buffer without permits. Development within the Buffer is prohibited except for water-dependent facilities. A "cabana" is not a water-dependent facility. There is ample room on this property to move the cabana outside of the Buffer. It is our understanding that the cabana is served with plumbing and electricity. All improvements should be removed. Similarly, impervious surfaces should be removed in order to reduce impervious surfaces to 15% of the lot. Clearly, on a lot of this size, 4.27 acres, reasonable and significant use can be obtained without exceeding this limit.

Variances within the Critical Area must meet the strict standards set out in the County's Zoning Ordinance, Section 7-3.01(B). Hardship must run with the land and not with the property owner. The property owner clearly has reasonable and significant use of the property. Denial of the variances does not create an unwarranted hardship for the applicant. The applicant enjoys the use for which the property is zoned, i.e., a residence (actually two residences) as well as access to the water. There is no unwarranted hardship in this case.

This variance request is based upon conditions which are the result of the applicant. The cabana was constructed without benefit of permits. All such development activity within the County requires permits. Denial of the variance will not deprive the applicant of rights commonly enjoyed. On the contrary, granting of the variance would confer a special privilege because all properties are similarly limited by the Critical Area law and its prohibition of development within the Buffer.

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Ms. Roxana Whitt

October 3, 2000

Page 2

Granting of these variances would not be consistent with the spirit and intent of the Critical Area Law and Criteria.. The General Assembly instituted the requirements for protection of the Buffer because of the cumulative impact of construction in the Buffer. Similarly, they instituted the limits to impervious surfaces due to the cumulative impact of impervious surface within a watershed. Approval of the proposed variances will contribute to these cumulative impacts and therefore is not consistent with the general spirit and intent of the Critical Area Program. As referenced in the Belvoir case, the Court of Appeals of Maryland found that variances should not be lightly granted. They noted:

The need sufficient to justify an exception must be substantial and urgent and not merely for the convenience of the applicant, inasmuch as the aim of the ordinance is to prevent exceptions as far as possible, and a liberal construction allowing exceptions for reasons that are not substantial and urgent would have the tendency to cause discrimination and eventually destroy the usefulness of the ordinance. See *Belvoir Farms v. North*, 355 Md. 259 (1999).

As stated previously, the applicants already enjoy reasonable use of the property. There is no unwarranted hardship in this case. The cabana should be removed and mitigation should be required at a 4:1 ratio for this Buffer violation.

Also, please note, it appears that the applicant is also proposing a boat house on the end of the extended pier. New boat houses are prohibited by State regulation. Specifically, COMAR 26.24.04.02C(2) reads, "except at commercial marinas, a person may not construct a new boathouse in or over State or private wetlands." The Patuxent River is considered waters of the State and therefore the proposed boat house is prohibited. The Maryland Department of the Environment is the permitting agency for activities within tidal waters. Local approval for such activities should be contingent upon receipt of all State permits.

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: CA493-00

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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

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October 3, 2000

**VIA FACSIMILE**

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

RE: Variance 2000-0212-V, Richard Dietrich - REVISED PLANS

Dear Ms. Miley:

This office has received the revised plans for 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 RCA and is currently developed with a single family dwelling.

The revised plans show some minor modifications including a different house design. Many of the concerns previously expressed in our letter of July 14, 2000 are still applicable. It seems that there are multiple constraints on this site and any development will require a variance. It appears that the stormwater management facility has been moved and made smaller. The driveway turn around and primary septic are still within the Buffer. There is a note on the site plan that states that no trees will be removed for installation of the septic trenches, yet they are located within the woods (according to the tree line). How is this possible? This office does not oppose redevelopment of this lot provided that the impacts of redevelopment are minimized. Any new disturbance should be mitigated at a 3:1 ratio.

Thank you for the opportunity to comment on the revised plans. Please include this letter in your file and submit it, and our previous letter, 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: AA318-00

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Chairman



Ren Serey  
Executive Director

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October 3, 2000

Ms. Roxana Whitt  
Calvert County Planning & Zoning  
150 Main Street  
Prince Frederick, MD 20678

RE: Variance Case No. 00-2669, Porras

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance request. The applicants are requesting a variance in the 100-foot Buffer requirements to construct a gazebo, driveway and parking area within the Buffer. There is also disturbance to steep slopes and the expanded Buffer. The property is designated LDA and is currently developed with a dwelling, driveway, and pool.

This office cannot support the requested variance. Development within the Buffer is prohibited except for water-dependent facilities. Neither a parking area nor a gazebo are water-dependent structures. Both could be located outside of the Buffer and expanded Buffer while still providing for the same use.

While access through the Buffer to reach the water is permissible, the amount of disturbance proposed is excessive. We recommend that the parking area be moved outside of the Buffer and expanded Buffer. During our discussion, it was mentioned that the area proposed for the gravel driveway and parking area are currently being used in that capacity with some visible signs of erosion. While the area should be stabilized, the proposed drive and parking area will only encourage more intensive use within the Buffer. A stabilized pathway would provide access while allowing the remainder of the area to be vegetatively stabilized.

The Calvert County Zoning Ordinance in section 4-4.07(D)(1) states, "New development activities, including structures, roads, parking areas and other impervious surfaces, mining and related facilities, or septic systems, may not be permitted in the Buffer, except for those necessarily associated with water-dependent facilities." Again, neither the gazebo nor the parking area are water-dependent facilities. Variances within the Critical Area must meet the strict standards set out in the County's Zoning Ordinance, Section 7-3.01(B). There is no unwarranted hardship in this case. Hardship must run with the land and not with the property owner. The property owner clearly has reasonable and significant use of the property. The standard of unwarranted hardship cannot be met. Granting of the variance would confer a special

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Ms. Roxana Whitt

October 3, 2000

Page 2

privilege to this applicant because all properties are similarly limited by the Critical Area law and its prohibition of development within the Buffer.

Granting of this variance would not be consistent with the spirit and intent of the Critical Area Law and Criteria. 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. As referenced in the Belvoir case, the Court of Appeals of Maryland found that variances should not be lightly granted. They noted:

The need sufficient to justify an exception must be substantial and urgent and not merely for the convenience of the applicant, inasmuch as the aim of the ordinance is to prevent exceptions as far as possible, and a liberal construction allowing exceptions for reasons that are not substantial and urgent would have the tendency to cause discrimination and eventually destroy the usefulness of the ordinance. See *Belvoir Farms v. North*, 355 Md. 259 (1999).

As stated previously, the applicants already enjoy reasonable use of the property. There is no unwarranted hardship in this case. Access to the shoreline could be achieved without the extensive Buffer impacts proposed. We recommend that access be limited to a stabilized pathway and that the gazebo be deleted from the proposal.

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: CA492-00



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401  
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October 13, 2000

Mr. Rick Dwyer  
Salisbury/Wicomico County  
Dept. of Planning, Zoning and Community Development  
P.O. Box 870  
Salisbury, Maryland 21803

RE: Mardela Springs Transfer Station

Dear Mr. ~~Dwyer~~ <sup>Rick</sup>:

I am writing to follow up on a potential problem we observed at the Mardela Springs Transfer Station during our site visits on September 27, 2000. Several large piles of what appeared to be scrap metal and other rubble were located within the Critical Area Buffer. New solid waste collection and disposal facilities are one of the few development activities that are prohibited within the Critical Area. While this facility was existing prior to the Critical Area Law, it should be operated in a way that minimizes the potential adverse environmental impacts. Also, as we discussed, because it is a County facility, it should set the appropriate example.

While we were there that day, it appeared that the piles were in the process of being moved. All stockpiles should be moved outside of the Critical Area Buffer. There appeared to be ample room on the property for this to be done. The Buffer should be cleaned up and re-vegetated with woody vegetation. Since the County does have funds from various fees-in-lieu, perhaps some could be used to obtain trees for this location.

When you have a chance, please follow-up on this matter and let us know if the problem has been resolved. If you have any questions or would like to discuss this further, please contact me at (410) 260-3477. Thank you.

Sincerely,

LeeAnne Chandler  
Natural Resources Planner

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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**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

October 10, 2000

Ms. Roxana Whitt  
Calvert County Planning & Zoning  
150 Main Street  
Prince Frederick, Maryland 20678

RE: Variance Case No. 00-2643, Vacation Estates - REVISED PLANS

Dear Ms. Whitt:

Thank you for providing the revised site plan for the above referenced variance application. The applicants are requesting a variance to permit construction of a large single family dwelling and garage on steep slopes within the waterfront Buffer. The property is designated LDA and is currently undeveloped.

The most recent revised plans show a significant improvement from those previously submitted. The amount of impervious and amount of disturbance has been reduced to minimize impacts. The house has been moved closer to the road, though it is still set back 130 feet. Is it possible to move the house any closer to the road? It should be moved if possible. Otherwise, provided that mitigation is required in accordance with the County Zoning Ordinance, 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 request. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler  
Natural Resources Planner

cc: CA251-00

Branch 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**

October 10, 2000

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

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

RE: Variance 2000-0316-V, Theodore Allison - REVISED PLANS

Dear Ms. Diffenderfer:

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 developed with a single family dwelling (to be replaced).

As stated previously, this office does not oppose redevelopment of this lot. However, in the course of redevelopment impacts must be minimized. A minor redesign could allow the three large trees to be saved. From the grading plan provided, it appears that nearly the entire lot will be affected. Impacts could be further minimized.

Also, the applicants are now proposing to have a hardwood mulch driveway. While there are mulch paths through this community, use of mulch for a driveway seems impractical. Over time, the mulch would become compacted and /or wash away such that the driveway would end up being impervious. In addition, the architect's letter accompanying the revised site plan points out that they have an allowable impervious area of 2,493 square feet. However, this number is based on a lot size of 7,973 square feet when according to the County printout as well as the State's Department of Assessments and Taxation the actual area of the lot is 7,937 square feet. Therefore, the proposal still exceeds the permitted impervious of 2,484 square feet and an impervious surface variance should be required.

Again, this office does not oppose redevelopment of this lot. However, in this case, the footprint of the dwelling simply is too extensive for this particular lot.

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: AA471-00

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Judge John C. North, II  
Chairman



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Executive Director

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October 10, 2000

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

RE: Variance 2000-0326-V, Anne Arundel County (Quiet Waters Park)

Dear Ms. Diffenderfer:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a sculpture, fountain and pool with less setbacks and Buffer than required. The property is designated RCA and is currently developed as a park.

Ideally, the proposed sculpture and fountain, because they are considered impervious surfaces, would be located outside of the Buffer. The area surrounding the proposed location is already impervious. Also, the entire shoreline in the vicinity is covered in impervious surface. If the variance is approved, we recommend mitigation for the new impervious in the Buffer at a 3:1 ratio. Also, we strongly encourage the addition of public educational component to the plans. A possible example would be a sign discussing the various efforts to restore the Chesapeake Bay.

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,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: AA481-00

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October 13, 2000

Ms. Olivia Vidotto  
Calvert County Planning & Zoning  
150 Main Street  
Prince Frederick, Maryland 20678

RE: MSD-00-21, Avondale, Parcel 58 & 59

Dear Ms. Vidotto:

Thank you for providing information on the above referenced subdivision. Commission staff has reviewed the information provided. It is not clear from the site plan whether or not any part of the lot is located within the Critical Area Buffer. (Some of the smaller maps provided indicate that the property may be very close to the water.) Provided that no Buffer impact will occur, it appears that the proposed subdivision is consistent with the County's Critical Area Program and regulations. Because this new lot is designated IDA, the 10% pollutant reduction rule should be addressed at the time of development.

Thank you for the opportunity to comment. Please include this letter in the file for this subdivision. If you have any questions or concerns, please contact me at (410) 260-3477.

Sincerely,

LeeAnne Chandler  
Natural Resources Planner

cc: CA508-00

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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October 16, 2000

Ms. Elsa Ault  
Charles County Office of Planning  
P.O. Box 2150  
La Plata, MD 20646

RE: Building permit #SFD00-0751, Riverside Shores, Lots 11-13

Dear Ms. Ault:

Thank you for providing information on the above referenced building permit. The applicant is proposing to disturb 0.23 acres of a 0.51 acre lot in order to construct a single family dwelling. Over 30% of the forest on site will be cleared so 3:1 mitigation is required. In reading your letter of explanation, I have noted that mitigation will occur off-site at an unnamed park. Provided that the mitigation will occur within the Critical Area and provided that an easement or agreement is provided, this office has no further comments on this project.

Thank you for the opportunity to review this application. If you have any questions or concerns, please contact me at (410) 260-3477.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: CS535-00

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October 16, 2000

Ms. Charlene Morgan  
Anne Arundel County Department of Planning and Code Enforcement  
2664 Riva Road, MS 6301  
Annapolis, MD 21401

RE: Variance 2000-0323-V, Marian Kratage

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 and Buffer than required and with disturbance to steep slopes. The property is designated LDA and is currently developed with a house (to be replaced) and driveway. It is known as Lot 2 of the Rhode Point subdivision.

This lot was created through a subdivision that received final approval in 1999. The parent parcel was a total of 8.62 acres in size and it was divided into 9 lots. Prior to subdivision, the parcel contained approximately eight (8) buildings, including the house currently existing on Lot 2. At the time of subdivision, the developer obtained a grading and building permit for a house to be built on Lot 2, on the exact footprint of the existing house. The existing house is located partially within the 100-foot Buffer and wholly within the expanded Buffer. At the time of subdivision, this office submitted comments (copy enclosed) which clearly stated that this office will not support variances on lots that are not grandfathered and that the subdivision should be reconfigured such that a new dwelling on Lot 2 would not need variances. Similarly, County staff also noted that unless the building permit for the new house (on the exact footprint) was approved, the lot "must be reconfigured as it does not meet the Critical Area criteria and the Commission will not support any variances." (See copy of memo from Penny Chalkley to Steve Callahan dated April 21, 1999.) While the building permit was approved (and the subdivision subsequently approved), the subject variance request is for a "custom designed house" that requires several variances.

For the above reason and others, this office opposes the variances requested. Two different site plans have been submitted. One is from Messick and Associates and the other is from the Filkins Group. The site plans are slightly different and now it appears that a detached garage has been added to the plans. The 100-foot Buffer, expanded Buffer and steep slopes will be impacted by the proposed, irregularly shaped house. Also, please note, the site plans show extensive grading between the proposed dwelling and the shoreline. All of this grading is superfluous and should

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Ms. Charlene Morgan

October 16, 2000

Page 2

be eliminated from any proposed development of this lot. Additionally, the site plan from Messick shows a proposed underground propane tank within the 100-foot Buffer. This should be eliminated. The stormwater facility within the 100-foot on the plans submitted by the Filkins Group should also be moved outside of the Buffer.

Again, this office can not support the variance requested. The request can not meet the unwarranted hardship standard as reasonable and significant use could easily be provided by a different house design. Any hardship is self-created due to the desired design of the house. The request is not the minimum necessary to provide relief. The variance could have been avoided by redesigning the subdivision or by building the house for which a building permit has already been obtained. The Critical Area Commission clearly expressed its position prior to subdivision both in writing to the County as well as verbally to the developer during a site visit. Similarly, the County has expressed that, "the subdivision approval was based on the need for no variances and one building permit applied for." To return for a variance now after the subdivision was recorded appears disingenuous. The applicant should have been made aware of the restrictions on this lot.

