

2001 Staff Correspondence Vol. II : Chandler

51832-148-1



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

May 29, 2001

Ms. Sue Ann Hyer-Morgan
Department of Planning & Zoning
107 N. Liberty Street
Centreville, Maryland 21617

RE: Patricia M. Stabler Property
#07-00-042© - Revision #2

Dear Ms. Hyer-Morgan:

Thank you for providing the revised plans for the above referenced subdivision. The applicant is proposing to create 6 lots from a 137.4 acre parcel. The property has an RCA designation and has 96.5 acres within the Critical Area.

At one dwelling unit per twenty acres, only 4 dwelling units are permitted within the Critical Area portion of the property. The development pads for Lots 2 and 3 are entirely outside of the Critical Area in accordance with our previous comments. The adjacent Parcel 49 contains a tidal creek or gut. The 100-foot Buffer should be shown from the landward boundary of this tidal marsh or creek. The Buffer may impact the Park Lane right-of-way. Provided that 15% afforestation is provided, it appears that the proposed subdivision is consistent with the County's Critical Area Program.

Thank you for the opportunity to comment. If you have any questions, please contact me at (410) 260-3477. If there are changes to the project which will impact Critical Area resources, please forward them to this office for further review.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

Cc: QC295-00

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



Judge John C. North, II
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May 29, 2001

Ms. Sue Ann Hyer-Morgan
Department of Planning & Zoning
107 N. Liberty Street
Centreville, Maryland 21617

RE: Fellows, Helfenbein & Newman Funeral Home - Minor Site Plan
MISP 04-01-01-0007(c) - Revision #2

Dear Ms. Hyer-Morgan:

Thank you for providing the revised plans for the above referenced minor site plan. The applicant is proposing to construct an addition to an existing funeral home and reconfigure the parking lot. The property is designated LDA and is 0.943 acres in size. The applicant received a variance from the County Board of Appeals to exceed the 15% impervious surface limit.

With the exception of the proposed landscaping plan, we have no further comments on this project. Regarding the proposed landscaping plan, we recommend that native species be used on all sites within the Critical Area. The majority of the species proposed on this property are not native to Maryland.

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: QC496-00

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Judge John C. North, II
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May 29, 2001

VIA FACSIMILE

Ms. Pam Miley
Anne Arundel County Office of Planning & Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

RE: Variance Case No. 2001-0128-V, Keith Ebersole – REVISED COMMENTS

Dear Ms. Miley:

Thank you for providing information on the above referenced variance request. The applicant is requesting a variance to permit an attached deck with less Buffer than required. The property is developed with a dwelling and driveway.

This office often does not oppose attached decks of reasonable size provided that impacts are minimized and the variance requested is the minimum to provide relief. In this case, the footprint of the deck (620 square feet) is quite extensive. While some impact is certainly offset through the removal of some existing impervious areas, it appears that impacts could be reduced if the deck were made smaller and redesigned. It appears that the point of the deck, with its proposed planters and benches, is unnecessarily increasing impacts to the Buffer. We recommend that the deck intrude no further into the Buffer than the existing patio (12 feet from dwelling). It would still provide a substantial surface area, but with less intrusion into the Buffer. We also recommend that the deck footers be hand dug and mitigation 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 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: AA233-01

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May 30, 2001

Mr. Richard A. McIntyre
Queen Anne's County Parks and Recreation
P.O. Box 37
Centreville, Maryland 21617

RE: Blue Heron Golf Course Expansion

Dear Mr. McIntyre:

This office has received the revised grading plan for the proposed expansion of the Blue Heron Golf Course. Changes have been made to address most of our previous concerns. The 100-foot Buffer is now shown on both sides of the tidal marsh and it appears that all new disturbance (except for access to the bridge) is outside of the 100-foot Buffer. In your letter, you have indicated that 23 trees will be cut in the Buffer area in the vicinity of Hole 5. You have further explained that 69 trees and shrubs will be replaced within the Buffer. The species shown on the plan are native to the region and their proposed locations are consistent with our recommendations.

With regard to the proposed 10-foot wide timber bridge across the tidal marsh, from your explanation it appears that it will be used by a wide range of maintenance vehicles. (It is not clear why these types of vehicles can not go around the marsh by utilizing another path or Route 8.) All appropriate permits must be obtained from the Maryland Department of the Environment for the proposed disturbance to tidal and non-tidal wetlands. Mitigation may be required for wetland impacts.

The plans now show the LDA/RCA demarcation line. It appears that the clubhouse and parking lots were proposed within the RCA portion of the site. You have indicated that these structures will be addressed at a later date, though the grading plan seems to indicate that they are still proposed for the same area. The County's ordinance appears to clearly prohibit such accessory structures in the RCA. This issue should be resolved as soon as possible.

With the exception of the accessory structures in the RCA issue, the proposed project appears consistent with the County's Critical Area Program. Please provide further information on the proposed location for the clubhouse and parking as soon as it is available. If you have any questions or concerns or if you would like to discuss any of the above comments in more detail, please feel free to contact me at (410) 260-3477.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: Steve Cohoon, Dept. of Planning & Zoning
QC243-01

Branch Office: 31 Creamery Lane, Easton, MD 21601
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June 1, 2001

Mr. Joseph A. Stevens, Esq.
Stevens & Associates, LLC
114 West Water Street
Centreville, Maryland 21617

RE: Growth Allocation Processes

Dear Mr. Stevens:

As you requested, enclosed please find the examples of other counties growth allocation processes which were provided to Mr. Kaii-Ziegler at Queen Anne's County. St. Mary's County, Talbot County, and draft language for Worcester County are included. As you will see, each involves at least one public hearing by the local legislative body prior to submittal to the Critical Area Commission for approval.

I hope this information is useful. If you have any questions or would like additional information, please contact me at (410) 260-3477.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

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

Judge John C. North, II
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June 4, 2001

Mr. Steve Cohoon
Queen Anne's County Planning & Zoning
107 N. Liberty St.
Centreville, Maryland 21617

RE: Four Seasons at Kent Island – Amended Concept Plan
#CP 04-01-05-0003©, Revision #1

Dear Mr. Cohoon:

This office has received Revision #1 of the amended concept plan for the proposed Four Seasons at Kent Island. We have reviewed the information provided. It appears that all of our substantive comments have been addressed. However, we would like to bring the following to your attention:

1. On the Compliance Exhibit, the label referring to Item 24(h) (in the middle of plan) is actually referring to Item 24(g). This should be corrected.
2. Please forward information and plans for the proposed community pier on the Chester River to our office for review.
3. We have taken note of the removal of the proposed maintenance road from the concept plan. We understand that some type of construction access road may be necessary to address concerns of neighbors along Castle Marina Road. As the preliminary engineering phase moves forward, please keep in mind that the construction/maintenance road must be contained within the portion of the property receiving growth allocation. No disturbance, except for Buffer plantings, should occur within the areas to remain RCA.
4. As the preliminary engineering phase moves forward, please forward information on the proposed stormwater management facilities to this office for review to ensure compliance with conditions 24(f) and 24(g).
5. The concept plan shows the proposed pathway along the Chester River located wholly within the Buffer. Pathway issues will be addressed via the Buffer Management Plan when it is reviewed by the Critical Area Commission.

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Mr. Steve Cohoon

June 4, 2001

Page 2

Thank you for the opportunity to provide comments on this revision. Please include this letter in the official file for this growth allocation request. Also, if revised information or plans are provided, please forward them to this office for review.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler". The signature is written in black ink and includes a horizontal flourish at the end.