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

enc.

cc: AA477-00

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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October 16, 2000

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

RE: Variance 2000-0366-V, Robert Beall

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 IDA and is undeveloped.

Provided the lots are properly grandfathered, this office does not oppose the siting of a single family dwelling on them. However, impacts should be minimized and the variance requested the minimum to provide relief. It does not appear that an attempt has been made to minimize the clearing and grading on this lot. While it is designated IDA, it is still within the Buffer and expanded Buffer. Consideration should be given to further minimizing clearing and grading. We recommend mitigation at a 3:1 ratio for all disturbance within the Buffer and expanded Buffer. Also, because the lot is designated IDA, the 10% pollutant reduction rule must be addressed.

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,

  
Lee Anne Chandler  
Natural Resources Planner

cc: AA526-00

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



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Executive Director

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October 16, 2000

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

RE: Variance 2000-0360-V, Ali & Fevziye Manizade

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 house and driveway.

This office often does not oppose additions of reasonable size. Impacts should be minimized and the variance requested the minimum to provide relief. In this case, it appears that the proposed addition will be placed over existing impervious surface. We do not oppose the variance requested. However, according to our rough calculations, development on this lot already exceeds the permitted amount of impervious surface. While the addition will be placed over existing impervious area, we recommend that some plantings be provided within the Buffer to offset the high amount of imperviousness on this lot.

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: AA525-00

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



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October 16, 2000

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

RE: Variance 2000-0349-V, Ray Hynson

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 and is currently developed with a recently constructed house. The property was the subject of a previous variance (1998-0136-V) which allowed construction of the home 45 feet from the water.

From the information provided, it appears that the deck will go no further waterward than the previously approved variance allowed for the house. Is it correct to assume that the house was built further away from the water than proposed? The deck is extensive, though it is a reasonable width. Have the mitigation plantings been completed? We recommend additional mitigation for the deck at a 2:1 ratio for the additional disturbance within the Buffer. The Buffer should be a priority location for the plantings.

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: AA524-00

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October 17, 2000

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

RE: Dides Property

Dear Mr. Swartz:

Thank you for arranging the site visit to the Dides property yesterday. The property owner has disturbed the entire Critical Area Buffer on his property including placement of fill, impervious surface and many retaining walls. In addition, he has excavated a basement in the floodplain beneath his house (it was formerly on piles) and constructed masonry and brick walls.

The Critical Area Commission is in full support of the County in pursuing these violations. The property owner has violated County and State Critical Area regulations. He may also have violated State and Federal floodplain regulations. As we discussed, the entire Critical Area Buffer should be restored, including removal of all fill, impervious surface, and retaining walls. It is our understanding that the County's ordinance requires mitigation for this violation at a 4:1 ratio for all disturbance within the Buffer. The minimum 1:1 replacement of vegetation should occur on site within the Buffer and consist of a mix of native vegetation. Also, as we discussed, the site is impacted by a stand of *phragmites*. We agree that removal of *phragmites* and replacement with some non-invasive marsh grasses (e.g., *alternanflora* sp.) can be counted towards meeting the extra (i.e., above 1 to 1) mitigation requirement. Under no circumstances should the *phragmites* be replaced with residential lawn.

Please keep this office informed of the enforcement of this violation. If you need any assistance or would like to discuss this matter further, please feel free to contact me at (410) 260-3477.

Sincerely,

LeeAnne Chandler  
Natural Resources Planner

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October 17, 2000

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

RE: Variance 2000-0369-V, Edward Myers

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 IDA, is Buffer Exempt and is currently developed with a house and garage. From the information provided, it appears that the addition is in the process of being constructed on top of an existing deck.

This office often does not oppose variances for additions which provide a reasonable expansion of living space. In this case, the proposed addition increases the living space by almost 50%. Optimally, the addition should have been placed no further waterward than the existing dwelling (e.g., along the side of the dwelling). As an after the fact variance, impervious surfaces are now 20 feet closer to the shoreline than previously existing. Also, as noted on the drawing showing "wall B," two sets of french doors are planned (or are installed). Typically such french doors would open onto a deck or patio. No further encroachment into the Buffer should be permitted. We recommend that either the addition be scaled down or that the french doors lead only onto the lawn or other vegetated surface (i.e., no additional deck should be permitted). If this variance is approved, mitigation should be provided for all new impervious surfaces within the Buffer at a 2:1 ratio.

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: AA531-00

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October 23, 2000

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

RE: Variances 2000-0361-V, Lawrence Linder

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 disturbance to steep slopes and less setbacks than required. The property is designated LDA, is partially Buffer-Exempt and is developed with a large single family dwelling, shed and driveway.

This office often does not oppose additions of reasonable size, provided that impacts are minimized. There does not appear to be a viable alternative location for the addition, i.e., placing it on the eastern side of the house would impact the Buffer and steep slopes. In addition, a two-car garage is a reasonable request. The addition is large, though it is in scale with the existing house. Is the bump-out design necessary for the proposed use? Is there any way to design the addition to be smaller? Impacts to steep slopes should be minimized during construction and strict sediment and erosion controls should be in place prior to any grading. We recommend mitigation for the new impervious surfaces within the expanded Buffer at a 2:1 ratio.

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

Sincerely,

LeeAnne Chandler  
Natural Resources Planner

cc: AA527-00

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October 23, 2000

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

RE: Variance 2000-0348-V, David 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 addition on steep slopes with less setbacks and Buffer than required. The property is designated LDA and is currently being developed with a house. The house is being constructed pursuant to a previous variance approval (1999-0310-V) based on plans dated June, 1999.

The proposed addition appears to be proposed within the limits of disturbance approved under the previous variance request. It provides an extra 63 square feet of living space. It is not clear why it is being added now. Based on its relatively small size and limited additional impact, this office does not oppose the variance requested. However, we have noted that the plan submitted with this application does not match that submitted last year. For example, the house sits further back on the lot. Also, the limits of disturbance, particularly behind the house, are more extensive than previously submitted. The previous plan stated that no forest/woody vegetation would be removed while now it appears that trees are being removed. Why have the plans changed since the previous approval? This should be clarified. Also, as stated previously, we recommend mitigation at a 3:1 ratio for all disturbance on this lot.

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: AA502-00

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October 23, 2000

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

RE: Variance 2000-0342-V, David Reitmeyer

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit an inground swimming pool with greater impervious coverage than allowed. The property is designated LDA, and is currently developed with a house and concrete driveway.

This office opposes the variance requested. Section 1A-105 of the County Zoning Ordinance sets out specific limits on impervious surfaces and prohibits development on slopes of 15% or greater. The lot currently has 1857 square feet of impervious surfaces (25.8%). The proposed swimming pool would increase total impervious surfaces on this lot by 1000 square feet for a total of 2857 square feet or 39.7% of the lot. Under the Critical Area variance standards set out in Section 11-102.1(b), findings must be made which demonstrate the applicant's ability to meet the standards, especially the standard of unwarranted hardship.

The subject property is located in a subdivision created prior to the passage of the Critical Area Law. However, the dwelling on this property was built in 1992 after the December 1, 1985 grandfathering date and after the General Assembly promulgated the Critical Area Criteria. (As can be seen on the topographical map included with the application, this subdivision was not built out until after the passage of the Critical Area regulations.) It is a subdivision of small lots (less than 1/4 acre) developed with a variety of housing types.

We believe that denial of the variance does not create an unwarranted hardship for the applicant. As stated in *Belvoir Farms V. North*, 355 Md. 259 (1999), the unwarranted hardship standard, and its similar manifestations, are equivalent to the denial of reasonable and significant use of the property. The applicants already enjoy reasonable and significant use of the property. During a site visit and drive through the neighborhood, there were no pools observed at all. A private inground swimming pool is not a right commonly enjoyed. Rather, the granting of this variance would confer a special privilege to the applicant. Installation of a pool would also create more impervious surface than allowed. Similarly, it appears that if neighboring property owners proposed swimming pools, they also would need variances to exceed the impervious surface limits.

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Mr. Kevin Dooley

October 23, 2000

Page 2

Granting of this variance would not be in harmony with the general spirit and intent of the County Critical Area Program or the State Critical Area Law. As recently as 1996, the General Assembly adjusted the impervious surface limits to provide more flexibility for development of grandfathered lots. Impervious surface limits were established by the General Assembly because the amount of impervious surfaces is directly related to the amount of stormwater runoff coming from a particular site. The General Assembly instituted the limits to impervious surfaces due to the subsequent cumulative impact to water quality. 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.

Variations should not be granted lightly. As noted in *Belvoir Farms 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, inasmuch the aim of the ordinance is to prevent exceptions as far as possible, and a liberal construction allowing exceptions for reasons that are not substantial and urgent would have the tendency to cause discrimination and eventually destroy the usefulness of the ordinance." A pool would be very unusual in this neighborhood and is not a standard amenity. A pool is not a right commonly enjoyed. Granting of this variance would confer a special privilege to this applicant. While we are sympathetic to the applicants' desire for a pool, this office can find no legal basis to support 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 request. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



LeeAnne Chandler

Natural Resources Planner

cc: Marianne D. Mason, Esq.  
AA501-00



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

**STATE OF MARYLAND**  
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October 23, 2000

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

RE: Variances 2000-0232-V, 0236-V, and 0237-V, Severn River Ltd. Partnership

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance applications. The applicant is requesting variances to permit extensions in the time required for the implementation and completion of a previously approved variance. The properties are designated LDA and are currently undeveloped.

Provided that significant changes have not been made to the proposed plans and provided that all conditions of the previous approval are met, this office has no comment on the extension of time request. Given the time that has passed since the plans were drawn and the environmental report prepared, we recommend that updated information be provided if warranted.

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: AA498-00

Branch 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**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

October 23, 2000

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

RE: Variance 2000-0356-V, Gregory Fasick

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling, swimming pool and associated facilities with less setbacks and buffer and with disturbance to steep slopes. The property is 1.73 acres in size, 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 and the variance requested the minimum to provide relief. The environmental information provided with this application is very general (as it was prepared for six lots at one time) and it is also five years old. We recommend that updated and specific information be provided.

Notwithstanding the above, it appears that impacts could be further minimized. It seems that the size and design of the house are excessive for this piece of property. The extensive patios and swimming pool also add to the impacts. While the homes in this subdivision are large, there are a variety of designs such that there are alternatives. Excessive grading is also proposed. The site plan is difficult to read due to the darkness of shading for the house, but it seems that a house could be placed on this lot with much less impact to steep slopes and the Buffer. As proposed 34% of the forest on site will be disturbed, necessitating mitigation at a 3:1 ratio.

This office can not support the variances requested. The request is far from the minimum to provide relief. Reasonable and significant use of the property can be accomplished with fewer impacts. The house should be redesigned according to the constraints of the site and limits of disturbance should be kept to the minimum. Superfluous grading should be eliminated. The proposed swimming pool should be relocated off of steep slopes and outside of the Buffer. No other swimming pools were seen in the neighborhood. A private inground swimming pool is not a right commonly enjoyed. Rather, the granting of this variance would confer a special privilege to the applicant.

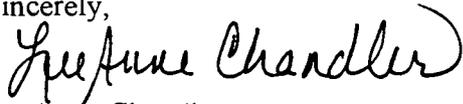
Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

Mr. Kevin Dooley  
October 23, 2000  
Page 2

Again, we do not oppose the siting of a dwelling on this lot and we recognize that there are significant development constraints. However, there are opportunities to reduce disturbance such that the variance would be the minimum to provide relief.

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

Sincerely,



LeeAnne Chandler  
Natural Resources Planner

cc: Marianne D. Mason, Esq.

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

October 23, 2000

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

RE: Variance 2000-0334-V, George Stone

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit an inground swimming pool with less setbacks and Buffer than required. Though not indicated on the application request, it appears that a variance is also necessary for greater impervious coverage than allowed. The property is designated LDA, and is currently developed with a house and concrete driveway.

This office opposes the variances requested. Section 1A-103(e) of the County Zoning ordinance strictly prohibits new development activities within the Buffer, except for water-dependent facilities. A pool is not water dependent. Also, Section 1A-105 of the County Zoning Ordinance sets out specific limits on impervious surfaces. The 1.13 acre lot currently has 9898 square feet of impervious surfaces (20% of the lot). The permitted amount of impervious surface on a lot of this size is 15% or 7,383.42 square feet. The proposed swimming pool would increase total impervious surfaces on this lot by 800 square feet for a total of 10,698 square feet or 22% of the lot. Under the Critical Area variance standards set out in Section 11-102.1(b), findings must be made which demonstrate the applicant's ability to meet the standards, especially the standard of unwarranted hardship.

The subject property is located in a subdivision created prior to the passage of the Critical Area Law. It is a subdivision of moderately sized lots developed with a variety of housing types.

We believe that denial of the variance does not create an unwarranted hardship for the applicant. As stated in *Belvoir Farms V. North*, 355 Md. 259 (1999), the unwarranted hardship standard, and its similar manifestations, are equivalent to the denial of reasonable and significant use of the property. The applicants already enjoy reasonable and significant use of the property. Improvements include a large dwelling with decks, a detached garage and a pier. During a site visit and drive through the neighborhood, only two pools were observed in the whole neighborhood. These pools were located on interior lots (not waterfront) quite a distance from the water. No other pools were observed on waterfront lots. A private inground swimming pool is not a right commonly enjoyed. Rather, the granting of this variance would confer a special privilege to the applicant.

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Mr. Kevin Dooley  
October 23, 2000  
Page 2

This lot is Buffer Exempt, though that fact does not have any bearing on this case. The pool is proposed to be located only 25 feet from the bulkhead between the house and the water. It appears that a pool could be located on the lot, with minor modification, such that a Buffer variance would not be necessary. Removing an equal amount of impervious surface would eliminate the need for an impervious surface variance. The enclosed drawing shows a potential alternative that could provide the desired pool without the requested variances. Without considering alternative locations, the requested variance is far from the minimum to provide relief.

Granting of this variance would not be in harmony with the general spirit and intent of the County Critical Area Program or the State Critical Area Law. Impervious surface limits were established by the General Assembly because the amount of impervious surfaces is directly related to the amount of stormwater runoff coming from a particular site. Similarly, the Buffer restrictions were established to provide an area for infiltration and habitat between human activity and sensitive wetland and aquatic environments. The General Assembly instituted these regulations due to the long-term cumulative impacts to water quality and habitat. 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.

Variances should not be granted lightly. As noted in *Belvoir Farms 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, inasmuch the aim of the ordinance is to prevent exceptions as far as possible, and a liberal construction allowing exceptions for reasons that are not substantial and urgent would have the tendency to cause discrimination and eventually destroy the usefulness of the ordinance." A pool would be unusual in this neighborhood and is not a standard amenity. A pool is not a right commonly enjoyed. Granting of this variance would confer a special privilege to this applicant, especially because there are potential alternatives. While we are sympathetic to the applicants' desire for a pool, this office can find no legal basis to support 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 request. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



LeeAnne Chandler  
Natural Resources Planner

cc: Marianne D. Mason, Esq.  
AA500-00

YLVIEW

DRIVE

Please Note:

This is an alternative location for the pool. It does not reflect the reduction in impervious coverage that is also necessary.

DRIVEWAY

GARAGE

POOL

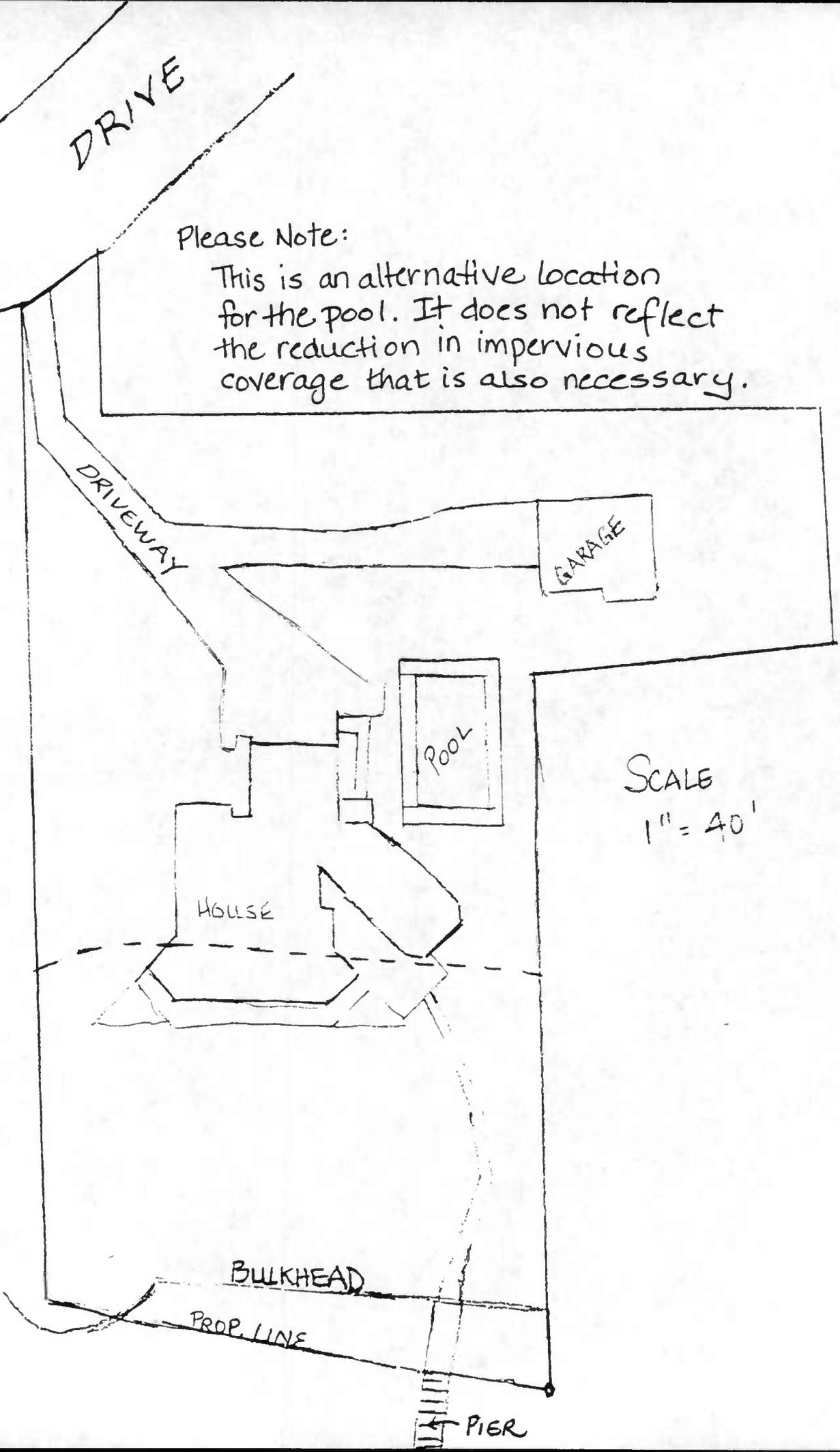
HOUSE

SCALE  
1" = 40'

BULKHEAD

PROP. LINE

PIER





Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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October 23, 2000

Ms. Elsa Ault  
Charles County Office of Planning  
P.O. Box 2150  
La Plata, MD 20646

RE: Building permit #SFD00-0786, Woodland Point, Part of Lot 69

Dear Ms. Ault:

Thank you for providing information on the above referenced building permit. The applicant is proposing to disturb 0.48 acres of a 1.44 acre lot in order to construct a single family dwelling. No trees will be removed. Given that the lot is over 15% forested, no mitigation is required. Impervious surfaces are also not an issue. Therefore, it appears that this project is consistent with the County's Critical Area Program. Thank you for the opportunity to comment.

If you have any questions or concerns, please contact me at (410) 260-3477.

Sincerely,

LeeAnne Chandler  
Natural Resources Planner

cc: CS548-00

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

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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October 24, 2000

RE: Calvert County Judicial Appeal  
/§8-1812(a) Notice

Dear Commission Member:

On October 10, 2000 we filed a Petition for Judicial Review stating our intent to appeal the variance granted to Mr. and Mrs. Thomas Daugherty (Calvert County Board of Appeals Case No. 00-2656).

I believe that the Calvert County Board of Appeals improperly approved the request. The applicant requested a variance to increase the impervious surfaces from 21% to 76% for creation of a commercial development. The property is designated LDA, is 0.33 acres (14,374 square feet) in size, and is currently developed with a house and two sheds. The property is located in the Solomons Town Center, a designated growth area in the County. Up until the applicants purchased the property in April, 2000, the property was used for residential purposes. The proposed use is a commercial office building with a footprint of 3,840 square feet with accompanying parking of 6,000 square feet.

Commission staff provided written testimony for the Board's hearing in opposition to the proposed increase in impervious surface. On a grandfathered lot of this size, allowable impervious surface is 25% of the lot or, in this case, 3,593.5 square feet. Commission staff recommended that the applicant apply to the County for growth allocation to change the Critical Area designation from LDA to IDA (where there is no limit on impervious surface). It appears that the project would meet the County's guidelines for using growth allocation. Specifically, the County limits the use of growth allocation to only commercial or industrial projects with priority given to projects within the Solomons Town Center. The project is also consistent with the Commission's policy on the use of growth allocation.

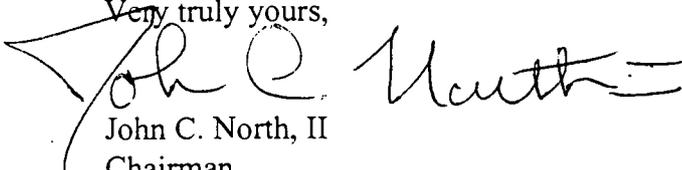
The Board of Appeals approved the requested variance for the increase in impervious surface, finding that the "strict application of the impervious surface requirements would impose peculiar and unusual practical difficulties and undue hardship upon the owners of the property as the property is designated LDA, but is located in a Town Center surrounded by properties designated IDA where increased impervious surfaces are allowed." The purpose of growth allocation is to accommodate future growth in appropriate areas as determined by local jurisdictions. Applying for growth allocation was clearly the appropriate course of action in this case. Therefore, I believe the Board improperly approved the request.

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Critical Area Commission  
October 24, 2000  
Page Two

In accordance with Natural Resources Article §8-1812, Annotated Code of Maryland, if you disapprove of my action in this case, please notify me in writing within 35 days after the date of this notice. As provided in §8-1812, if 13 members of the Commission indicate disapproval of my action in a timely manner, I shall withdraw the action initiated. Please note the other procedural safeguards set forth in §8-1812.

Thank you for your anticipated cooperation. The full Commission file on this matter is available at the Commission office for your review. If you have questions or need additional information, please contact Ms. LeeAnne Chandler at (410) 260-3477.

Very truly yours,  
  
John C. North, II  
Chairman

JCN/LAC/jjd

cc: Andrew T. Stephenson, Esquire  
Dr. David Brownlee



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

**STATE OF MARYLAND  
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October 24, 2000

Ms. Tanya Krista Maenhardt  
Queen Anne's County  
Department of Planning & Zoning  
107 North Liberty Street  
Centreville, Maryland 21617

RE: Administrative Subdivision, File #04-00-10-0007 (Michael Block and Charles Forbes)

Dear Ms. Maenhardt:

Thank you for providing information on the above referenced subdivision. An equal "land swap" is proposed between two existing lots. It appears that the lot line changes will have no net effect on the development potential of the two lots. Therefore, this office has no Critical Area issues of concern at this time.

Thank you for the opportunity to comment. Please provide additional information if there are changes which will affect Critical Area resources.

Sincerely,

LeeAnne Chandler  
Natural Resources Planner

cc: QC552-00



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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October 24, 2000

Ms. Vivian Swinson  
Queen Anne's County  
Department of Planning & Zoning  
107 North Liberty Street  
Centreville, Maryland 21617

RE: Administrative Variance #04-00-05 (Countryside Builders, Inc.)

Dear Ms. Swinson:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to the Critical Area Buffer requirements in order to construct a single family dwelling. The property is 0.52 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. Impacts should be minimized as much as possible. It seems that the amount of fill in the non-tidal wetlands could be further reduced. The application states that four trees will be removed. These four trees should be replaced on a 1:1 ratio in addition to the required Buffer Area offsetting as calculated in the application. This mitigation should consist of native woody vegetation and should be located 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: QC555-00

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

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND**  
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(410) 260-3460 Fax: (410) 974-5338

October 26, 2000

Ms. Tracey Greene  
Maryland Dept. of Planning  
Lower Eastern Shore Office  
201 Baptist Street, Suite 24  
Salisbury, MD 21801-4974

RE: Snow Hill - Sturgis Park Maintenance Project

Dear Ms. Greene:

Thank you for providing information on the proposed maintenance project at Sturgis Park in the Town of Snow Hill. Provided that the trees and shrubs are replaced, it appears that the work will be consistent with the Town's Critical Area Program. The new trees and shrubs should consist of species that are native to the lower Eastern Shore.

Thank you for the opportunity to review this proposal. Please contact me at (410) 260-3477 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: Town of Snow Hill

Branch 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 27, 2000

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

RE: Variance 2000-0387-V, Rigel & Donna De Garcia

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting variances to permit dwelling additions with less setbacks than required. The property is designated LDA and is currently developed with a house and driveway.

Because it appears that no habitat protection areas will be affected and because impervious surfaces will be decreased, this office has no comment on the setback variances. Vegetation removed in the course of construction should be replaced in kind.

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: AA569-00

Branch 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) 260-3460 Fax: (410) 974-5338

October 27, 2000

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

RE: Variance 2000-0383-V, Frank Rupert

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 house and driveway.

Because the proposed addition is no further waterward than the existing dwelling and because the addition will be placed over existing impervious surface, this office has no comment on the setback variance. Vegetation removed in the course of construction should be replaced in kind.

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,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: AA567-00



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

October 27, 2000

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

RE: Variance 2000-0379-V, Patrick Fox

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 addition with less setbacks than required. The property is designated LDA and is currently developed with a house, garage and driveway.

Because no habitat protection areas will be impacted, this office has no comment on the setback variance. Vegetation removed in the course of construction should be replaced in kind.

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: AA564-00

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

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



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

**STATE OF MARYLAND**  
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October 27, 2000

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

RE: Variance 2000-0377-V, Mark Norman

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit an enclosed porch addition with less setbacks than required. The property is designated LDA and is currently developed with a house, garage and driveway.

Because no habitat protection areas will be impacted, this office has no comment on the setback variance. Vegetation removed in the course of construction should be replaced in kind.

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: AA563-00



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

**STATE OF MARYLAND  
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October 30, 2000

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

RE: Variance 2000-0386-V, Frank Lefler

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting variances to permit a dwelling with less setbacks and Buffer than required. The property is designated LDA and is currently developed with a house and driveway.

This office does not oppose the redevelopment of this lot. New impacts should be minimized as much as possible. It appears that the proposed addition is of reasonable size, though ideally the addition would be located no further waterward than the existing structure. Also, the proposal includes an impervious porch. Would it be possible to replace the porch with a pervious deck? This would help reduce new impacts. This office recommends mitigation at a 3:1 ratio for all new disturbance in the expanded Buffer.

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: AA568-00

Branch 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 30, 2000

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

RE: Variance 2000-0382-V, John & Kristen Kiedrowski

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting variances to permit a dwelling addition with less setbacks and Buffer than required. The property is designated LDA and is currently developed with a house and driveway.

Because the proposed addition will consist of a second story on top of existing impervious coverage, this office does not oppose the variance requested. The narrative provided states that 12% of the site is covered with woodland and gardens. Additional plantings should be installed to provide at least 15% woodland coverage.

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,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: AA566-00

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-3093

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**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
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November 2, 2000

The Honorable Murray D. Levy, President  
County Commissioners of Charles County  
P.O. Box 2150  
La Plata, Maryland 20646

RE: Critical Area Program and Ordinance Update

Dear President Levy:

I am writing in regard to your submittal of the Charles County Critical Area Program update and corresponding Zoning Ordinance amendments. The Critical Area Commission received the complete package on October 19, 2000 and has accepted the amendments for processing. The Commission's 90-day review begins as of the date of this letter.

Commission Chairman John C. North, II will appoint a panel to conduct a public hearing on the proposed amendments and make recommendations to the full Commission. The hearing will be held in Charles County (location and time to be determined). I will be in contact with the Planning Division to make all necessary arrangements.

Sincerely,

LeeAnne Chandler  
Natural Resources Planner

cc: Steve Magoon  
Zakary Krebek  
Karen Wiggen  
Kevin Vienneau

Branch 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 3, 2000

Mr. Jim Logan, P.E.  
Carroll Engineering, Inc.  
61 Padonia Road, East, Suite C  
Timonium, Maryland 21093

RE: Storage Building at Gov. Harry Nice Memorial Bridge

Dear Mr. Logan:

At its meeting on November 1, 2000, the Chesapeake Bay Critical Area Commission approved, with one condition, the proposed storage building and parking lot adjacent to the Governor Harry Nice Memorial Bridge 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 must be obtained prior to any site disturbance. Please provide a copy of the permits for our files when you receive them.

I have enclosed a copy of the corrected 10% Pollutant Reduction Rule calculations for your files. Thank you for your assistance in coordinating review and approval of this project by the Critical Area Commission. If you have any follow-up questions or concerns, please feel free to call me at (410) 260-3477.

Sincerely,

LeeAnne Chandler  
Natural Resources Planner

cc: MTA-32-00

Branch 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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November 3, 2000

Mr. Gerald T. Mason, Chief Administrative Officer  
Worcester County, Office of the County Commissioners  
Room 112 Court House  
One West Market St.  
Snow Hill, Maryland 21863-1072

RE: Growth Allocation for Burbage Funeral Home, Snow Hill, Maryland

Dear Mr. Mason:

At its meeting on November 1, 2000, the Chesapeake Bay Critical Area Commission concurred with the Chairman's determination that the proposed request for growth allocation qualifies as a refinement to the Worcester County Critical Area Program. Chairman North has approved this refinement to the County's Program. The Critical Area designation of the Burbage Funeral Home property (a portion of Parcel 385 as shown on Tax Map 200 within the Town of Snow Hill) has been changed from Limited Development Area (LDA) to Intensely Developed Area (IDA). A total of 1.63 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 Town of Snow Hill should make the necessary change to the Town's Critical Area map within 120 days of receipt of this letter. If you have any questions regarding this matter, please contact me at (410) 260-3477.