LeeAnne Chandler

Natural Resources Planner

cc: QC610-99



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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June 5, 2001

Ms. Michele Monde, P.E.
Michael Baker Jr., Inc.
801 Cromwell Park Drive, Suite 110
Glen Burnie, MD 21061

RE: Bay Bridge Airport – Automated Weather Observing System (AWOS)

Dear Ms. Monde:

Commission staff has reviewed the information provided regarding the proposed location of the Automated Weather Observing System (AWOS) at Bay Bridge Airport. In comparing the map showing the proposed location of the AWOS with the Queen Anne's County Critical Area maps in our office, we concur that the proposed location is outside of the Critical Area. This office has no Critical Area concerns regarding this project. However, because the Queen Anne's County Department of Planning and Zoning is the entity responsible for implementing the Critical Area requirements, we suggest that you also coordinate with that office. Their number is (410) 758-1255. If you have any questions regarding the information listed above, I can be reached at (410) 260-3477.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: Steve Cohoon, Queen Anne's County

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June 8, 2001

Mr. Kevin Dooley
Anne Arundel County Office of Planning & Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

RE: Variance Case No. 2001-0179-V, Delos Jamison

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 IDA and is developed with a dwelling and driveway.

The variance requested does not appear to be related to Critical Area issues and is, instead, strictly a zoning variance. Therefore, we have no comment on this case. (If this conclusion is incorrect, please contact our office.)

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this request. Also, please provide this office with a copy of the written decision for this case.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA306-01

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June 8, 2001

Mr. Kevin Dooley
Anne Arundel County Office of Planning & Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

RE: Variance Case No. 2001-0167-V, Charles Wanner


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 IDA and is currently developed with two dwellings and a shed.

The proposed accessory structure is a three car detached garage and it is proposed to be located within 50 feet to a tributary stream. The property is nearly one acre in size. It also is fronted by what appears to be a separate parcel along the roadway. It is not clear as to who owns this area, though both dwellings on the subject property are located partially within this unidentified parcel. Based on the site plan, it does not appear that impacts have been minimized. We recommend that the garage be re-located to completely avoid or to minimize intrusion into the Buffer. It seems that this could be done by moving it closer to the road up to the front building restriction line, making it smaller, and/or putting it at the southern end of the property. As proposed, the variance does not appear to be the minimum to provide relief.

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

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: AA338-01

Branch Office: 31 Creamery Lane, Easton, MD 21601
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Judge John C. North, II
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June 8, 2001

Mr. Kevin Dooley
Anne Arundel County Office of Planning & Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

RE: Variance Case No. 2001-0200-V, David Harris

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling with less setbacks than required and with disturbance to steep slopes. The property is designated LDA, is Buffer Exempt, and is currently undeveloped.

Provided this lot is properly grandfathered, this office does not oppose the siting of a single family dwelling on it. Impacts must be minimized and the variance requested the minimum to provide relief. The entire lot is located within the expanded Buffer and a variance is necessary for any development on this lot. The proposed house is relatively modest in size and it is located at the front building restriction line. It is not clear why it is necessary to grade so much of the site, especially the area between the dwelling and the water. If possible, we recommend that grading be further minimized. Also, 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 outside of the Buffer in accordance with the County Zoning Ordinance. Plantings should occur on-site within the Buffer.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this request. Also, please provide this office with a copy of the written decision for this case.

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: AA320-01

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June 8, 2001

Mr. Kevin Dooley
Anne Arundel County Office of Planning & Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

RE: Variance Case No. 2001-0211-V, Scott Honse


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 and with disturbance to steep slopes. The property is designated LDA and is developed with a dwelling and driveway.

The information provided with the application does not appear to be clear and consistent with regard to the amount of impact to steep slopes and the Buffer. The letter of explanation states that the subject property is affected by steep slopes and non-tidal wetlands. It continues to state that the proposed dwelling will be 66 feet from the mean high water line. Neither the slopes nor the non-tidal wetlands are shown on the site plan provided. The drawing shows the dwelling with the proposed addition further than 66 feet from the shoreline. Where are the non-tidal wetlands? How much impact to steep slopes is proposed? A more detailed site plan is necessary in order for us to complete our review.

Please send a revised site plan for this proposal to this office for further review. Thank you.

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: AA341-01

Branch Office: 31 Creamery Lane, Easton, MD 21601
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TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450



Judge John C. North, II
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June 8, 2001

Mr. Kevin Dooley
Anne Arundel County Office of Planning & Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

RE: Variance Case No. 2001-0209-V, Catherine Kiddoo

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 with less Buffer than required. The property is designated LDA and is currently developed with a large dwelling and loop driveway.

The proposed accessory structure is a screened gazebo and it is proposed to be located within 80 feet to the Bay (40 feet to the bulkhead and beach). The property is 1.33 acres in size. Based on the site plan and information provided, this office can not support the variance requested. The gazebo is a non-water-dependent structure and it does not need to be located within the Buffer. There are alternative locations for the gazebo such that a variance would not be necessary. Moving the gazebo 20 feet closer to the house would eliminate the need for the variance. If the view from the house is a concern, it could be placed to the side of the house. These alternative locations would allow the property owners full enjoyment and use of the property but without the impacts to the Buffer. Similarly, a screened deck area could be added to the dwelling to provide the same amenities. Because there are viable alternatives that would not require a variance, this office recommends 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 request. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeArne Chandler
Natural Resources Planner

cc: AA340-01

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June 8, 2001

Mr. Kevin Dooley
Anne Arundel County Office of Planning & Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

RE: Variance Case No. 2001-0187-V, Diane Nicholson

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 developed with a dwelling and driveway.

This office has no comment on this setback variance. However, because the lot is designated IDA, the 10% pollutant reduction rule must be addressed. On lots of this size, plantings are often sufficient to satisfy 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 request. Also, please provide this office with a copy of the written decision for this case.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA310-01

Branch Office: 31 Creamery Lane, Easton, MD 21601
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Judge John C. North, II
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June 8, 2001

Mr. Kevin Dooley
Anne Arundel County Office of Planning & Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

RE: Variance Case No. 2001-0190-V, John Studnicky

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling with less setbacks and Buffer than required and on steep slopes. The property is designated LDA and is currently undeveloped.

Provided this lot is properly grandfathered, this office does not oppose the siting of a single family dwelling on it. Impacts must be minimized and the variance requested the minimum to provide relief. The entire lot is located within the expanded Buffer and a variance is necessary for any development on this lot. The proposed house is relatively modest in size. We recommend that it be relocated up to the front building restriction line in order to maximize the distance from the water. Also, we recommend that an effort be made to further minimize the proposed grading. Based on the site plan and the proposed limits of disturbance, it seems that more than 70% of the lot will be disturbed. Some of the numbers provided in the site analysis in the Critical Area Report do not appear consistent with the site plan. Specifically, the site analysis states that 4000 square feet of the woodlands will be cleared, leaving 4500 on site. The only portion of woodlands that will remain according to the site plan is a small swath along the shoreline totaling no more than 2500 square feet. These quantities should be clarified and corrected. Due to clearing over 30% of the site and due to the impacts to the Buffer and expanded Buffer, we recommend mitigation at a 3:1 ratio for all disturbance on this 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 request. Also, please provide this office with a copy of the written decision for this case.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA320-01

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June 11, 2001

Mr. Kevin Dooley
Anne Arundel County Office of Planning & Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

RE: Case Nos. 2001-0162-S, 2001-0163-S, and 2001-0164-V, Maryland Mobile Estates

Dear Mr. Dooley:

Thank you for providing information on the above referenced applications. The applicant is requesting a special exception to upgrade capacity of an existing commercial water supply system, a special exception to replace and upgrade capacity of an existing commercial sewerage treatment facility, and a variance to permit a wastewater treatment facility with less setbacks than required.

With regard to case 2001-0162-S, the special exception for upgrading capacity of an existing commercial water supply system, a review of the Critical Area map has indicated that the location of the water supply system is actually outside of the Critical Area. Therefore, this office has no comment on that case.

With regard to the proposed increase in capacity and upgrade of the sewage treatment facility, this office can not support the requests for the special exception and variance. Section 1A-106 (a) of the County Zoning Ordinance states, "Existing uses in the Critical Area may continue, but intensification or expansion shall be in accordance with this title." Section 1A-103(H) sets forth the uses which are permitted in the Resource Conservation Area. Commercial sewage treatment facilities are not permitted in the RCA. (These should be distinguished from public utilities such as the recently reviewed and approved improvements to several pumping stations within the County. Such public utilities are permitted in the RCA.) Furthermore, the proposed upgrade in capacity at this facility will be serving new development (the addition of 69 new units) outside of the Critical Area. This is not consistent with the Commission's policy on uses within the RCA.

It is our understanding that the existing sewage treatment facility has been in existence since 1969. It is not apparent why it was designated RCA. There are two options available that would enable the applicant to upgrade and expand the existing facility. One would be to explore the possibility that a mapping mistake occurred when this parcel was designated RCA. The applicant could then apply for a reclassification under Section 11-102.3 of the Zoning Ordinance. Alternatively, the applicant could apply for growth allocation to change the designation to LDA or IDA.

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Mr. Kevin Dooley

June 11, 2001

Page 2

While we do not oppose the facility upgrade to improve treatment and therefore water quality; this office cannot support the expansion in capacity of this non-conforming use within the RCA.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this request. Also, please provide this office with a copy of the written decision for this case.

Sincerely,



LeeAnne Chandler

Natural Resources Planner

cc: Elinor Gawel, Anne Arundel County
Wayne Newton, Messick & Associates
Lisa Hoerger, Critical Area Commission
AA256-01



Judge John C. North, II
Chairman

Ren Serey
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June 11, 2001

Mr. Kevin Dooley
Anne Arundel County Office of Planning & Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

RE: Variance Case No. 2001-0193-V, Ola Clarke

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling with less setbacks and Buffer than required. The property is designated LDA and is currently undeveloped.

Provided this lot is properly grandfathered, this office does not oppose the siting of a single family dwelling on it. Impacts must be minimized and the variance requested the minimum to provide relief. The non-tidal wetland is located in the middle of the subject lot and it appears that a variance may be necessary to construct anything. However, it does appear that the house could be redesigned to avoid impacting the entire wetland. For example, the house could have a smaller footprint and could be shifted 90 degrees to sit primarily on Lot 12. This would preserve most of the wetland on Lot 13 and drastically reduce the extent of clearing necessary. As proposed, it does not appear that impacts have been minimized. Due to clearing over 30% of the site, mitigation should be provided at a 3:1 ratio for all disturbance. Also, all necessary permits should be acquired from MDE prior to any site 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 request. Also, please provide this office with a copy of the written decision for this case.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA315-01

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Mr. Kevin Dooley
Anne Arundel County Office of Planning & Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

RE: Variance Case No. 2001-0196-V, Patrick McAteer

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 and driveway.

This office often does not oppose variances for additions of reasonable size provided that impacts are minimized and the variance is the minimum to provide relief. This request involves substantial expansion of the existing house footprint (increasing from 1500 square feet to 3300 square feet) and the addition of a breezeway to a new 30 foot by 35 foot garage. Additional driveway area is proposed as well. The addition to the dwelling is located primarily within the Buffer while the breezeway and garage impact the base of steep slopes. We recognize that the location of the existing dwelling within the Buffer creates the need for a variance for any expansion; however, we seriously question the extent of relief.

It seems that there are opportunities to minimize new impacts to the Buffer and steep slopes. For example, the garage could be moved to the south rather than being set into the steep slopes. It could also be made smaller. Similarly, the covered deck could be replaced with an open deck to reduce impacts. We recommend that the applicant explore alternatives to reduce impacts. As proposed, the variance does not appear to be the minimum to provide relief. We recommend mitigation for all disturbance within the Buffer at a 3:1 ratio and replacement of all woodlands cleared outside of the Buffer at a 1:1 ratio. Also, the site plan shows the location of the existing septic tank. It is likely that the tank will have to be moved. It should be moved outside of the Buffer if possible.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this request. Also, please provide this office with a copy of the written decision for this case.

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: AA318-01

Branch 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

MEMORANDUM

TO: Dr. Foor (Chairman), Dave Bourdon, Larry Duket, Judith Evans, Louise Lawrence

FROM: LeeAnne Chandler *LAC*

DATE: June 19, 2001

RE: Panel Hearing for consideration of Conditional Approval for the Mayo Elementary School on an alternate site
7:30 p.m., Wednesday, June 27, 2001
Board Room, Anne Arundel County Board of Education, 2644 Riva Road, Annapolis

Thank you again for being on the Critical Area Commission Panel appointed to review the request for conditional approval for construction of a new Mayo elementary school on an alternate site. The panel hearing will be held in the Board Room at the Anne Arundel County Board of Education building at 2644 Riva Road in Annapolis. (Map enclosed.)

The purpose of the hearing is to hear public comment on the proposed project and its environmental impacts. A representative of the school board will be at the hearing to provide a brief presentation on the project. Their environmental consultant will also be present to answer any technical questions which may arise.

In preparation for the hearing, below is a summary of the County's request and a description of the project as proposed.

In August 2000, Anne Arundel County Public Schools (AACPS) requested and received conditional approval from the Critical Area Commission to exceed the impervious surface limits on the existing Mayo elementary school site. At that time, the plan was to demolish and rebuild the school on the existing site. Impervious surfaces were proposed to increase from 20% to 33% of the 7.28 acre site. No impacts to Habitat Protection Areas were proposed. The Commission approved the request based on the fact that the existing school already exceeded the impervious surface limits and that the proposal included substantial landscaping and a stormwater management facility that would offset the new impervious areas. The conditional approval for the existing site has not been relinquished and is still valid.

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Despite the existing approval on the current school site, AACPS is seeking Critical Area Commission approval to enable them to use an alternative site for a new Mayo Elementary School. Commission approval is necessary for proposed impacts to a stream, the 100-foot Buffer, non-tidal wetlands (a designated Habitat Protection Area under the Anne Arundel County Critical Area Program), and to exceed the 15% impervious surface limits. AACPS proposes to construct a new school, parking lot, playgrounds, a multi-purpose field, and stormwater management facilities on a 13.56 acre site. Approximately 6.93 acres are located within the Critical Area and are designated LDA.

The project site is owned by the Mayo Community Association and the St. Andrew the Fisherman Church and currently contains a residential structure constructed in the early 1900's (currently being used by the Mayo Community Association), a gravel driveway, tennis courts, and a basketball court. The remaining portion of the site, approximate 9.2 acres, is forested. In addition, there are approximately 1.1 acres of wetlands on the site, including a tributary stream. The wetlands and stream on the subject property are the headwaters to Cadle Creek, a tributary to the Rhode River. The surrounding area includes Route 214 to the east and residential development to the north, west and south.

The proposed development consists of the demolition of the existing residential structure and tennis/basketball courts, the clearing of 8.55 acres of forest, and the construction of the new school. The school would be located in the middle of the site with an entrance drive from Route 214. A parking lot with a 57 vehicle capacity would be separated from the bus drop-off area. Hard and soft surface play areas are proposed at either end of the school with the grass multi-purpose field located behind the school. A stormwater management facility would be located behind the field in the western corner of the site. Design of the facility is in accordance with the new MDE stormwater regulations.

There are numerous proposed impacts to Habitat Protection Areas on this site.

- The stream will be channelized and piped.
- The 100-foot stream Buffer, now forested, will be cleared and graded. (Total Buffer impacts: 2.21 acres)
- The 1.1 acres of forested non-tidal wetlands will be filled and drainage will be directed to the on-site stormwater facility.
- The Critical Area portion of the site (6.93 acres) contains a mixture of young and mature forest. Over 89% of the Critical Area portion of the site will be cleared and graded.
- In addition, proposed impervious surfaces within the Critical Area portion of the site total 32.61%.

COMAR 27.02.06 sets out specific criteria that must be addressed in consideration of a conditional approval.