Sincerely,

LeeAnne Chandler  
Natural Resources Planner

cc: Edward Tudor, Worcester County  
Rudy Espinoza, Worcester County  
Kelly Brewington, Town of Snow Hill  
Tracey Greene, Maryland Dept. of Planning

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



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

**STATE OF MARYLAND**  
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(410) 260-3460 Fax: (410) 974-5338

November 6, 2000

Jordan Loran, Eastern Region Chief  
DNR, Engineering & Construction  
580 Taylor Ave., E-4  
Annapolis, MD 21401

RE: Playground expansion at Pocomoke State Park, Shad Landing

Dear Mr. Loran:

The Critical Area Commission has received information regarding the proposed expansion of the playground at Pocomoke State Park. Because no additional impervious surfaces are proposed, Commission staff has determined that formal Commission review and approval is not necessary. However, we recommend that the expansion extend no further waterward than the existing playground if possible. From the drawings and the pictures provided, it appears that this may be a viable alternative.

Thank you for providing information on this project. If the project changes significantly or if you have any questions, please contact me at (410) 260-3477.

Sincerely,

LeeAnne Chandler  
Natural Resources Planner

cc: DNR 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

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

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

November 8, 2000

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

**RE: Grasonville Station, LLC - Final Site Plan  
MASP 05-0010-0008(c)**

Dear Mr. Cohoon:

Thank you for providing information on the above referenced site plan. The applicant is proposing to combine four (4) lots of a recently approved commercial subdivision and construct two commercial buildings and associated improvements. The site is designated LDA and is currently undeveloped.

The notes provided on the cover sheet of the site plans indicate that there is a total of 1.62 acres within the Critical Area on these lots. Further, it states that 0.148 acres of impervious surfaces are proposed within the Critical Area. This is approximately 9% imperviousness. As such, it complies with the LDA requirements. Provided that appropriate reforestation and/or afforestation is provided, it appears that the project would be consistent with the County's Critical Area Program.

It is our understanding that an application for a growth allocation has been made for the entire subdivision. If growth allocation is granted, the 10% pollutant reduction calculations should be provided to this office for review.

Thank you for the opportunity to comment. If changes are made to the project as proposed, please forward revised plans to this office for further review. If you have any questions concerning these comments, please contact me at (410) 260-3477.

Sincerely,

LeeAnne Chandler  
Natural Resources Planner

cc: QC559-00

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Chairman

Ren Serey  
Executive Director

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November 13, 2000

Mr. David Nutter, Director  
Salisbury/Wicomico County Department of Planning & Zoning  
P.O. Box 870  
Salisbury, Maryland 21803-0870

RE: Critical Area Four-Year Comprehensive Review

Dear Mr. Nutter:

The Critical Area Law requires each local jurisdiction to review and update its Critical Area Program at least every four years from the original date of adoption. Several months ago, the Critical Area Commission requested an update from staff regarding the status of the comprehensive reviews of local governments' Critical Area Programs. They expressed particular concern about those jurisdictions which had yet to complete their first comprehensive review. Wicomico County adopted its Critical Area Program in 1989. Due to a number of circumstances, the County's comprehensive review has been delayed for nearly eight years.

In March of this year, Critical Area Commission staff met with former Planning Director Kris Hughes, Frank McKenzie and Rick Dwyer. The meeting was a successful one. Priority issues were identified and areas of concern were discussed. For example, the mapping of Buffer Exemption Areas (BEAs) was identified as a priority. Since March, County and Commission staff toured the County and have mapped all of the potential BEAs. Commission staff also met with the County Attorney, Ed Baker, to discuss the next steps toward drafting amendments to the existing ordinance and changes to the Program document. A schedule for completion of the process was discussed. While originally aiming for the County Council's October legislative session, it was determined that the February session would be more realistic.

Significant progress has been made in the past eight months. However, we would like to be able to assure the Commission that the February deadline will be met. In order to meet this deadline, a meeting to discuss the draft amendments and any outstanding issues should be scheduled for mid-December or early January at the latest. The Commission realizes that local jurisdictions have limited staff resources to carry out the countless activities, both day-to-day and long-term, that occur in County Planning Offices. However, the Commission wants to emphasize the

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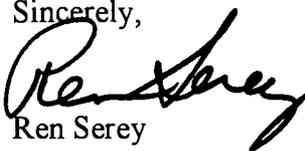
TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450

Mr. David Nutter  
November 13, 2000  
Page 2

importance of updating the local Critical Area Program and implementing Ordinance. Taking time to finish the comprehensive review in the short term will save staff resources on a daily basis in the long term.

The Critical Area Commission has requested an update on the progress of Wicomico County's comprehensive review at their meeting on January 3, 2000. Commission staff would like to meet with you prior to that meeting. I will contact you next week to schedule a date and time. Please contact me if you have any questions or would like to discuss this matter further.

Sincerely,



Ren Serey  
Executive Director

cc: Mr. Samuel Q. Johnson  
Mr. Ed Baker  
Mr. Frank McKenzie  
Mr. Rick Dwyer  
Ms. LeeAnne Chandler

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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November 9, 2000

Mr. Rick Dwyer  
Salisbury/Wicomico County  
Dept. of Planning, Zoning and Community Development  
P.O. Box 870  
Salisbury, Maryland 21803

RE: MD 347 improvements - Stormwater Alternatives

Dear Mr. *RICK* Dwyer:

As you are aware, the State Highway Administration (SHA) is proposing upgrades to MD 347 through the town of Quantico. These upgrades include drainage improvements which will collect stormwater and pipe it to an outfall into Quantico Creek. Two issues of concern have been raised. First, a Habitat Protection Area (containing several rare plant species) has been identified in the vicinity of the outfall. Second, the 10% pollutant reduction required by the State Critical Area regulations is not being provided on-site.

With regard to the first issue, I have enclosed a letter which I sent to Scott Smith, the Eastern Regional Ecologist for the Department of Natural Resources. We are requesting guidance from him regarding protection of the HPA and a potential alternative path for stormwater management. I will keep you informed of any information he may provide.

With regard to the second issue, SHA must provide pollutant removal of 2 pounds of Phosphorus. If on-site alternatives are found to be more harmful to the HPA or are infeasible, off-site treatment may be the only option. As of today, the only off-site location proposed by the consultant is at the Route 50/MD 331 interchange in Vienna, Dorchester County. While it is within the same watershed as the proposed project, it is outside of Wicomico County. Commission staff would like the County's input on this matter. For example, if you are aware of any other potential off-site locations within the Nanticoke watershed within the County, I will be happy to pass the information on to the consultant for further investigation. Other innovative ideas would also be welcome.

This project is supposed to be brought back to the Commission's project subcommittee at its December 6, 2000 meeting for further discussion. Timing of an official review and approval will depend on guidance from Scott Smith and on the County's position regarding the potential off-site location in Dorchester County. Please respond as soon as possible. If you need additional information or would like to discuss this matter further, please contact me at (410) 260-3477.

Sincerely,

*LeeAnne Chandler*  
LeeAnne Chandler  
Natural Resources Planner

cc: Glenn Marschke/Holly Ellis, WMA  
Sharon Alderton, SHA  
SHA 33-00

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Ren Serey  
Executive Director

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November 9, 2000

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

RE: Quantico Creek Habitat Protection Area

Dear Mr. ~~Smith~~ <sup>Scott</sup>:

As we discussed on the phone earlier this week, the State Highway Administration is proposing to upgrade MD 347 through the town of Quantico. The upgrade will include resurfacing, minimal widening, sidewalk installation and drainage improvements. The drainage improvements will consist of a stormwater collection pipe beneath grade that outfalls directly into Quantico Creek. This raised some concerns to Commission staff because stormwater quality management is a requirement in the Critical Area. Also, when the project was brought to the Commission's project subcommittee, staff was informed by the consultant that a habitat protection area (HPA) existed in the immediate vicinity of the project.

According to the letter from Lori Byrne, two state threatened species exist within the HPA. The species are Parker's Pipewort (*Eriocaulon parkeri*) and Walter's Paspalum (*Paspalum dissectum*). Also, in reviewing information in our library on HPAs within Wicomico County (dated 1989), the Spongy Lophotocarpus (*Sagittaria calycina*), Four-square (*Eleocharis quadrangulata*), and *Eleocharis fallax*, were identified as also being within this HPA.

When discussing alternative stormwater options for this site, one idea that was brought up was to have the stormwater outfall into a vegetated swale that would lead to the large area of non-tidal wetlands adjacent to Quantico Creek. Eventually the runoff would reach the creek, though with less volume and velocity than having the stormwater outfall directly into the creek. I have enclosed a site plan indicating the current proposal as well as a sketch of a potential alternative route for stormwater runoff. Please review this information at your earliest convenience. Commission staff would greatly appreciate any guidance you may offer with regard to protection of the sensitive species as well as the other resources of the creek.

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Mr. Scott Smith  
November 9, 2000  
Page 2

The project is supposed to be brought back to the Commission's project subcommittee at its December 6, 2000 meeting for further discussion. Timing of an official review and vote will depend on guidance from you with regard to the HPA. If you need additional information or if you would like to discuss the project further, please contact me at (410) 260-3477. Thank you in advance for timely assistance in this matter.

Sincerely,



LeeAnne Chandler  
Natural Resources Planner

cc: Rick Dwyer, Wicomico County (via fax)  
Glenn Marschke/Holly Ellis, WMA (via fax)  
Sharon Alderton, SHA (via fax)  
SHA 33-00



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November 13, 2000

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

RE: Variance 2000-0380-V, Lester & Deborah Belcher

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting variances to permit a dwelling and associated utilities 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. Due to the location of wetlands on the property, it does not appear that the lot could be developed without a variance. The proposed house has a modest footprint. We do not oppose the variance requested provided that mitigation is provided at a 3:1 ratio for clearing over 30% of the lot. Also, we recommend that the County require the developer to alert the future property owner to the restrictions on this lot (i.e., that there is a prohibition on further clearing of the lot, etc.).

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: AA565-00

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Judge John C. North, II  
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November 13, 2000

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

RE: Variance 2000-0358-V, Thomas Fleisher

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting variances to permit a dwelling and associated facilities 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 and the variance requested should be the minimum to provide relief. As proposed, it does not appear that impacts have been minimized. The design of the dwelling, with the garage protruding from the main part of the house, is forcing the house to be placed further into the steep slopes. If the garage were incorporated into the dwelling, the house could be moved 26 feet closer to the street. The proposed dwelling and garage have a footprint of nearly 2300 square feet (not including the area of decking) and it dwarfs the houses surrounding it. It does not appear that it would be in character with the neighborhood. We recommend that the applicant redesign the development according to the constraints of the site. We also recommend mitigation at a 3:1 ratio for all disturbance within the expanded Buffer.

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,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: AA505-00

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**STATE OF MARYLAND  
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November 16, 2000

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

Ms. Charlene Morgan  
Anne Arundel County Department of Planning and Code Enforcement  
2664 Riva Road, MS 6301  
Annapolis, MD 21401

RE: Variance 2000-0323-V, Marian Kratage - **Additional comments**

Dear Ms. Morgan:

This office has received the revised plans for the above referenced variance application. The applicant has revised the plans to eliminate the disturbance of steep slopes and has slightly revised the design of the dwelling. A variance to permit the dwelling with less setbacks and Buffer is still required. The property is designated LDA and is currently developed with a house (to be replaced) and driveway. A building permit has already been approved for this lot. However, the proposal has changed and this variance is necessary.

With the revisions, the current proposal appears to reduce overall impacts as compared to what is approved under the building permit. In reducing impacts, the applicant is meeting the spirit and intent of the Critical Area Law. The sequence of events which has led to this situation has placed the applicant in an unfortunate position. The developer of the subdivision created the problem at hand. That is, they could have avoided the need for a variance by redesigning the subdivision to ensure that all of the lots could be developed as desired without a variance. New lots should not require variances in order to be developed. The Commission made its position clear and subsequently the building permit for Lot 2 was applied for under what now appears to be false pretenses. The subdivision was approved **contingent upon the building permit at hand because development of Lot 2 could occur without variances**. According to the narrative information provided by The Filkens Group, it appears that the County implied that the building permit was "flexible" via the variance process. While every property owner has the right to apply for a variance, the design of the subdivision should not be the driving force behind the "hardship."

As a general rule, the Commission cannot support variances on non-grandfathered lots. In this situation however, because the current proposal reduces impacts compared to those under the approved permit, the Commission does not oppose the variance requested. If this variance is approved, we recommend mitigation (in addition to the reforestation required under the subdivision plat) for all new impervious surface within the Buffer (and expanded Buffer) at a 2:1 ratio in accordance with the County's Buffer Exemption Area rules. Mitigation should be targeted towards the Buffer and those areas where impervious surfaces are removed (i.e., area of existing house). Also, we recommend a condition that prohibits any further variances on this lot.

Thank you for the opportunity to provide comments. Please include this letter in your file (as well as our letter of October 16, 2000) 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

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

cc: AA477-00

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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November 21, 2000

Mr. Anthony V. Lamartina, Chairman  
Anne Arundel County Board of Appeals  
Arundel Center  
Annapolis, Maryland 21401

RE: Variance 2000-0169-V (BA67-00V), Jamil Abunassar

Dear Chairman Lamartina:

I am writing on behalf of the Chesapeake Bay Critical Area Commission to state the Commission's opposition to the above referenced variance application. This is the third variance request on this non-grandfathered lot. The property owner has applied for a variance to permit a pool with less setbacks and Buffer than required. The property is designated IDA and is currently developed with a large house, driveway, attached decks, a pier and a large illegal detached deck in the Buffer.

On behalf of the Chesapeake Bay Critical Area Commission, I offer the following comments and recommendations:

**I      Enough is Enough**

The Abunassar lot was created via subdivision in 1990, after the County's Critical Area Program was established. By a notation on the subdivision plat, this lot was allowed a total of 630 square feet of impervious surface within the Buffer, for reasons that are not explainable. In 1994, the applicant requested the first variance for placement of the dwelling with 624 square feet of impervious surface within the Buffer. The variance was granted with the following condition, "there shall be no intrusion in the 100-foot Buffer beyond that shown on the Applicant's site plan submitted with his application: the northwest corner of the home shall be 80 feet from the shoreline, the southeast corner of the home shall be 88 feet from the shoreline...". An additional condition also stated, "Impervious surface coverage in the Buffer shall not exceed the 624 square feet shown on the site plan." See Decision dated February 21, 1995 attached as Exhibit 1.