The sponsoring agency must show that the project 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;*
- 2. That the project or program otherwise provides substantial public benefits to the Chesapeake Bay Critical Area Program;*
- 3. That the project or program is otherwise in conformance with this subtitle.*

The conditional approval request must contain the following:

- 1. A showing that a literal enforcement of the provision of this subtitle would prevent the conduct of an authorized State or local agency program or project;*
- 2. A proposed process by which the project could be so conducted as to conform, insofar as possible, with the approved local Critical Area program; and*
- 3. Measures proposed to mitigate any adverse effects of the project on an approved local Critical Area program.*

The Commission shall approve, deny or request modifications to the request for conditional approval based on the following factors:

- 1. The extent to which the project is in compliance with the requirements of the relevant chapters of this subtitle;*
- 2. The adequacy of any mitigation measures proposed to address the requirements of this subtitle that cannot be met by the project; and*
- 3. The extent to which the project, including any mitigation measures, provides substantial public benefits to the overall Chesapeake Bay Critical Area Program.*

Enclosed with this memo is a photocopy of an aerial photograph of the property along with a copy of the site plan. If you have any questions prior to the hearing, please feel free to contact me at (410) 260-3477. Thank you.

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
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June 19, 2001

Mr. Kevin Dooley
Anne Arundel County Office of Planning & Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

RE: Variance Case No. 2001-0181-V, Alan Swinger

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 RCA and is currently developed with a large new single family dwelling.

This office can not support the variance requested. First, the subject lot is not grandfathered as it was created by a 1996 subdivision. The plat for the subdivision specifically stated that the lots are subject to all requirements of the County's Critical Area Program. Second, a number of revisions were made to the grading plan for this lot. Earlier plans showed a slightly smaller house with a deck entirely outside of the Buffer. However, for whatever reason, the final plans included a larger home right up to the 100-foot Buffer line. The house design included sliding glass doors on the water side of the house but placement of the house on the lot did not provide room for a deck. The applicant or developer created the need for this variance through the sizing, design, and location of the dwelling. A house with a deck could have been accommodated on this lot without any variances. Construction of the deck was done without permits and without an approved variance. It is far from minimal in size and encroaches into the 100-foot Buffer as well as the Buffer to the non-tidal wetlands.

Through discussions with County staff, it is my understanding that the site plan is not entirely accurate as to the extent of Buffer intrusion. County staff measured the deck to be 83 feet from the shoreline. Also, at the time of subdivision approval, the lot was fully forested. It is our understanding that the County gave approval for removing approximately five dead or dying trees and invasive vines from the Buffer. Substantially more clearing of trees has occurred within the Buffer. We recommend denial of the variance requested and further recommend that the deck be removed and the Buffer restored to a forested condition.

The granting of this variance would confer a special privilege to the applicants because owners of all new lots within the Critical Area are fully bound by the County's Critical Area regulations. The request is based on conditions that are the result of actions by the applicant or developer. A smaller deck could

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Kevin Dooley
June 19, 2001
Page 2

be accommodated entirely outside of any Buffer. Therefore, denial of the variance would not deprive the applicant of rights commonly enjoyed by other properties. There is nothing unique about the Mr. property. While there are wetlands on the lot, a sizable house with a deck could have been accommodated without a variance. There is no unwarranted hardship in this case. We recommend full restoration of the Buffer on this lot, with mitigation provided at a 3:1 ratio for all Buffer 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 request. Also, please provide this office with a copy of the written decision for this case.

Sincerely,



LeeAnne Chandler
Natural Resources Planner

cc: AA307-01



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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June 20, 2001

Ms. Lisa Collison
Department of Planning & Zoning
107 N. Liberty Street
Centreville, Maryland 21617

RE: Peter Sheaffer, Transfer of Development Rights
File: TDR #03-01-04-0003, Revision #1

Dear Ms. Collison:

Thank you for providing the revised plans for the above referenced TDR proposal. The applicant is proposing to transfer 12 out of 16 development rights from the portion of the property within the Critical Area. Commission staff has reviewed the information provided and we have the following comments:

1. Our questions regarding the private tidal wetlands were answered during our site visit.
2. It is our understanding that the 7.549 acres that are zoned NC-5 have an RCA Critical Area designation. There is a total of 336.137 acres of RCA on this property. This TDR proposal will remove 12 development rights (240 acres) from this acreage. A total of four dwelling units will be permitted within the Critical Area portion of the property regardless of the underlying zoning. The site plan indicates that there is one existing dwelling unit on the portion of the property designated NC-5. Therefore, only three additional dwelling units may be placed on the property.

Thank you for the opportunity to review the revised plan. Please include this letter in your file for this proposed TDR. If you have any questions regarding these comments, please contact me at (410) 260-3477.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: QC244-01

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Chairman

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Executive Director

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June 20, 2001

Ms. Sue Ann Hyer-Morgan
Department of Planning & Zoning
Queen Anne's County
107 N. Liberty Street
Centreville, Maryland 21617

**RE: Love Point Road Limited Partnership - Concept Plan
CP 04-01-03-0002(c) - Revision #1**

Dear Ms. Hyer-Morgan:

Thank you for providing the revised concept plan for the above referenced project. The applicant is proposing to construct a 90-room hotel and associated parking on a 2.823 acre parcel. The site has 2.610 acres within the Critical Area (designated IDA) and is currently undeveloped. A subdivision involving relocation of lot lines will be necessary in order for the project to proceed as proposed.

Updated stormwater management calculations and as-built plans should be provided when they are available in the site plan review process.

Thank you for the opportunity to review the revised plans. Please provide the information requested when it is available. If you have any questions concerning these comments, please contact me at (410) 260-3477.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: QC148-01

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June 20, 2001

1804 West Street, Suite 100, Annapolis, Maryland 21401
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Ms. Cathy Maxwell
Queen Anne's County
Dept. of Planning & Zoning
107 N. Liberty St.
Centreville, Maryland 21617

RE: Variance case # V-060009, Tracy T. Schulz

Dear Ms. Maxwell:

Thank you for providing information on the above referenced administrative variance. The applicant is requesting a variance from the Buffer requirements in order to construct a swimming pool within the Buffer. The property is one acre in size and is currently developed with a large single family dwelling and detached garage.

Given the size of the property and the extent of existing development, this office can not support the variance requested. Information regarding the amount of existing impervious surface was not provided with the application. Rough calculations based on the hand drawn site plan indicate total existing impervious to be approximately 6080 square feet. The 38 foot by 51 foot proposed pool and concrete decking will add 1938 square feet of impervious, far exceeding the 6534 square feet that is permitted. With modifications to the proposal and removal of some existing impervious surfaces, it appears that a variance would not be necessary.

Avoidance of the need for a variance could be accomplished through a combination of reduction of the proposed pool size, a change to a pervious decking surrounding the pool and removal of some existing impervious surface. A portion of the driveway could be removed. It is 20-foot wide, larger than some private roads. It could easily serve the same function with a narrower width. The proposed pool and concrete deck is larger than some new dwelling footprints. Again, it could be made smaller in size while providing the same use.

There is no unwarranted hardship in this case. The property was developed with the extra wide driveway and large home in 1994, years after the implementation of the Critical Area regulations. The need for this variance is self-created due to the design of the existing and proposed development. We recommend that the applicant redesign the proposal and remove existing impervious areas and thus comply with the Critical Area impervious surface limitations.

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,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: QC362-01

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Judge John C. North, II
Chairman

Ren Serey
Executive Director

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June 20, 2001

Ms. Cathy Maxwell
Queen Anne's County
Dept. of Planning & Zoning
107 N. Liberty St.
Centreville, Maryland 21617

RE: Variance case # V-060001, Kenneth E. Reinhard

Dear Ms. Maxwell:

Thank you for providing information on the above referenced administrative variance. The applicant is requesting a side yard variance in order to construct a garage addition and breezeway to an existing house. The property is 1.7 acres in size and is currently developed with a single family dwelling and two sheds.

Because it appears that the proposal is consistent with all Critical Area requirements, this office has no comment on this side yard setback variance. Any trees which are removed should be replaced in kind.

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: QC377-01

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June 19, 2001

Mr. Kevin Dooley
Anne Arundel County Office of Planning & Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

RE: Variance Case No. 2001-0189-V, Guy Nimro

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. The property is designated LDA and is developed with a house and driveway.

This office can not support the variance requested. A swimming pool is a non-water dependent structure and is not permitted within the Buffer or expanded Buffer. It is proposed to be located wholly within the Buffer. There does not appear to be an unwarranted hardship in this case. The property is developed with a dwelling, attached decks and porch. Based on a drive through the neighborhood and a review of aerial photos, a pool is not a standard amenity in this neighborhood. Instead, it seems that a pool would be a special privilege. Also, it seems that there are opportunities to minimize impacts by placing the pool on the western side of the house. While this would also require a variance, there would be a greater distance between the proposed disturbance and the edge of tidal wetlands. We would recommend that mitigation be required at a 3:1 ratio for any allowed disturbance within the Buffer.

Please note that according to the County property records, only Lots 81, 82 and 83 are legally combined. Lot 80, while also owned by the applicant, is a legally separate lot. The entire area is being used by the applicant to generate allowable impervious surfaces and the County may consider requiring the applicant to combine the lots. (If Lot 80 were ever under separate ownership, Lots 81, 82, and 83 would be nonconforming with regard to impervious surfaces.)

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: AA311-01

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Judge John C. North, II
Chairman

Ren Serey
Executive Director

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June 20, 2001

Mr. Kevin Dooley
Anne Arundel County Office of Planning & Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

RE: Variance Case No. 2001-0191-V, Thomas and Tiffany O'Donnell


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 in the front yard with less setbacks and Buffer than required and with disturbance to steep slopes. The property is designated LDA and is developed with a large house, shed, and extensive driveways.

This office can not support the variance requested. A swimming pool is a non-water dependent structure and is not permitted within the Buffer or expanded Buffer. It is proposed to be located only 15 feet from the edge of steep slopes. There does not appear to be an unwarranted hardship in this case. The property is developed with a large single family dwelling and extensive driveways. Based on a drive through the neighborhood and a review of aerial photos, a pool is not a standard amenity in this neighborhood. Instead, it seems that a pool would be a special privilege. Also, it seems that there are opportunities to minimize impacts by placing the pool on the north side of the house on the level area within the loop of the driveway. Placement of a pool in this area would not require a Critical Area variance but would provide the same desired use. We would recommend that mitigation be required at a 3:1 ratio for any allowed disturbance within the Buffer. Reforestation should be provided at a 1:1 ratio for disturbance 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 request. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: AA313-01

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Judge John C. North, II
Chairman

Ren Serey
Executive Director

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June 20, 2001

Mr. Steve Cohoon
Department of Planning and Zoning
107 N. Liberty St.
Centreville, Maryland 21617

RE: Grasonville Station Growth Allocation

Dear Mr. Cohoon:

The Critical Area Commission received the Grasonville Station Growth Allocation request to change 5.0103 acres of LDA to IDA. We are accepting the request as a complete submittal and Chairman North has determined that it can be handled as a refinement to the County's Critical Area Program. The Commission will discuss the request for concurrence with the Chairman's determination at the July 11, 2001 Commission meeting in Crownsville.

If you have any questions or concerns regarding this matter, please do not hesitate to contact me at (410) 260-3477.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: Amendment file

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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(410) 260-3460 Fax: (410) 974-5338

June 22, 2001

Mr. Steve Cohoon
Department of Planning and Zoning
107 N. Liberty St.
Centreville, Maryland 21617

RE: Growth Allocation for Four Seasons on Kent Island

Dear Mr. Cohoon:

The Critical Area Commission has received your letter of June 15, 2001 documenting the Planning Commission's favorable recommendation for the County Commissioners to take final action on the granting of growth allocation for the Four Seasons project. We also previously received the County Commissioner's Resolution No. 01-13 that proposes to approve the award of 293.25 acres of growth allocation to change RCA lands to IDA and to redesignate 79.55 acres of LDA lands to IDA subject to 25 conditions.

Our next Commission meeting will be held on July 11, 2001 in Crownsville. The Four Seasons Panel will be updated on the amended plan in the morning and the full Commission will be given an update in the afternoon. The update will include a review of the ten conditions of the Critical Area Commission, how these conditions have been addressed in the amended plan, and a summary of the conditions imposed by the County Commissioners.

I will provide an agenda as soon as it is available. If you have any questions or concerns, please contact me at (410) 260-3477.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: Amendment file

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

Ren Serey
Executive Director

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

June 25, 2001

Mr. Steve Magoon, Planning Director
Charles County Planning and Growth Management
P.O. Box 2150
La Plata, Maryland 20646

RE: Camp Merrick Mapping Mistake and Minor Text Amendments

Dear Mr. Magoon:

Thank you for providing the necessary information on the Camp Merrick Mapping Mistake. We understand that the County Commissioners have approved this map amendment as a mistake based on the conditions existing at the time of original mapping. With this additional information, we can accept the map amendment as a complete submittal and proceed with the approval process for it as well as the final minor text amendments previously submitted. Chairman North will make a refinement determination within 30 days of the date of this letter. The Commission will discuss the refinement for concurrence with the Chairman's determination at the July 11, 2001 Commission meeting in Crownsville.

If you have any questions or concerns regarding this matter, please do not hesitate to contact me at (410) 260-3477.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: Mr. Zakary Krebek
Mr. Kevin Vienneau

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Judge John C. North, II
Chairman

Ren Serey
Executive Director

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

June 27, 2001

1804 West Street, Suite 100, Annapolis, Maryland 21401
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VIA FACSIMILE

Mr. Frank McKenzie
Salisbury/Wicomico County
Dept. of Planning, Zoning & Community Development
P.O. Box 870
Salisbury, MD 21803

RE: Variance Case No. WA-0150, Wicomico Yacht Club, Inc.

Dear Mr. McKenzie:

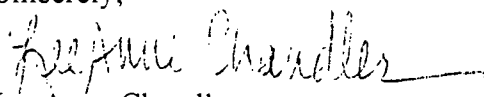
Thank you for providing information on the above referenced variance request. The applicant is requesting a variance from the Critical Area Buffer requirements in order to construct an in-ground swimming pool and associated decking. The property is designated LDA and is currently developed with a club house, parking, and boat storage areas.

Due to the presence of tidal wetlands on one side of the property and Wicomico Creek on the other, there is limited space outside of the Buffer for placement of a swimming pool. The area outside of the Buffer is already impervious and is used for parking. The property is located in a proposed Special Buffer Area, where staff has determined that the existing extent of development has impacted the functions of the Buffer. The proposed pool and deck location, at 50 feet from the mean high water line of Wicomico Creek, would be consistent with the proposed regulations applicable in Special Buffer Areas.

We do not oppose the variance for the swimming pool and decking. However, we recommend that the applicant explore alternative materials for the decking rather than regular concrete. Potential ideas include using wood or composite decking over a bed of gravel or using one of the porous pavers currently on the parking. Such alternatives will provide the same use and may reduce the imperviousness (and therefore the increased runoff) of the new development within the Buffer. We support the staff recommendation for 3:1 mitigation within the Buffer as indicated by the Staff Report. A portion of this mitigation should occur between the new pool and the water to help absorb additional runoff.

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

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: WI390-01

Branch 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

May 23, 2001

Mr. Ralph Luther
Anne Arundel County Public Schools
2644 Riva Road
Annapolis, Maryland 21401

RE: Mayo Elementary School – Conditional Approval for Alternate Site

Dear Mr. Luther:

The proposed use of the alternate site for a new Mayo Elementary School requires conditional approval by the Critical Area Commission for proposed disturbance to a stream, stream buffer, and non-tidal wetlands and to exceed the allowable amount of impervious surfaces. The regulations which apply to this type of project (COMAR 27.02.06) give the Commission the option of holding a public hearing on the proposal. Due to the level of public interest in this project, along with the extensiveness of the proposed impacts, Commission Counsel has advised us to hold such a hearing.