Despite these limitations on their variance approval, the applicant built the house (which now appears to be closer to the shoreline than depicted on the approved site plan) and then requested

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Mr. Anthony V. Lamartina, Chairman

November 21, 2000

Page 2

another variance for construction of substantial decking on the back of the house. The decking would intrude another 10 feet into the Buffer. In 1996, the Administrative Hearing Officer granted the variance primarily because the decks would be pervious and the ground underneath them would be kept in a natural state. See Decision dated May 24, 1996 attached as Exhibit 2. Moreover, the applicant's 1996 Critical Area report (attached as Exhibit 3) submitted with the application stated, "The entire length of the eastern property boundary (108 feet) is bulkheaded along the Chesapeake Bay. A forested Buffer (average width of 30 feet) to the Chesapeake Bay also exists along the length of that boundary." By October 2000, this forested Buffer had mysteriously disappeared.

Now the applicant has returned, asking the County to make yet another exception to the Critical Area rules and for permission to ignore the subdivision plat notes and the condition in the previous variance approval. A variance allows an exception to the general zoning ordinance, and this Board has a duty to evaluate carefully the applicant's compliance with the County's standards in Article 3 § 2-107(b). This lot was created after the County's Critical Area Program was in place. As such, development of the lot should have been held to the standards created by the Critical Area Law. Allowing yet another variance on this lot removes all effectiveness of the Critical Area regulations.

## **II Granting of this Variance would give the Applicant a Special Privilege**

Throughout the County and the State's Critical Area, development of newly created lots occurs in a manner that is consistent with the Critical Area regulations. Granting of a third variance to this applicant would confer a special privilege because all property owners of non-grandfathered lots within the Critical Area are prohibited from disturbing the 100-foot Buffer.

## **III A Swimming Pool is Not a Right Commonly Enjoyed**

The subject property is located in a four-lot subdivision, adjacent to the established community of Columbia Beach. There are no pools within the applicant's subdivision or the entirety of Columbia Beach. Clearly, a swimming pool is not a right commonly enjoyed. In the hearing before the administrative hearing officer, the applicant had to look to another zip code to find such pools. Even then, there was no evidence that those pools were on non-grandfathered lots.

## **IV The Applicant's Actions Are Not Consistent with the Spirit and Intent of the Critical Area Law**

Beginning with the first variance application, the applicant has not complied with the conditions of approval nor with the County's Critical Area Program. As stated previously, the applicant built his house closer to the shoreline (as measured on the current site plan) than approved. The

Mr. Anthony V. Lamartina, Chairman

November 21, 2000

Page 3

variance application for the house repeatedly stated that, "No vegetation is planned to be removed from the 25-foot Buffer to tidal waters, which is currently entirely forested." Indeed, 1985 aerial photographs of the site show full forest cover along the shoreline. Mysteriously, there is no longer a forested Buffer along the shoreline. As indicated in the current Critical Area report signed by the applicant dated January 4, 2000, "There are six Sweet Gum trees and one holly tree on the front (waterside) of the lot; the balance of the lot is maintained as a lawn." Although the applicant proposes to reforest part of the Buffer in mitigation for construction of the pool, the Board should see this "offer" for what it is -- a ploy to distract from the fact that the applicant has illegally removed the forested Buffer.

In addition, the applicant is in violation of the Critical Area regulations and the notes on the subdivision plat for construction of a large impervious deck with a "tiki-bar" and covered eating area. No permits were obtained nor was a variance requested for the deck. At the hearing before the Administrative Hearing Officer, Mr. Abunassar testified that he considers the free-standing decks in the Buffer as "summer furniture" rather than structures because they are stowed away in the winter." Commission staff conducted a site visit on Wednesday, November 15, 2000. Perhaps some of the actual furniture is stowed away in the winter but the decks are clearly permanent impervious structures. Indeed, the applicant's environmental consultant testified to the Hearing Officer that the decks create additional impervious coverage in the Buffer. Therefore, the applicant has already illegally exceeded his allowed impervious coverage. This is another example of the applicant's disregard for the County's rules.

#### **V Self-Created Hardship**

The applicant purchased this property in its undeveloped state in 1991. He chose the design, size, and location of the dwelling. He chose to use his impervious "credit" for the dwelling. A different house design and location could have made a pool possible. The applicant was fully aware of the restrictions on this lot at the time of purchase (at the first variance hearing, Mr. Abunassar testified that he had noted on the plat that he could create 630 square feet of impervious surface in the Buffer). This is not a case of a grandfathered lot with a grandfathered dwelling. In the last five years, the applicant has developed this property to its full potential. He should have considered potential future desires for accessory structures when planning for the dwelling. The "hardship" which he now claims clearly was created by a lack of planning on his part.

#### **VI Approval of this Variance Would Not be Consistent with the Spirit and Intent of the Critical Area Law**

The stated goals of the Critical Area Program are "to minimize adverse impacts on water quality that results from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands" and "to conserve fish, wildlife, and plant habitat." Approval of the

Mr. Anthony V. Lamartina, Chairman

November 21, 2000

Page 4

requested variance will contribute to the cumulative impact of impervious surfaces to water quality. Specifically, since 1994 when the property was in an undeveloped stated, pollutant loadings in the form of Phosphorous increased 12% when the house, driveway and walks were built. The illegal decks increased pollutant loadings 23.5% over the undeveloped conditions. Approval of this pool will cause an increase in pollutant loadings of 41.1% since 1994. In Intensely Developed Areas (which this property is designated), the regulations require a 10% decrease in pollutant loadings. Permitting a 41% increase is in direct conflict with the goals of the County's Critical Area Program.

**VII This Request is Not the Minimum to Provide Relief, Would Alter the Character of the Neighborhood, and Would be Detrimental to Public Welfare**

The Administrative Hearing Officer found that the original variance request was the minimum to provide relief. The current request is obviously not the minimum. A pool would clearly introduce a change in the character of the neighborhood because there are no other pools in the area. Approval of this pool would open the door to many similar requests. The three other lots in this subdivision would need variances for pools. If pools are allowed in this subdivision, why not the adjacent community of Columbia Beach? The 30 or so waterfront lots in that community would also need variances for pools. The effect of this pool is a 41% increase in pollutant loadings to the adjacent Chesapeake Bay. A 41% increase on one lot may seem insignificant but a 41% increase overall is highly detrimental. The General Assembly already made findings that the cumulative impact of development is injurious to the restoration of the Chesapeake Bay. Approval of this pool and by association many others would be harmful to public welfare and the health of the Chesapeake Bay.

Again, the Commission urges the Board of Appeals to deny this variance request. This is a non-grandfathered lot. Approval of the request would be contrary to the plat notes of the subdivision, would violate the conditions of a prior variance approval and would be in direct conflict with the County's Critical Area Program.

Thank you for the opportunity to comment. Please include this letter in the official record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Respectfully yours,



LeeAnne Chandler

Natural Resources Planner

cc: Marianne D. Mason, Esq.  
AA237-00



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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

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November 29, 2000

Ms. Lisa Collison  
Queen Anne's County  
Department of Planning & Zoning  
107 North Liberty Street  
Centreville, Maryland 21617

**RE: Administrative Subdivision, File #03-00-11-0005-C**  
**(Yolanda Maurelli)**

Dear Ms. Collison:

Thank you for providing information on the above referenced subdivision. A lot line adjustment is proposed which will transfer 0.718 acres from one existing lot to another. It appears that the lot line change will have no net effect on the development potential of the two lots. When development of these lots does occur, a full 100-foot forested Buffer should be established along the shoreline (if one does not currently exist). Other than the Buffer issue, this office has no Critical Area comments at this time.

Thank you for the opportunity to comment. Please provide additional information if there are changes which will affect Critical Area resources.

Sincerely,

LeeAnne Chandler  
Natural Resources Planner

cc: QC593-00

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Judge John C. North, II  
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Ren Serey  
Executive Director

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November 29, 2000

Ms. Lisa Collison  
Queen Anne's County  
Department of Planning & Zoning  
107 North Liberty Street  
Centreville, Maryland 21617

**RE: Administrative Subdivision, File #04-00-11-0006-C**  
**(Cindy Chamberlain, Kentmoor Air Park)**

Dear Ms. Collison:

Thank you for providing information on the above referenced subdivision. Three lots are being combined into one in order to construct a dwelling with on-site well and septic. It appears that the proposed lot consolidation and subsequent development is consistent with the County's Critical Area Program, provided that the 15% afforestation requirement is addressed. This office has no Critical Area issues of concern at this time.

Thank you for the opportunity to comment. Please provide additional information if there are changes which will affect Critical Area resources.

Sincerely,

LeeAnne Chandler  
Natural Resources Planner

cc: QC592-00

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

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Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

**STATE OF MARYLAND  
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November 29, 2000

Mr. Steve Cohoon  
Department of Planning and Zoning  
107 N. Liberty St.  
Centreville, Maryland 21617

**RE: Ellendale, #SSP 04-00-01(c)  
Revision #4**

Dear Mr. Cohoon:

I have reviewed Revision #4 of the sketch plan for the Ellendale major subdivision. I have also reviewed the previous submittals and supporting documentation. The proposal has changed significantly since Revision #3. The number of dwelling units has been reduced to 171 single family lots. The townhouse component has been eliminated and the 300-foot Buffer has been reduced to only a 100-foot Buffer. We have the following comments:

1. As proposed, this project would require 34.143 acres of growth allocation. The 20.01 acre residue, designated for "passive recreation," must be allowed to retain RCA characteristics. The plan indicates a road labeled "maintenance access" that leads into this area. It is not clear what type of maintenance would be necessary in the passive recreation area. Please provide additional detail as it becomes available.
2. The plan indicates "passive trails" in several locations but no detail is provided. When available, please forward this information for review.
3. As indicated in our previous comments, any time a parcel with agricultural use in the 100-foot Buffer converts to a different use, the 100-foot Buffer must be established as required in COMAR 27.01.09.01C(6). The 100-foot Buffer should be a priority area for the required afforestation. In addition, because this project will require growth allocation, any approval of growth allocation may be conditioned with a requirement for submittal and potentially Commission approval of a Buffer planting plan.
4. If growth allocation is awarded and the project moves forward with the subdivision process, please provide the 10% Pollutant Reduction calculations to this office for review.

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

Mr. Steve Cohoon  
November 29, 2000  
Page 2

5. Our file appears to be incomplete with regard to information from the Department of Natural Resources pertaining any potential threatened or endangered species or other Habitat Protection Areas that could be impacted by this development. It is noted that the May 12, 2000 correspondence from McCrone, Inc. states that, "Attached is the Department of Natural Resources' Environmental Review letter." However, I was unable to locate the letter in the file. Please provide a copy of this letter for our file.

Thank you for the opportunity to comment on the latest revision. If you have any questions or would like to discuss these comments further, please contact me at (410) 260-3477.

Sincerely,



LeeAnne Chandler  
Natural Resources Planner

cc: QC160-00

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

December 1, 2000

Ms. Tanya Krista-Maenhardt  
Department of Planning & Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Countryside Builders, Inc. - Final Site Plan**  
**MASP 05-0011-0001(c)**

Dear Ms. Maenhardt:

Thank you for providing information on the above referenced site plan. The applicant is proposing to construct an office building with associated parking. The property is 0.347 acres in size and is currently developed with a dwelling and two sheds which would be demolished. The property is designated IDA and is in a designated Buffer Exemption Area.

The applicant is requesting the Buffer to be reduced to 50 feet in order to accommodate the proposed use. While it appears that the Buffer reduction may be warranted (given its zoning and IDA designation), it also appears that the proposal could be redesigned to reduce the total amount of impervious surfaces and more importantly, to reduce total impervious within the Buffer. We recommend that the exit driveway be moved outside of the Buffer and perhaps be combined with the entrance driveway if possible. It appears that the building and parking lot could be redesigned to reduce impervious surfaces within the Buffer. For example, the building could have a square footprint, rather than rectangular as it is proposed. This may enable the parking lot to be redesigned such that it would be entirely out of the 100-foot Buffer.

Also, in reviewing the 10% pollutant reduction calculations, it appears that the amount of existing impervious area was based on existing impervious area within bufferyards (0.043 ac.) rather than the total existing impervious on site (0.64 ac.). The 10% calculations (and I believe the TR-55 calculations) should be based on total existing impervious. While this error does not substantially change the 10% rule results, it should be corrected for the record. Also, I have noted that the applicants propose to pay a fee in lieu of on-site treatment of stormwater. While not required for this particular project, information regarding use of these fees (for example tracking to ensure treatment is occurring in the same watershed as the development) should be provided to this office on a regular basis.

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

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Ms. Tanya Krista-Maenhardt

December 1, 2000

Page 2

Lastly, according to the County's method for determining Buffer mitigation in a BEA, seven trees are required to be planted within the Buffer. The landscape plan also notes that there is a shore buffer afforestation requirement which would also require seven trees to be planted in the Buffer. It is not apparent whether this is in addition to the BEA mitigation. While this should be clarified, it does not appear to be an issue in this case because the landscape plan shows a total of 15 new trees within the 50 foot Buffer.

Thank you for the opportunity to comment. If substantial changes are made to the project as proposed, please forward revised plans to this office for further review. If you have any questions concerning these comments, please contact me at (410) 260-3477.

Sincerely,



LeeAnne Chandler

Natural Resources Planner

cc: QC574-00

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401

(410) 260-3460

Fax: (410) 974-5338

December 1, 2000

Mr. Stan Causey  
MDE - Cambridge Field Office  
407 Race St.  
Cambridge, MD 21613

**RE: Permit Application 01-PR-0441, Elm Street Development**

Dear Mr. Causey:

This office would like to comment on the above referenced permit application. The applicant is requesting a permit to establish a 30-slip community marina at a new subdivision on Kent Island off of Thompson Creek Road.

Commission staff has reviewed the information accompanying the permit application and also our files on the new subdivision. Within the Critical Area, community piers/marinas are permitted a certain number of slips based on either the length of the shoreline or the number of lots within the Critical Area portion of the subdivision, whichever is less. Within an Intensely Developed Area (which this area is designated), one slip is permitted per 50 feet of shoreline. The shoreline in this case (according to the metes and bounds survey) is 1,417 linear feet which allows a total of 28 slips. Alternatively, the subdivision has 51 lots allowing 30 slips. Since the Critical Area Law calls for the lesser of the two, only 28 slips would be permissible at this community pier/marina. Two slips must be eliminated from the proposal. I have been in contact with Mr. Rich Bruce of Elm Street Development and have made him aware of this issue.

In addition, our file on the subdivision contained a letter from the Maryland Department of Natural Resources (DNR) stating that this area of Cox Creek is a known historic waterfowl concentration area. The letter further advised the developer to contact Mr. Larry Hindman for technical assistance regarding waterfowl. A time of year restriction or other measures may be warranted in this case. Attached is the letter from DNR.