Within the next two weeks, the Chairman of the Commission will appoint a panel of Commission members to preside over the public hearing and make recommendations to the full Commission. At this point, we estimate that the hearing will occur mid-June. Provided that there are no unforeseen delays, the project will be considered by the full Commission at their July 11, 2001 meeting. I will contact your office in the near future to make arrangements for the hearing. A representative of Anne Arundel County Public Schools should attend the hearing to answer any questions the panel members may have.

Thank you in advance for your assistance with this matter. Please contact me if you have any questions or concerns at (410) 260-3477.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: Mr. Mike Lambert, KCI
Marianne D. Mason, Esq.
Mr. Ren Serey

Branch 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

June 28, 2001

Ms. Sue Ann Hyer-Morgan
Department of Planning & Zoning
107 N. Liberty Street
Centreville, Maryland 21617

RE: Minor Site Plan - Chesapeake Church of Christ
MISP #05-01-06-0013-C

Dear Ms. Hyer-Morgan:

Thank you for providing information on the above referenced site plan. The applicant is proposing to construct an addition of 1,800 square feet and add 665 square feet of sidewalk. The property is designated LDA and is currently developed with a church and associated parking.

This office reviewed and commented on the variance and conditional use applications submitted in February of this year. At that time, only the addition was proposed. The sidewalks were not part of that application as submitted to our office. At what point were the sidewalks added to the proposal? The office recommended against the variance and instead recommended that the applicant pursue growth allocation to change the site to IDA. According to the information provided, the variance was granted. Were any conditions placed on the variance? (Please provide a copy of the decision to this office.)

With the proposed addition, there will be nearly half an acre of impervious surface on this relatively small property with no stormwater management. This property is located at the headwaters of Winchester Creek. Part of the reason we recommended that the applicant pursue growth allocation is that stormwater management would be required if the site were IDA. There is not an exemption for disturbance less than 5,000 square feet in the IDA. We recommend that stormwater management be provided on this site.

Thank you for the opportunity to comment on this site plan. Please provide the requested information to this office. If you have any questions or concerns regarding these comments, please contact me at (410) 260-3477.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: QC141-01

Branch 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

June 28, 2001

Ms. Tanya Krista-Maenhardt
Department of Planning & Zoning
107 N. Liberty Street
Centreville, Maryland 21617

RE: Weese Development Corporation
File #TDR 03-01-06-0012

Dear Ms. Krista-Maenhardt:

Thank you for providing information on the above referenced project. The applicant is proposing to utilize one transferred development right in order to create a building site within the Critical Area portion of Lot 7 of the recently approved Corsica Woods subdivision. The Critical Area portion of Lot 7 is 7.163 acres in size and is currently undeveloped.

Lot 7 is severely constrained by numerous sensitive areas including streams, steep slopes, and Forest Interior Dwelling Bird habitat. I have reviewed the information provided and have the following comments:

1. The intermittent stream which runs from west to east across the Critical Area portion of the property has only a 50-foot Buffer identified. All tributary streams in the Critical Area, both intermittent and perennial, have a minimum 100-foot Buffer. This should be corrected. It appears that the 100-foot Buffer to this stream may impact the proposed building pad.
2. Similarly, the plat indicates the presence of steep slopes, yet does not provide the necessary topographical information. Two-foot contours should be shown on the site plan. The Buffer to the streams may require expansion due to contiguous steep slopes.
3. The "Critical Area Forest Requirements" are incorrect. While afforestation is not necessary, reforestation at a 1:1 ratio is required (i.e., 0.417 ac.). The reforestation area (either on or off site) should be identified.
4. The scale shown on sheet 3 of 3 is incorrect. It appears to be 1"=100'.

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Ms. Tanya Krista-Maenhardt

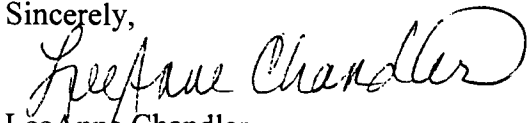
June 28, 2001

Page 2

5. The forest on this property has been identified as Forest Interior Dwelling Bird (FID) Habitat. While the proposed clearing is occurring in the forest edge as recommended, some loss of habitat will occur. The reforestation required as discussed under comment #3 above should occur in an area adjacent to existing FID habitat to replace what is being lost on this site.

Thank you for the opportunity to comment. Please provide revised plans to this office for further review. If you have any questions or concerns regarding these comments, please contact me at (410) 260-3477.

Sincerely,



LeeAnne Chandler
Natural Resources Planner

cc: QC364-01



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

July 12, 2001

Mr. Steve Cohoon
Department of Planning & Zoning
107 N. Liberty St.
Centreville, Maryland 21617

RE: Grasonville Station Growth Allocation

Dear Mr. Cohoon:

At its meeting of July 11, 2001, the Chesapeake Bay Critical Area Commission concurred with the Chairman's determination that the above referenced request for growth allocation qualifies as a refinement to the Queen Anne's County Critical Area Program. Chairman North has approved this refinement to the County's Program. The Critical Area designation of the Grasonville Station property (a portion of Parcel 155 as shown on Tax Map 58) shall be changed from Limited Development Area (LDA) to Intensely Developed Area (IDA). A total of 5.0103 acres of growth allocation will be deducted from the County's reserve.

Pursuant to Natural Resources Article 8-1809(o)(2), Annotated Code of Maryland, as amended, the County should make the necessary change to the County'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: 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

July 12, 2001

The Honorable Murray D. Levy, President
County Commissioners of Charles County
P.O. Box 2150
La Plata, Maryland 20646

RE: Camp Merrick Mapping Mistake and Final Minor Text Amendments

Dear President Levy:

At its meeting of July 11, 2001, the Chesapeake Bay Critical Area Commission concurred with the Chairman's determination that the Camp Merrick mapping mistake and the final minor text amendments together qualify as a refinement to the Charles County Critical Area Program. Chairman North approved this refinement to the County's Program. The Commission added a clarifying condition to the Chairman's approval in regard to the text amendments. Specifically, on page 145, the language in Section 130 (a) iii and v shall be revised to read as follows:

- iii. Land that was subdivided into recorded, legally buildable lots, or where the subdivision received final approval prior to June 1, 1984, provided that the development of these lands conforms with the Charles County Critical Area Program. At a minimum, development on lots created prior to June 1, 1984, shall comply with the provisions of Section 132 or shall be approved through the variance process by the Board of Appeals and reviewed by the Critical Area Commission. Where the Charles County Health Department requires consolidation or reconfiguration of lots not individually owned, the provisions of this Ordinance shall apply to the consolidated or reconfigured lots, insofar as possible;
- iv. ...
- v. Any existing legal building or use of land as of June 7, 1989 is a legal nonconforming use. Expansion of such existing buildings or uses may be permitted after a determination has been made that such expansion complies with the provisions of this Ordinance or complies insofar as possible with the Ordinance and is approved through the variance process by the Board of Appeals and is reviewed by the Critical Area Commission.

The Critical Area designation of the developed portion (20 acres) of the Camp Merrick property shall be changed from Resource Conservation Zone (RCZ) to Limited Development Zone (LDZ). Due to this decrease in total acreage of the County's RCZ, the County's growth allocation total will decrease by one (1) acre (i.e., 5% of 20 acres).

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The Honorable Murray D. Levy

July 12, 2001

Page 2

Pursuant to Natural Resources Article 8-1809(o)(2), Annotated Code of Maryland, as amended, the County should make the necessary changes to the ordinance and the County's official Critical Area map within 120 days of receipt of this letter. Please forward a revised copy of the map when it is completed as well as a revised copy of Article III, Part I of the County's Zoning Ordinance. If you have any questions regarding this matter, please contact me at (410) 260-3477.

Finally, Commission staff would like to express our appreciation to the County Planning staff for their assistance and cooperation throughout the Comprehensive Review process.

Sincerely,



LeeAnne Chandler

Natural Resources Planner

cc: Steve Magoon
Zakary Krebek
Kevin Vienneau
Karen Wiggen



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

July 13, 2001

Mr. Steve Cohoon
Department of Planning & Zoning
107 N. Liberty St.
Centreville, Maryland 21617

RE: Four Seasons at Kent Island Growth Allocation

Dear Mr. Cohoon:

At its meeting of July 11, 2001, the Chesapeake Bay Critical Area Commission voted to confirm its previous approval of the request for growth allocation for the Four Seasons at Kent Island project. It was noted that the amended concept plan reflects the conditions placed on the Critical Area Commission approval through graphic depiction or plat notes. For those conditions addressed through plat notes, more detailed site plans demonstrating compliance with the conditions should be submitted to the Commission as they are developed.

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.

If you have any questions regarding this matter, please feel free to contact me at (410) 260-3460.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: Marianne Mason, Esq.
Amendment file

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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Fax: (410) 974-5338

July 19, 2001

Ms. Tracey Greene
Maryland Department of Planning
201 Baptist Street, Suite 24
Salisbury, Maryland 21801-4974

RE: Snow Hill Mapping Mistake

Dear Ms. Greene:

The Critical Area Commission has received the information regarding the potential mapping mistake in Snow Hill. We are accepting the request as a complete submittal and Chairman North has determined that it can be handled as a refinement to the Town's Critical Area Program. The Commission will discuss the request for concurrence with the Chairman's determination at the August 1, 2001 Commission meeting in Crownsville.

If you have any questions or concerns regarding this matter, please do not hesitate to contact me at (410) 260-3477.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: Ms. Kelly Brewington, Town of Snow Hill
Amendment file

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

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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

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

July 20, 2001

Ms. Vivian Swinson
Queen Anne's County
Dept. of Planning & Zoning
107 N. Liberty St.
Centreville, Maryland 21617

RE: Administrative Variance, Gilbert Wicker
AV #05-01-05

Dear Ms. Swinson:

Thank you for providing information on the above referenced administrative variance. The applicant is requesting a variance from the Buffer requirements in order to construct a deck shoreward of an existing structure within the Buffer. The property is approximately 0.2 acres in size and is currently developed with a single family dwelling.

From the site plan provided, it is difficult to determine the size of the proposed deck though it does not appear to be overly large. Because there does not appear to be a feasible alternative location for a deck on this lot due to the size and shape of the lot, this office does not oppose the variance requested. The required plantings should occur within the Buffer, between the house and the water.

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,

LeeArne Chandler
Natural Resources Planner

cc: QC421-01

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



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July 20, 2001

Mr. Kevin Dooley
Anne Arundel County Office of Planning & Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

RE: Variance Case No. 2001-0258-V, Stuart 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 more impervious surfaces than permitted. The property is designated LDA and is currently developed with a single family dwelling and detached garage.

The site does not include information regarding topography. Based on a review of the Anne Arundel County Soil Survey and available topographical maps, it appears that there may be impacts to steep slopes as well. Please provide information on topography. With regard to the impervious surface variance, we recognize that the proposed addition is being placed over existing impervious surface. However, it appears that there are opportunities to remove some impervious surfaces. For example, there are concrete slabs protruding beyond the proposed footprint of the dwelling. These areas could be removed. Also, the asphalt driveway could be reduced in size.

Thank you for the opportunity to review this application. Please send information on site topography when it is available. 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: AA399-01

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 20, 2001

Mr. Kevin Dooley
Anne Arundel County Office of Planning & Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

RE: Variance Case No. 2001-0217-V, Holiday Point Marina

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a building addition with less setbacks and Buffer than required. The property has a split designation of LDA and RCA and is currently heavily developed with parking and marina buildings.

Because the proposed shop addition is being placed over existing impervious surface (and the existing shop is wholly within the Buffer), this office does not oppose the variance requested. However, we are concerned about the excessive impervious surfaces on this property. It seems that the property has IDA characteristics, though was probably mapped as LDA because it was not at least 20 acres. We recommend a condition that the applicant must address stormwater on this site. Alternatively, the Department of Natural Resources has a "Clean Marina" program that provides guidelines for reducing runoff from marinas and then provides recognition to those that meet the Clean Marina standards.

Thank you for the opportunity to review this application. 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: AA365-01

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

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

July 20, 2001

Mr. Kevin Dooley
Anne Arundel County Office of Planning & Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

RE: Variance Case No. 2001-0218-V, Raff & Lowenfeld

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a pier and pilings with less setbacks than required. The property is designated LDA and is developed with a house and driveway.

This office defers to the Maryland Department of the Environment and the County on pier issues. We have no comment on the variance requested.

Thank you for the opportunity to review this application. 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: AA366-01

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

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



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Chairman

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Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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July 23, 2001

VIA FACSIMILE

Ms. Suzanne Diffenderfer
Anne Arundel County Office of Planning & Zoning
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2000-0438-V, Earnie Gardner – BA 30-01, Comments on Revised Plans

Dear Ms. Diffenderfer:

This office has received the revised plans for the above referenced variance case. 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. Due to the extensive area of steep slopes and Buffer on this property, it appears that it can not be developed without a variance. The plans have been revised since the hearing before the Hearing Officer. The proposed house is still significant in size, though there are slightly fewer impacts to the steep slopes and expanded Buffer. The information provided indicates that three of the nine mature trees on site will be removed. If the variance is approved, we recommend mitigation at a 3:1 ratio for all disturbance within the Buffer and expanded Buffer. (Please note: This would be in addition to the reforestation required by the County Zoning Ordinance.) The Buffer should be a priority location for the plantings. Given that only six trees will remain on the lot, there is ample area for on-site planting.

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: AA645-00

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

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Fax: (410) 974-5338

July 24, 2001

Mr. Kevin Dooley
Anne Arundel County Office of Planning & Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

RE: Variance Case Nos. 2001-0252-V and 2001-0253-V, Cradle Pine, LLC

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance applications. The applicant is requesting variances to permit dwellings and associated facilities with disturbance to steep slopes and less setbacks and Buffer than required. The properties are designated RCA 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, impacts should be minimized and the variance requested the minimum to provide relief. The proposed houses are in neighborhood of mixed house styles and sizes. For Case No. 2001-0252-V (Lots 15-34 and 63-74), the proposed dwelling is located at the front building restriction line with approximately 9500 square feet (17.3%) clearing. If that variance is approved, reforestation should be provided at a 1:1 ratio. For Case No. 2001-0253-V (Lots 29-34 and 55-60), it appears that the proposed dwelling is located in the middle of the steep slopes on site. We recommend that the house be moved closer to the road. This would help reduce clearing and grading on the steep slopes. If the variance is approved, reforestation is required at a 3:1 for clearing over 30% of the site.

Lastly, it appears that there are no decks proposed on the dwellings. All proposed development should be reflected on the variance plan. This office will not support subsequent variances to add decks on the steep slopes at a later date.

Thank you for the opportunity to review this application. Please send information on site topography when it is available. 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: AA397-01

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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July 24, 2001

Mr. Kevin Dooley
Anne Arundel County Office of Planning & Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

RE: Variance Case No. 2001-0230-V, Lantz Ellis

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 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 the minimum to provide relief. If possible, we recommend that the house be moved towards the front building restriction line to reduce impacts. While the report discusses the presence of tidal and non-tidal wetlands and their Buffers on this site, the site plan does not clearly show these areas, nor does it delineate the areas with slopes of 15% or greater. For example, the plan does not show the 100-foot Buffer or the Buffer expanded for steep slopes. Moving the house towards the front building restriction line would help reduce clearing and grading on the steep slopes. This is especially important given the possibility that the forest may be habitat for forest interior dwelling birds, a designated Habitat Protection Area. If this variance is approved, we recommend mitigation at a 3:1 ratio for all disturbance within the expanded Buffer and at a 1:1 ratio for clearing outside of the Buffer.

Thank you for the opportunity to review this application. Please send information on site topography when it is available. 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: AA380-01

Branch 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 24, 2001

Mr. Kevin Dooley
Anne Arundel County Office of Planning & Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

RE: Variance Case No. 2001-0231-V, Gregory Harney

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 Buffer and disturbance to steep slopes. The property is designated IDA and is currently undeveloped.