Thank you for the opportunity to provide comments. If you have any question or would like to discuss this project further, please contact me at (410) 260-3477.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: Sue Ann Hyer-Morgan, Queen Anne's County  
QC420-99

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



Parris N. Glendening  
Governor

Maryland Department of Natural Resources  
Forest, Wildlife and Heritage Service  
Tawes State Office Building  
Annapolis, Maryland 21401

Sarah J. Taylor-Rogers, Ph.D.  
Secretary

Stanley K. Arthur  
Deputy Secretary

August 10, 1999

SEE Environmental Services  
ATTN: Eric E. See, President  
The Woodbridge Center  
2444 Solomons Island Rd., Suite 217  
Annapolis MD 21401

RE: **Assessment of Rare, Threatened and Endangered Species -**  
Elm Street Development project, Located on Cox Creek, on Thompson Creek  
Road, Kent Island, Tax Map 56, Grid 12, Parcel 32, Lot 2, Queen Anne's  
County.

Dear Mr. See:

The Wildlife and Heritage Division has no records for Federal or State rare, threatened or endangered plants or animals within this project site. This statement should not be interpreted as meaning that no rare, threatened or endangered species are present. Such species could be present but have not been documented because an adequate survey has not been conducted or because survey results have not been reported to us.

However, the open waters that are adjacent to or part of the site are known historic waterfowl concentration areas. If there is to be any construction of water-dependent facilities please contact Mr. Larry Hindman, Waterfowl Project Manager at (410) 827-8612, for technical assistance regarding waterfowl.

Sincerely,

Michael E. Slattery,  
Director,  
Wildlife & Heritage Division

ER# 99.1138.QA

cc: Larry Hindman



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

November 28, 2000

Ms. Pam Miley  
Anne Arundel County Office of Planning and Zoning  
2664 Riva Road, MS 6301  
Annapolis, MD 21401

RE: Variance 2000-0186-V, JMS Ventures - REVISED PLANS

Dear Ms. Miley:

Thank you for providing the revised information on the above referenced variance application. The applicant is requesting a variance to permit a driveway and stormwater management facility 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. The plans have been revised subsequent to a site visit we conducted with the consulting engineer. Impacts have been reduced. The size and design of the house have also changed, reducing the amount of impervious surface. The driveway must cross a stream and impact the Buffer. We do not oppose the variance requested provided that mitigation is provided at a 3:1 ratio for clearing over 30% of the lot. Credit can be given for stream/wetland restoration on the site. However, the future property owner must be informed that the front yard of the dwelling is entirely within the 100-foot Buffer to the stream and a grassed lawn (similar to the neighbor's) will not be permitted. While removal of invasive/undesirable species (such as poison ivy) is permitted, removal of other existing natural vegetation (such as jewel weed) is not. We recommend that the remainder of the lot be placed under a conservation easement to ensure protection.

Thank you for arranging the visits to the site and for the opportunity to provide further 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: AA266-00

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

CHESAPEAKE BAY CRITICAL AREA COMMISSION  
1804 West Street, Suite 100  
Annapolis, Maryland 21401

FACSIMILE TRANSMITTAL

TO: Ken McLambon FAX: (301) 743-9008  
COMPANY: \_\_\_\_\_  
FROM: LeeAnne Chandler  
DATE: 11/29/00 TIME: 9:00 a.m. p.m. NO. PAGES: 4

COMMENTS:

Ken -

Here is the letter on the Annar property.  
Original is following in the mail  
along with the photos.

Please call if you have  
any questions

LeeAnne

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

November 29, 2000

Mr. Kenneth L. McLawhon, Town Manager  
Town of Indian Head  
4195 Indian Head Highway  
Indian Head, MD 20640

RE: Ken Ammar - Violations

Dear Mr. McLawhon:

I am writing to follow up on the site visit conducted on November 27, 2000. I would like to make several observations and follow-up recommendations. The Commission is extremely concerned about the conditions observed on site. We urge the Town to pursue these issues to ensure that development on this property be brought into full compliance with all applicable laws.

The existing permit was for clearing and grading the portion of the site designated for the initial residence. At the September 20<sup>th</sup> meeting, the property owner indicated that he "misunderstood" and had started to clear the entire site for the proposed "future dwelling." At the meeting, it was agreed that Mr. Ammar would provide the Town and the Commission with a mitigation plan and a copy of the forest management plan in his possession. He has failed to provide this information. Therefore, an amended grading permit has not been issued and all of the work he has done since that day has been in violation of the existing permit.

As we observed during our site visit, Mr. Ammar has not only exceeded that permitted under the existing grading permit, he has extended the limits of disturbance beyond what appears on the site plan signed and sealed by his surveyor. He has cleared and graded within the Critical Area Buffer, which is prohibited by the Town's Zoning Ordinance. He has not provided adequate sediment and erosion control. The streams on site have been impacted by sediment pollution. He has disturbed slopes of 15% or greater by borrowing a chunk of soil from a hillside to supplement his driveway. This is unacceptable. We recommend that the Town take immediate legal action.

Clearing and grading has occurred within the Critical Area Buffer to the Potomac River as well as the Buffer to a stream. (Given that there are two streams on this property, the one closest to the proposed development site will be referred to as stream #1, the one closest to the road will be

Mr. Ken McLawhon

November 29, 2000

Page 2

referred to as stream #2.) The Town Zoning Ordinance Section 971 prohibits grading and land disturbance within the Buffer. The eastern edge of the cleared and graded area is only 73 feet from stream #1. The western edge of the cleared and graded area is at the top edge of the bluff fronting on the Potomac River. Again, this has intruded into the Buffer. Please note, it was indicated by Mr. Ammar at the September 20, 2000 meeting that **NO FURTHER CLEARING WOULD OCCUR** towards the river.

To address the Buffer violations, we recommend that the Town require the applicant to provide a new site plan, signed and sealed by a professional surveyor showing the limits of clearing. The site plan should also have two-foot topographical contours. This information is necessary to determine whether or not the Buffer should be expanded for steep slopes. Once this information is available, the total amount of Buffer disturbance can be quantified. Cutting in the Buffer is considered a civil violation of the Town's Zoning Ordinance. The Ordinance calls for fines of \$1000 for each occurrence and mandatory reforestation at 3 times the area cleared.

With regard to sediment and erosion control, there was clear evidence of runoff and sediment pollution from the unauthorized activities on site. The Commission defers to the Maryland Department of the Environment as the enforcement agency on these issues. However, again, the Town's Zoning Ordinance requires a Soil Erosion and Sedimentation Control plan for development activities within the Critical Area. We recommend that the Town require that the applicant submit such a plan, signed and sealed by a professional engineer. Permits from the Maryland Department of the Environment may be required for repairing the damage in the stream bed. The culverts beneath the driveway may require additional work, especially in regard to stream #1.

Mr. Ammar has also violated Section 955 (c)(vi) of the Town's Zoning Ordinance which states that development on slopes of 15% or greater is prohibited. (The term "development" includes grading.) He has excavated a large chunk of soil out of the slope and used this soil to supplement the driveway as it crosses stream #1. The soils have subsequently eroded into the stream. As I indicated in earlier correspondence, the soils on this site are highly erodible. Obviously, removing soil from a vegetated, stable hillside is highly detrimental to future stability. Disturbance of steep slopes is prohibited and typically requires a variance. We recommend that the applicant be required to restore this area to its previous condition. A professional should be consulted prior to any work. We also recommend that the Town pursue this violation under Section 703 of the Zoning Ordinance.

In addition to the above violations, clearing and grading occurred beyond the approved limits of disturbance, i.e., an area of 142 feet by 210 feet has been cleared while the dimensions of total disturbance on the approved site plan was approximately 100 feet by 210 feet. Clearing and grading has also occurred at two locations along the gravel driveway. (Please note, the approved site plan indicates an existing gravel drive of 10 feet wide.) It has occurred in the area adjacent

Mr. Ken McLawhon

November 29, 2000

Page 3

to stream #1 (where the disturbance to the slope has occurred) and it has also occurred further towards the road. It appears that Mr. Ammar is using these areas as turn-arounds for heavy equipment. Mitigation must be provided for those areas of grading as well.

Again, the Commission is obviously very concerned about the blatant violations on this site. With this letter, please find the photos taken on November 27, 2000. They clearly document the violations on site and will be useful should this issue be taken to Circuit Court. Mr. Ammar was disingenuous at the meeting in September. The regulations were made clear to him, yet he has disregarded the discussions on site. He has continued work on the site without regard to the environment. We recommend that the Town serve him with a notice of violation immediately. If he fails to respond with all of the requested information, we further recommend that the Town charge him with a misdemeanor and fine him \$1000 per day that he fails to respond in accordance with Section 703 of the Town's Zoning Ordinance.

Please keep the Commission up to date with any information pertaining to this site. If you have any questions or would like to discuss this matter further, please contact me at (410) 260-3477.

Sincerely,



LeeAnne Chandler

Natural Resources Planner

cc: Marianne D. Mason, Esq. (Commission Counsel)  
Ren Serey, Executive Director  
IH105-00



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION  
1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

November 27, 2000

Mr. Kenneth L. McLawhon, Town Manager  
Town of Indian Head  
4195 Indian Head Hwy.  
Indian Head, MD 20640

RE: Critical Area Program and Ordinance Update

Dear Mr. McLawhon:

I am writing in regard to your submittal of the Town's Critical Area Zoning Ordinance amendments. The Critical Area Commission received your submittal letter on November 8, 2000 and has accepted the amendments for processing. The Commission's 90-day review begins as of the date of this letter.

The Critical Area Law requires local jurisdictions to update their Critical Area Programs every 4 years and provide the following information:

1. A statement certifying that the required review has been accomplished. *Your letter of October 27, 2000 satisfies this requirement.*
2. Any necessary requests for program amendments, program refinements or other matters that the local jurisdiction wishes the Commission to consider. *The newly adopted Zoning Ordinance, particularly Sections 950 - 974, will replace the Town's existing Critical Area Program and Ordinance. Individual amendments or refinements are not necessary as the entire Critical Area Overlay District regulations will be considered as one amendment.*
3. An updated resource inventory. *Commission staff has requested information from the Department of Natural Resources' Heritage Division with regard to any new habitat protection areas on the Town's behalf. Once we receive a response, any changes to the habitat protection maps will be approved as part of the Comprehensive Review.*

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Mr. Ken McLawhon  
November 27, 2000  
Page 2

4. A statement quantifying acreages within each land classification, the growth allocation used and the growth allocation remaining. *According to our records, there are 31 acres of IDA, 110 acres of LDA and 23 acres of RCA within Town boundaries. A total of nine acres of growth allocation has been used by the Town. Because growth allocation for the Town is controlled by Charles County, information on remaining growth allocation is not applicable.*

Commission Chairman John C. North, II will appoint a panel to conduct a public hearing on the proposed amendments and make recommendations to the full Commission. The hearing will be held in the Town of Indian Head (location and time to be determined). I will contact you in the near future to make all necessary arrangements. Thank you for your assistance in this endeavor.

Sincerely,



LeeAnne Chandler  
Natural Resources Planner

cc: Tony Redman, Redman/Johnson Associates



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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

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(410) 260-3460 Fax: (410) 974-5338

November 29, 2000

Ms. Cathy Maxwell  
Queen Anne's County  
Department of Planning & Zoning  
107 North Liberty Street  
Centreville, Maryland 21617

RE: Variance Case No. V-110008 (Fred H. Felton)

Dear Ms. Maxwell:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance from the required front yard setback in order to construct a greenhouse addition. The property is 0.295 acres in size and is currently developed with a house, two sheds, a boat ramp and a pier.

Because the proposed addition is no closer to the water than the existing dwelling, this office has no comment on the front yard 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

cc: QC608-00

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



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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

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(410) 260-3460 Fax: (410) 974-5338

November 29, 2000

Ms. Lisa Collison  
Queen Anne's County  
Department of Planning & Zoning  
107 North Liberty Street  
Centreville, Maryland 21617

RE: Administrative Subdivision, File #07-00-11-0009-C (Daniel T. Voshell)

Dear Ms. Collison:

Thank you for providing information on the above referenced subdivision. Five lots are being combined into one in order to construct a dwelling with on-site well and septic. It appears that the proposed lot consolidation and subsequent development would be consistent with the County's Critical Area Program. This office has no Critical Area issues of concern at this time.

Thank you for the opportunity to comment. Please provide additional information if there are changes which will affect Critical Area resources.

Sincerely,

LeeAnne Chandler  
Natural Resources Planner

cc: QC609-00

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**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

December 4, 2000

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

RE: Variance 2000-0392-V, Edgar Sims

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit dwelling additions with less setbacks and Buffer than required. The property is designated LDA and is currently developed with a house and parking area.

The proposal includes screening in an existing deck and adding a new deck, as well as some grading of the parking area. The screened-in porch will be 368 square feet and will provide ample additional living space. The new deck is of reasonable size. The application states that the footers for the new deck will be hand dug. Provided that no new disturbance is proposed (beyond the hand-dug footers), this office does not oppose the variance requested. However, keeping in mind that this house was just recently renovated (under case No. 1995-0227-V), future development activity on this lot should be limited to the footprint of existing impervious surface (as it will exist after screening in the existing deck).

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: AA578-00

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



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

**STATE OF MARYLAND**  
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(410) 260-3460 Fax: (410) 974-5338

December 4, 2000

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

RE: Variance 2000-0407-V, John & Gail Hiser

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a second principal structure on a lot in an R2 district. The property is designated IDA and is currently developed with a house, garage and shed.

Because no new development activity is occurring, this office has no comment on this zoning variance.

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: AA610-00

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (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) 260-3460 Fax: (410) 974-5338

December 4, 2000

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

RE: Variance 2000-0409-V, Arthur Harrison

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling and associated facilities with less setbacks and Buffer 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. Impacts should be minimized as much as possible. The proposed house is of reasonable size and it appears to have been sited close to the driveway with minimal setbacks. Care should be taken in the course of construction to ensure grading occurs only within the proposed limits of disturbance. We recommend mitigation at a 3:1 ratio for all disturbance within the expanded Buffer.

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: AA611-00

Branch 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**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

December 4, 2000

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

RE: Variance 2000-0411-V, Robert and Marianne Kee

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling and associated facilities 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. While the 100-foot Buffer was not identified on the site plan, it appears that any development of this lot would require a variance. However, it is not apparent that the request is the minimum to provide relief. We recommend that the dwelling be moved further back from the water. Also, a 14-foot by 32-foot deck is quite extensive and we recommend that it be made smaller. Mitigation should be provided at a 2:1 ratio for the new impervious surfaces within the Buffer and at a 1:1 ratio for new impervious surfaces outside of the Buffer. The area between the house and the water should be a priority location for plantings.

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: AA612-00

Branch 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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December 4, 2000

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

RE: Variance 2000-0402-V, Bruce Walker

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling and associated facilities 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. It appears that the dwelling has been sited to minimize intrusion into the 100-foot Buffer, however the patio, deck, and well are within the Buffer. If possible, the deck and patio should be moved out of the Buffer. Mitigation should be provided at a 2:1 ratio for the new impervious surfaces within the Buffer and at a 1:1 ratio for new impervious surfaces outside of the Buffer. The area between the house and the water should be a priority location for plantings.

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: AA581-00

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**

1804 West Street, Suite 100, Annapolis, Maryland 21401

(410) 260-3460

Fax: (410) 974-5338

December 4, 2000

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

RE: Variance 2000-0394-V, Lewis Waters

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit dwelling additions with less setbacks and Buffer than required. The property is designated LDA and is currently developed with a house.

Because the proposed additions appear to provide a reasonable expansion of living space and because total impervious surfaces are not an issue, this office does not oppose the variance requested. However, an effort should be made to retain as many trees as possible on site. Mitigation for the removal of trees should occur on site at the appropriate ratio (the percentage of clearing has not been provided).

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: AA579-00



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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

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December 5, 2000

Mr. Kevin Dooley  
Anne Arundel County Office of Planning & Zoning  
2664 Riva Road, MS 6301  
Annapolis, MD 21401

RE: Variance 2000-0400-V, Michael and Mairread Brigham

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 is currently undeveloped. The proposed accessory structure is a swimming pool and associated decking.

This office opposes the variance requested. Given that the lot is undeveloped, there is ample opportunity to redesign to minimize impacts while meeting the desired use of the property owners. It does not appear that any attempt has been made to minimize impacts or to reduce the extent of the variance requested. Only a grading permit has been approved. A building permit for the dwelling has not been issued, so it seems that the house could be redesigned. If the house were made slightly narrower, it could be moved away from the water.

The applicants are proposing to have a 12 by 30 foot deck, a four foot ramp, a 10 by 24 foot patio and an 18 by 32 foot pool, all to be located between the proposed dwelling and the water. This 44 foot linear extension of impact into the Buffer (totaling 1,272 square feet) appears to be far from the minimum necessary. If the development of the lot were redesigned, it seems that a small pool could be accommodated either along the side of the deck or house, or between the dwelling and the street. Please note that this lot is located at the end of a dead-end street, and is much more private than a typical situation. With screening and the required fencing around a pool, it seems that this is a viable alternative.

Also, the approved grading permit requires plantings to satisfy stormwater management requirements. The reforestation plan and agreement (associated with the grading permit) requires establishing a vegetated Buffer between the dwelling and the water. Approving the proposed pool and patio would drastically decrease the area to be revegetated and would not be in keeping with the agreement made under the grading permit. This is not consistent with the spirit and intent of the Critical Area Program. The planting information on the site plan refers to the plantings required under the grading permit and does not reflect the additional plantings which would be necessary if this variance is approved.

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Mr. Kevin Dooley  
December 5, 2000  
Page 2

Again, this office recommends denial of the variance requested. The request is not the minimum to provide relief as there are opportunities to redesign and reduce impacts. This is a neighborhood of mixed housing sizes and types. Other waterfront pools were not apparent during a drive through the neighborhood so it does not appear that denial of the variance would deprive the applicants of rights commonly enjoyed. Approval of the variance would not be in keeping with the spirit and intent of the Critical Area Program.

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: AA580-00



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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

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December 5, 2000

Ms. Pam Miley  
Anne Arundel County Office of Planning and Zoning  
2664 Riva Road, MS 6301  
Annapolis, MD 21401

**VIA FACSIMILE**

RE: Variance 2000-0362-V, Bruce & Marie McWhirter

Dear Ms. Miley:

Thank you for providing the 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. Because the entire lot is encumbered by the expanded Buffer, a variance is necessary to build anything on this lot. The lot is located in a subdivision of substantial homes and the proposed dwelling seems to be in keeping with the neighborhood. However, it does appear that the design of the house is the reason for encroachment on to steep slopes.

If the variance is approved, we recommend mitigation for all disturbance in the expanded Buffer at a 3:1 ratio. We also recommend that canopy closure be maintained over the path to the pier (i.e., minimize clearing by locating path to avoid large canopy trees). Permits should be obtained from the Maryland Department of the Environment prior to any work below mean high water.

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: Mr. David M. Plott, Esq. (via facsimile)  
AA528-00

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Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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November 1, 2000

Mr. Michael J. Reber, Chairman  
Calvert County Board of Appeals  
150 Main Street  
Prince Frederick, Maryland 20678

RE: Variance Case No. 00-2678, Moore & O'Neill

Dear Chairman Reber:

Thank you for providing information on the above referenced variance request. The applicant is requesting variances from the steep slope regulations for construction of a private lane, two septic areas and a single family dwelling. The Critical Area portion of the property totals 9.5 acres in size, is designated RCA and is currently undeveloped.

This property was the subject of a subdivision application received by this office in June 2000. We provided comments to the County regarding the subdivision and particularly noted the proposed disturbance to steep slopes. A copy of our comments is included as an attachment to this letter. This office cannot support variances on newly created lots. The subject parcel is designated RCA and is limited to one dwelling per 20 acres. At 9.5 acres in size, this parcel is entitled to only one dwelling by right. The applicants are proposing to subdivide it into two parcels under the intra-family transfer provisions in the Zoning Ordinance. Under optimal conditions, a parcel of this size could be subdivided into two lots under the intra-family transfer provisions. However, this site is severely constrained by steep slopes and poor soils and simply cannot support two dwelling units.

This office recommends denial of the variance requested for placement of a house and associated septic system on Lot 2. The County's Zoning Ordinance specifically states that sites in the Rural Zoning District have a certain maximum number of permitted lots subject to the other applicable sections of the Zoning Ordinance [emphasis added]. It continues to state that sites with environmental constraints "may not be able to accommodate the maximum number of lots." This is one such site. The Zoning Ordinance expressly prohibits development on slopes of 15% or greater. Further, with regard to placement of lots and roads in new subdivisions, Section 5-1.03 of the County's Zoning Ordinance states that, "all of the provisions in the Calvert County Zoning Ordinance and Subdivision regulations governing protection of wetlands, floodplains, steep slopes, and blue line streams shall be met." Indeed, outside of the Critical Area it appears that

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Mr. Michael J. Reber, Chairman  
November 1, 2000  
Page 2

the applicant has avoided all such areas and has followed all the regulations. Within the Critical Area however, the subdivision does not meet the applicable regulations. From the proposal, it appears that more deference is given to the regulations outside of the Critical Area than within the Critical Area. The applicant should not be permitted to get around the subdivision regulations by obtaining a variance whether it is within the Critical Area or not.

The applicant is entitled to one (1) lot within the Critical Area portion of this property. The intra-family transfer provisions may allow, but do not guarantee, further subdivision. Again, we oppose the variances requested for Lot 2. Provided that impacts are kept to the absolute minimum necessary and only if there are no other alternatives, we do not oppose the variance requested for the private lane. It appears that the septic area for Lot 1 could be reconfigured (provided Lot 2 is moved out of the Critical Area) such that no disturbance to steep slopes would be necessary. At a minimum, the initial septic field for Lot 1 should be placed in the flat portion of the septic area. The attached drawing shows one potential alternative for development of this parcel into five lots, with only a variance needed for the private lane.

There is no unwarranted hardship in this case. The applicant can place a dwelling and septic system on the Critical Area portion of the property, providing reasonable and significant use. The building envelope and septic area for Lot 2 can be moved outside of the Critical Area. The Commission is gravely concerned about this proposal and especially about the practice of considering variances which allow avoidance of the applicable regulations on non-grandfathered lots.

Thank you for the opportunity to comment. Please include this letter in 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: Marianne D. Mason, Esq.  
CA556-00

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND**  
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December 13, 2000

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

VIA FACSIMILE

RE: Variance 2000-0356-V, Gregory Fasick - REVISED PLANS

Dear Ms. Diffenderfer:

This office has received a copy of the revised plans for the above referenced variance application. The applicant is requesting a variance to permit a dwelling, swimming pool and associated facilities with less setbacks and buffer and with disturbance to steep slopes. The property is 1.73 acres in size, is designated LDA and is currently undeveloped. The primary change made on the plans is changing the garage from side-entry to front-entry.

As stated previously, 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 and the variance requested the minimum to provide relief. While the extent of clearing has been slightly reduced due to the change in the garage, the amount of impervious has actually increased.

The comments submitted by this office on the original plan are still applicable. It seems that the size and sprawling design of the house are excessive for this piece of property. The 40-foot by 35-foot garage and the 40-foot by 16-foot connection from the garage to the house contribute to the excessive amount of impervious surfaces. The extensive patios and swimming pool also add to the impacts. While the homes in this subdivision are large, there are a variety of designs such that there are alternatives. Excessive grading is also proposed. It seems that a substantial home could be placed on this property with far fewer impacts. The updated environmental report contained information on the specimen trees on site. This proposal would involve removal of a 40" specimen oak tree. There has been little attempt to minimize impacts to this site.

This office can not support the variances requested. The request is far from the minimum to provide relief. Reasonable and significant use of the property can be accomplished with fewer impacts. The house should be redesigned according to the constraints of the site and limits of disturbance should be kept to the minimum.

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,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

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Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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December 13, 2000

Mr. Kenneth L. McLawhon, Town Manager  
Town of Indian Head  
4195 Indian Head Highway  
Indian Head, MD 20640

RE: Ken Ammar - new site plans and supporting documentation

Dear Mr. McLawhon:

Thank you for providing a copy of the information submitted by Mr. Ammar. I have reviewed the information provided. I have the following comments:

1. In reviewing the forest stewardship plan, it appears that some pages are missing. There is a page which begins with a paragraph labeled number 6 (The Gypsy Moth...) while there is no page with paragraphs 1 through 5. It does not appear that this information is complete. A full report should be provided for review.
2. The revised site plan provided is wholly inaccurate. The scale is wrong where a scale is provided. In addition and perhaps most importantly, **the site plan does not accurately reflect the conditions on site**. For example, the site plan shows a distance of 134 feet between the limits of disturbance and the stream. As you and I measured the distance in the field, it is 73 feet between the stream and the limits of disturbance. **An error of 61 feet is unacceptable**. The stream is not even in the correct place. As stated in previous correspondence, the site plan must include two-foot topographical contours. It is my understanding that the site plans were prepared using aerial topographical information. Only an on-site field survey of the property will result in an accurate site plan with enough detail to assess the extent of impacts to this site.
3. The method of Buffer expansion described on the site plan is unclear and incorrect. The minimum Buffer of 100-feet is expanded four-feet for every percent of slope or to the top of the slope, **whichever is greater in extent**. If cliffs or bluffs are included in the Buffer, the minimum Buffer is adjusted 100-feet from the top edge of such cliff or bluff. (It appears that Charles County regulations are being used, instead of the Town of Indian Head's.) Again, only an accurate site plan can be used to establish the extent of Buffer expansion.

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Mr. Ken McLawhon

December 13, 2000

Page 2

4. Once a field-surveyed site plan is prepared and submitted, the quantity of mitigation listed on the planting plan may require adjustment. Notwithstanding the actual amount of mitigation, the planting plan is not adequate. First, the planting plan does not show the location of any existing trees. Much of the area where plantings are proposed is already forested. Reforestation is establishment of a forest. While some understory plantings may be appropriate, some of the species proposed will not grow under a closed canopy of trees overhead. Second, substantial plantings are proposed for the steep ravine leading to the Potomac River. Not only is this area already heavily vegetated (again which is not shown on the plan), but much of it is extremely steep. The actual planting would be a dangerous task and would de-stabilize these steep slopes. Further disturbance of steep slopes should not be permitted. The planting plan should be developed after an accurate site plan is provided. The planting plan should include information on the existing vegetation as well as the proposed plantings. It should also be at an accurate scale (i.e., the scales shown on the planting plan are also wrong).

The Commission continues to be extremely concerned about this situation. The applicant needs to hire a professional consultant to conduct a field survey of the property and prepare a new site plan with all appropriate detail. We continue to urge the Town to pursue the information necessary to bring this property into compliance with the Critical Area Program. We also urge the Town to use the enforcement provisions in the Zoning Ordinance to expedite this process. I remain available to meet with you and others as necessary to explain the requirements and our issues of concern.

Please keep the Commission up to date with any information pertaining to this site and please provide revised information as it becomes available. If you have any questions or would like to discuss this matter further, please contact me at (410) 260-3477.

Sincerely,



LeeAnne Chandler

Natural Resources Planner

cc: Marianne D. Mason, Esq. (Commission Counsel)  
Ren Serey, Executive Director  
IH105-00



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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

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December 15, 2000

Ms. Sue Ann Hyer-Morgan  
Queen Anne's County  
Department of Planning & Zoning  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Gibson's Grant/White's Heritage Ptsp. - Concept Plan**  
**CP #04-0011-0007(c)**

Dear Ms. Hyer-Morgan:

Thank you for the opportunity to review the concept plan for Gibson's Grant. The applicant proposes to create a traditional neighborhood development containing 750 dwelling units in various forms. The parcel is 138.6 acres in size, with 103.3 acres in the Critical Area. The Critical Area portion of the property is partially LDA and partially RCA. The LDA designation on 70.8 acres is a result of growth allocation granted partially in the interim period prior to the County's Program adoption (approximately 51 acres) and partially in 1996 when the Kent Island Golf Club was proposed (approximately 20 acres). This proposal calls for a redesignation of the LDA to IDA and for growth allocation for 23.64 acres to change part of the RCA to IDA. Commission staff has reviewed the information provided and we have the following comments:

**Buffers**

The applicant is requesting a reduction of the Queen Anne's County standard 300 foot shore buffer to 100 feet along the entire shoreline of the parcel, including both the Chester River and Macum Creek. They justify their request by stating that "there will be an effective 300 foot buffer along the majority of Macum Creek frontage through on-lot forest protection areas." Section 18-1-084 of the County Code establishes the 300-foot buffer for all new moderate/high density development. It allows for modification of the shore buffer if: the standard shore buffer covers more than 50% of the parcel or if the standard shore buffer prohibits any additional development landward of existing structures. Neither of these criteria are met in this case.

The Critical Area Environmental Assessment report describes Macum Creek as an anadromous fish spawning area and an historic waterfowl concentration area. It is lined with wetlands and has numerous species of submerged aquatic vegetation. It is narrow and

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shallow, making it particularly sensitive to sediment-laden runoff. In order to protect the sensitive nature of Macum Creek, Commission staff recommends that a 300-foot Buffer be maintained along the entire creek shoreline. If the 300-foot Buffer is provided, the amount of growth allocation necessary would be significantly reduced. Additional justification should be provided for reduction of the Buffer along the Chester River as well. The proposed Buffer Management Area on the eastern side of the existing driveway is not adequate to justify Buffer reduction, especially when no reforestation is proposed in the first 100 feet.

Under the State regulations and the County Program, when a property changes from agricultural to residential use, the full 100-foot Buffer must be established in forest vegetation that assures the Buffer functions set out in the County Program. A detailed Buffer planting plan should be prepared that demonstrates that this requirement will be met. The sketchplan indicates a pedestrian trail along the shoreline (entirely in the Buffer) for a distance of approximately 1400 feet, thereby drastically reducing the ability of the Buffer to provide water quality and wildlife habitat protection adjacent to the Chester River and Macum Creek. Paths should be designed to be pervious with canopy cover and should be located outside of the 100-foot Buffer, except for accessways to water-dependent facilities. We recommend that the County work with the applicant at this early stage to ensure that Buffer re-establishment is not compromised.

There is an existing driveway from the Piney Creek Service Road to the manor house which crosses through the 100-foot Buffer to Macum Creek. The information provided indicates that this driveway will remain, though it is not clear what, if any, improvements are proposed. Given its location in the Buffer and its narrow width, we recommend that it be limited to pedestrian access and that it be made narrower in width, such that the Buffer can be restored in these areas.

The pocket of wetlands at the headwaters of Macum Creek are labeled as non-tidal. However, the 1000-foot Critical Area boundary is drawn from the landward edge of these wetlands, indicating that the wetland maps show these as tidal. Indeed, in checking the maps, there are tidal wetlands in this area. Similarly, in looking at the aerial photographs of the site, it appears clear that there is a tidal connection between the wetlands and Macum Creek. The 100-foot Buffer is therefore shown incorrectly in the vicinity of these wetlands and the Buffer impacts some of the proposed lots.

### **Stormwater Management**

A comprehensive stormwater management plan should be prepared and provided for review early in the design process. If the growth allocation is approved, the project will be reviewed under the criteria for development in the IDA and a 10% pollutant reduction will be required. The plans and calculations should be provided to this office for review.

Ms. Sue Ann Hyer-Morgan

December 15, 2000

Page 3

### **Growth Allocation**

This request for growth allocation has come on the heels of the Four Seasons project. In their deliberations, the Critical Area Commission panel had considerable concern regarding the current process for approval of growth allocation in Queen Anne's County. In its Panel Report, it stated that the County's growth allocation process will need to be amended before the Commission accepts any further growth allocation requests. A separate letter is being sent to the County Commissioners requesting a meeting to initiate discussions on the issue.

The applicant is requesting growth allocation for only the western portion of RCA on the property. They propose to retain the RCA designation on the 7.54 acres in the southeastern corner of the property. However, a stormwater management pond, pumping station, and a potential elevated storage tank are proposed in this area, along with recreational trails and a nature center. The County's Program on page 21 states that the development envelope must include "impervious surfaces, utilities, stormwater management measures, ...any areas subject to human use such as active recreation areas and any additional acreage needed to meet the development requirements of the criteria." The stormwater pond in the RCA is serving development outside of the Critical Area, which is not consistent with the County's Program or the Commission's Policy on Growth Allocation. Growth allocation will be necessary for the stormwater management pond and perhaps the entire acreage of RCA in this location.

### **General Comments**

The applicant should provide additional detail on the following: use of the small island; proposed bridge to the island; recreational trails; nature center; community pier (if one is proposed) and on-site afforestation and reforestation areas. Detailed Buffer planting information should also be provided.

Commission staff would appreciate the opportunity to visit the site and explore some areas of concern. I will contact you shortly to make the necessary arrangements.

Thank you for the opportunity to comment on this concept plan. If you have any questions concerning these comments or would like to discuss these issues further, please call me at (410) 260-3477.

Sincerely,



LeeAnne Chandler  
Natural Resources Planner

cc: QC595-00



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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

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December 15, 2000

Ms. Tanya Krista-Maenhardt  
Department of Planning & Zoning  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Narrows Point - Concept Plan, #CP 05-0011-0003**

Dear Ms. Maenhardt:

Thank you for providing information on the above referenced Concept Plan. The applicants propose a 38 unit planned residential development on a 15.52 acre site. The site is currently developed with one dwelling. The proposal calls for 38 duplex units (19 buildings), with parking and stormwater management. The site plan states that the property is designated IDA and is Buffer Exempt. As proposed, significant development would occur within the 100-foot Buffer.

1. First, the Critical Area designation on this property is partially IDA and partially LDA. This is not discussed in any of the information provided and the split designation is not shown on the site plan. The proposal for 38 townhomes, parking, and stormwater facilities may not be permissible subject to the LDA regulations. Revised plans should be provided which clearly indicate the IDA/LDA boundary and quantify impacts in each designation.
2. While the property has been designated a Buffer Exemption Area (BEA), development within a BEA is limited by the County's BEA regulations at §14-153(d) of the County Code. These regulations include provisions which require a property owner to avoid developing within the BEA unless the Planning Director finds that there is no feasible alternative and that **the intrusion into the Buffer is the least necessary** (§14-153 (d)(1)) [emphasis added]. The Buffer intrusion proposed on the concept plan does not meet this criteria.
3. The applicant is required by §14-153(d)(2) to minimize the shoreward extent of intrusion into the BEA. This section also limits the intrusion into the Buffer Exemption Area to the required yard setback unless a variance has been granted. It is our understanding that, on this property, the minimum setback from the water is 50 feet. All of the proposed

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townhomes are set exactly at the 50 foot Buffer line. Some of the townhomes include decks, but several include no deck or partial decks. It seems improbable that such waterfront homes would be constructed without decks or with oddly-shaped partial decks. It is likely that future owners would desire decks, similar to their neighbors'. The proposal should be redesigned to accommodate all development entirely outside of the minimum 50-foot shore Buffer. Limits of disturbance for construction should also be kept outside of the 50-foot shore Buffer.

4. Similarly, the road (in the vicinity of units 23 to 29) is located within the 50-foot Buffer. All new development activity, including the new road, should be located outside of the 50-foot Buffer. There is a span of 80 feet outside of the 50-foot Buffer where the road could be located. (This situation is different than where the existing driveway is within the 50-foot Buffer because there is no room out of the Buffer.) The proposal should be redesigned to move the new road out of the minimum 50-foot Buffer.
5. Portions of this property have slopes of 15% or greater and they are not appropriately identified on the site plan. While we recognize that the slopes were created by human activities, it is likely that they are now in a stable condition. The County Code in §18-1-080 states that "Steep slopes of 15% grade or higher may not be disturbed by development activities." The slopes are also in the Buffer and Buffer expansion should be required. These areas should be identified on the site plan.
6. The 50-foot shore Buffer is shown incorrectly in the vicinity of units 9 through 12. The strip of land that appears offshore is separated from the property by tidal wetlands. The Buffer should be measured from the landward edge of all tidal wetlands. Similarly, there appears to be a drainage swale on the marina side of the property in the vicinity of the proposed stormwater pond (near boundary label 24). Tidal wetlands may exist in this area and the Buffer should be adjusted accordingly. Fringe tidal wetlands along the eastern side of the property have not been shown on the site plan.
7. This office has recently reviewed information regarding dredging at Mears Point Marina. The dredging proposal includes expanding the marina basin by excavating an additional 1853 square foot area of upland from the Narrows Point property. This area of upland is Critical Area Buffer. It is not shown on the site plans provided. We have informed MDE that we oppose excavation of the Buffer, unless a new undisturbed forested 100-foot Buffer can be provided. Given the proposed development of this site, it does not appear that a new Buffer can be provided.
8. Notwithstanding the split IDA/LDA issue, information regarding the 10% pollutant reduction requirements should be provided to this office for review.

Ms. Tanya Krista-Maenhardt

December 15, 2000

Page 3

9. Information was not provided as to the amount of existing vegetation on site. Given that this parcel is primarily dredge spoils, it is likely that nearly the entire property will need to be graded and stabilized. Information on proposed clearing and grading should be provided. Clearing of existing natural vegetation in the Buffer is not permitted. All limits of disturbance must be shown on the site plan and should be included in the calculation of Buffer impacts for mitigation purposes.
10. It is our understanding that the County requires all mitigation to be met on site on properties that are designated BEA and are located in the Waterfront Village zoning district. It is not apparent that there is adequate upland acreage available to meet the mitigation requirement on site, especially if there is some existing natural vegetation. We recommend that a planting plan be prepared that shows the required mitigation on site.
11. We recommend that the County require mitigation for impacts to the Buffer from the proposed stormwater management facilities.

In summary, we recommend that the applicant redesign to ensure that no new development activity occur within the minimum 50-foot shore buffer and to ensure that intrusion into the Buffer is the least necessary. Development within the LDA portion of the property is subject to the 15% impervious surface limit, limits on clearing as well as the prohibition of development on steep slopes. As proposed, it does not appear that an effort has been made to minimize intrusion in the Buffer or minimize impervious surfaces (e.g., the parking proposed is over 63% more than required by code).

Thank you for the opportunity to provide comments. If possible, Commission staff would like to visit the site to get a clearer picture of the existing condition of the property. Please contact me if a site visit can be arranged. I can be reached at (410) 260-3477.

Sincerely,



LeeAnne Chandler

Natural Resources Planner

cc: QC594-00



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

December 14, 2000

Ms. Cathy Maxwell  
Queen Anne's County  
Department of Planning & Zoning  
107 North Liberty Street  
Centreville, Maryland 21617

**RE: Variance Case No. V-120001 (Salvatore D'Andrea)**

Dear Ms. Maxwell:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance from the required front yard setback in order to construct an addition to an existing dwelling. The property is 0.5 acres in size and is designated LDA.

Because the proposed addition does not impact any habitat protection areas and because impervious surfaces are far below the limit, this office has no comment on the front yard 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

cc: QC630-00

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



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December 15, 2000

Ms. Lisa Collison  
Queen Anne's County  
Department of Planning & Zoning  
107 North Liberty Street  
Centreville, Maryland 21617

RE: Minor Subdivision, File #02-00-12-0008-C (Michael R. Foster)

Dear Ms. Collison:

Thank you for providing information on the above referenced subdivision. An existing 1.2 acre lot is being split into two lots. Only a small portion (545 sq. ft.) is located within the Critical Area with an LDA designation. The Critical Area portion of the site is reserved from any future development. Therefore, this office has no Critical Area issues of concern at this time.

Thank you for the opportunity to comment. Please provide additional information if there are changes which will affect Critical Area resources.

Sincerely,

LeeAnne Chandler  
Natural Resources Planner

cc: QC639-00

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (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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December 19, 2000

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

**RE: Matson Land Company  
#TDR 04-00-07-0014 - Revision #2**

Dear Mr. Cohoon:

Thank you for providing information on the above referenced site plan. Commission staff met with Stan Causey from MDE and Dave Joiner from McCrone on the site in October to determine whether the wetlands on this property were private tidal wetlands or state tidal wetlands. We agreed that the wetlands are private and therefore a TDR may be lifted from the site. We have no outstanding Critical Area issues of concern.

If you have any questions concerning these comments, please contact me at (410) 260-3477.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: QC383-00

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December 19, 2000

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

**RE: Grasonville Station, LLC - Final Site Plan - Revision #1  
MASP 05-0010-0008(c)**

Dear Mr. Cohoon:

Thank you for providing Revision #1 of the above referenced site plan. The applicant is proposing to combine four (4) lots of a recently approved commercial subdivision and construct two commercial buildings and associated improvements. The site is designated LDA and is currently undeveloped.

The notes provided on the cover sheet of the site plans indicate that there is a total of 1.62 acres within the Critical Area on these lots. Further, it states that 0.132 acres of impervious surfaces are proposed within the Critical Area, decreased slightly since the previous submittal. This is approximately 8% imperviousness. As such, it complies with the LDA requirements. Provided that appropriate reforestation and/or afforestation is provided (if it remains LDA), it appears that the project would be consistent with the County's Critical Area Program.

Commission staff understands that the regional stormwater management pond was designed to accommodate runoff from the entire subdivision and the design addressed the 10% pollutant reduction requirements. The plans and calculations for the stormwater pond should be provided to this office for review with (or prior to) the request for growth allocation.

Thank you for the opportunity to comment. If changes are made to the project as proposed, please forward revised plans to this office for further review. If you have any questions concerning these comments, please contact me at (410) 260-3477.

Sincerely,

LeeAnne Chandler  
Natural Resources Planner

cc: QC559-00

Branch Office: 31 Creamery Lane, Easton, MD 21601  
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December 21, 2000

Ms. Lisa Collison  
Queen Anne's County  
Department of Planning & Zoning  
107 North Liberty Street  
Centreville, Maryland 21617

**RE: Administrative Subdivision, File #05-00-12-0009-C (Norman Point, Inc.)**

Dear Ms. Collison:

Thank you for providing information on the above referenced subdivision. A lot line adjustment is proposed in order to increase the size of a residential building lot. Provided that all LDA requirements are met during development of Lot 42, it appears that the lot line adjustment and subsequent development would be consistent with the County's Critical Area Program. This office has no Critical Area issues of concern at this time.

Thank you for the opportunity to comment. Please provide additional information if there are changes which will affect Critical Area resources.

Sincerely,

LeeAnne Chandler  
Natural Resources Planner

cc: QC652-00

Branch Office: 31 Creamery Lane, Easton, MD 21601  
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(410) 260-3460 Fax: (410) 974-5338

December 20, 2000

Mr. Tom Davis  
McCrone, Inc.  
207 N Liberty Street, Suite 100  
Centreville, Maryland 21617

RE: Mears Point Marina Dredging

Dear Mr. Davis:

I have received your December 8, 2000 letter in which you describe the proposal to excavate a portion of the shoreline at Mears Point Marina to widen the channel. As we discussed in our telephone conversation about this project in early November, excavation of the 100-foot Buffer is not permitted by right for water-dependent facilities. If such excavation is proposed, a new undisturbed, naturally vegetated 100-foot Buffer must be provided. It does not appear from the plan enclosed that there is room to provide this, particularly given the development proposed on the adjacent site. We do not oppose the dredging of the existing marina channels.

Sincerely,

Regina A. Esslinger, Chief  
Project Evaluation Division

RAE/jjd

cc: Ms. LeeAnne Chandler

Branch Office: 31 Creamery Lane, Easton, MD 21601  
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December 22, 2000

Mr. Kevin Dooley  
Anne Arundel County Office of Planning & Zoning  
2664 Riva Road, MS 6301  
Annapolis, MD 21401

RE: Variance 2000-0425-V, Stephen Winter

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 house and driveway.

Because it appears that no habitat protection areas will be affected, this office has no comment on the setback variance. However, because this lot is designated IDA, the 10% pollutant reduction requirement must be addressed. Usually, on lots of this size, plantings are sufficient to meet this requirement.

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: AA626-00

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



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December 22, 2000

Mr. Kevin Dooley  
Anne Arundel County Office of Planning & Zoning  
2664 Riva Road, MS 6301  
Annapolis, MD 21401

RE: Variance 2000-0435-V, Mark Binding

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 house and driveway.

Because it appears that no habitat protection areas will be affected, this office has no comment on the setback variance. However, because this lot is designated IDA, the 10% pollutant reduction requirement must be addressed. Usually, on lots of this size, plantings are sufficient to meet this requirement.

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: AA642-00

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



Judge John C. North, II  
Chairman

Ren Serey  
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December 22, 2000

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

RE: Variance 2000-0433-V, Robert Domino

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 developed with a house and driveway.

Because it appears that no habitat protection areas were affected and because impervious surfaces are not an issue, this office has no comment on the setback variance. Vegetation that was removed in the course of construction should be replaced in kind.

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: AA641-00

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December 22, 2000

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

RE: Variance 2000-0437-V, Cornelius Sullivan

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 LDA and is currently developed with two houses (?) and a driveway.

Because it appears that no habitat protection areas will be affected and because impervious surface limits will not be exceeded, this office has no comment on the setback variance. Please note that the impervious totals do not add up. The application states that there is 4,050 square feet of impervious existing with 498 square feet proposed. This equals 4,548; not 5,372 as stated. This should be clarified. Because of the substantial amount of impervious surface on this lot, we recommend that plantings be provided to offset the new imperviousness.

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,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: AA644-00

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