Provided these lots are properly grandfathered, this office does not oppose the siting of a single family dwelling on them. However, impacts should be minimized and the variance requested the minimum to provide relief. The proposed house is in a neighborhood of mixed house styles and sizes. As proposed, it appears that there are opportunities to reduce impacts. For example, the required front yard building restriction line is 25 feet. Are there any alternative layouts for the septic system? If possible, we recommend that the house be moved closer to the front building restriction line. This would reduce impacts to the steep slopes and Buffer. We recommend mitigation for all disturbance within the Buffer and expanded Buffer at a 3:1 ratio. Also, it appears that there is no deck proposed on the dwelling. All proposed development should be reflected on the variance plan. This office will not support a subsequent variance to add a deck in the Buffer at a later date.

Thank you for the opportunity to review this application. Please send information on site topography when it is available. 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: AA381-01

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 24, 2001

Mr. Kevin Dooley
Anne Arundel County Office of Planning & Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

RE: Variance Case No. 2001-0234-V, Jay & Ann Tokosch

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling, inground swimming pool, and associated facilities with less setbacks and Buffer than required. The property is designated LDA and is currently developed with a house, driveway and detached garage.

This office does not oppose redevelopment of this lot. However, impacts should be minimized and the variance requested the minimum to provide relief. The subject property is 1.34 acres in size and is over 550 feet from the road to the water. From the site plan, it appears that the proposed replacement dwelling is located outside of the Buffer. However, the proposed swimming pool is located within the Buffer. This office can not support the variance for the swimming pool wholly within the Buffer, shoreward of the proposed dwelling. There is ample opportunity to redesign the proposed layout to provide a swimming pool outside of the Buffer. For example, the house could be redesigned to allow the pool to be located to the side of the dwelling. Alternatively, the pool could be placed on the street side of the house. The Health Department requires 20 feet between a septic field and a pool. It seems that the replacement septic fields could be shifted towards the street to provide room for the pool. Based on a drive by the property, it appears that privacy would not be an issue if the pool were placed on the road side of the dwelling.

A pool is a non water-dependent structure that is prohibited within the Buffer. Denial of the variance for the pool would not be an unwarranted hardship because there are alternative locations for the pool. The proposed layout of the property is creating the need for the variance. Denial of the variance would not deny the applicants a right commonly enjoyed, rather it would create a special privilege. During a drive through the neighborhood, only one pool was identified. Similarly, a review of available aerial photographs indicated only one other pool in the neighborhood and it is located to the side of a dwelling, not between the dwelling and the water. Approval of this pool could open the door to many similar requests. We recommend that the applicant redesign the layout and eliminate the need for a variance for the pool. We do not oppose the variance for the well within the Buffer if it is the only location that meets Health Department requirements. Mitigation should be provided for all new impervious within the Buffer at a 2:1 ratio and for impervious outside of the Buffer at a 1:1 ratio in accordance with the County's Buffer Exemption Area rules.

Branch Office: 51 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Mr. Kevin Dooley
July 24, 2001
Page 2

Thank you for the opportunity to review this application. Please send information on site topography when it is available. 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: ³⁸³⁻⁰¹
~~AA380-01~~



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, 2001

Mr. Ken McLawhon, Town Manager
4195 Indian Head Highway
Indian Head, Maryland 20640

RE: Updated Critical Area Map

Dear Mr. McLawhon:

Thank you for providing the draft revised Critical Area map to our office for review. Staff has compared the new map with the new zoning map and the previous Critical Area map on file in our office. Based on this review, it appears that the new map prepared by Redmon/Johnson Associates is an accurate representation of the Town's Critical Area. Please forward one (1) copy of a signed version of this map to this office.

I apologize about the long delay in responding to your submittal. If you have any questions or concerns, please feel free to contact me at any time.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

Cc: Amendment file

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



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

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

MEMORANDUM

TO: Andy Hanas, Engineering & Construction

From: LeeAnne Chandler

Date: July 25, 2001

RE: Stormwater Management at the Mattawoman Creek Arts Center

Thank you for providing the recent photographs of the stormwater ponds at the Mattawoman Creek Arts Center parking lot. As you are aware, the construction of the parking lot and associated stormwater management facilities were approved by the Critical Area Commission. The facilities were designed and approved as bioretention areas and were to include substantial planting of woody vegetation. Through our discussions, Commission staff understands that the clay soils on this site and the absence of a perforated drainage pipe in the ponds' design have precluded water from draining from the excavated areas. While the vegetation that was to be planted in the ponds was made up of water-tolerant species, such vegetation would not survive in constantly standing water.

The photographs taken of the site over the past two years have shown the establishment of various types of wetland vegetation including cattails and other desirable species. While the ponds are not functioning as bioretention areas, they are functioning as wet ponds with nutrient uptake by the wetland plants. After discussing the project with our Science Advisor, Commission staff believes that the ponds should be left as is rather than re-excavating them, placing an underdrain, replacing a significant amount of soil, and planting them with the woody vegetation. We recommend that park staff monitor the ponds and notify you and this office if any problems arise. We may revisit the idea of reconstructing the ponds if there are any major problems at a later date.

Thank you for your assistance with this project. If there are any problems or questions in the future, please contact me at (410) 260-3477.



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

MEMORANDUM

TO: Chip Price, Program Open Space
From: LeeAnne Chandler
Date: July 25, 2001
RE: Local POS Project# 3900-17-112, Matson Property Acquisition, Queen Anne's Co.

This office has received the Clearinghouse review notice for the above referenced project. The notice states, "With over 2,400 feet of shoreline along Piney Creek, this acquisition will provide significant environmental opportunities for recreational and educational uses in the future." While specific plans for the property may not be available yet, the following factors should be considered:

1. The property is within the Critical Area with a designation of Resource Conservation Area (RCA). Passive recreational and educational uses may be permitted and any type of development must be consistent with the Queen Anne's County Critical Area Program.
2. The property is currently wooded with an extensive shoreline. All habitat protection areas such as the Buffer must be protected, though shoreline access is certainly permitted.
3. Any clearing for the trail and other structures must be mitigated at the appropriate ratio. Up to 20% of the forest may be cleared with replacement at a 1:1 ratio. If between 20 and 30% of the property is cleared then replacement must occur at a 1.5:1 ratio. If over 30% of the property is cleared, all clearing must be mitigation at a 3:1 ratio.
4. If and when plans to develop the property move forward, we recommend that the County Department of Parks and Recreation work closely with the Planning Office and Critical Area Commission staff as early in the planning process as possible.

Thank you for the opportunity to review this project. If you have any questions or concerns, please contact me at (410) 260-3477.

Cc: Steve Cohoon, Queen Anne's Co.

Branch 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

MEMORANDUM

TO: Chip Price, Program Open Space

From: LeeAnne Chandler

Date: July 25, 2001

RE: Local POS Project# 3924-17-115, Blue Heron Golf Course Expansion Phase I, Queen Anne's Co.

This office has received the Clearinghouse review notice for the above referenced project. The County submitted a full set of plans for the project to our office for review several months ago. We responded with comments and the majority of our concerns were addressed. As a project conducted by a local agency within the Critical Area, the proposed project must be consistent with the local Critical Area Program.

The remaining concern we have regarding this project is related to the proposed location of the new clubhouse and parking lot. The existing golf course has a Critical Area designation of Limited Development Area (LDA) while the property where the expansion will occur has a Critical Area designation of Resource Conservation Area (RCA). Golf courses are a permitted use within the RCA except for structures such as the clubhouse, office and parking. The LDA/RCA demarcation line is in the middle of the site at the headwaters to the creek. The proposed location of the parking lot and clubhouse is within the RCA portion of the site and is not consistent with the local Critical Area Program. We recommended that these structures be moved to the LDA portion of the site. To date, we have not received revised plans.

We understand that Phase I is limited to grading, earth work, construction of ponds and stormwater management ponds. While the above issue may not affect this phase of the project, it should be considered when evaluating future funding requests.

Thank you for the opportunity to review this project. If you have any questions or concerns, please contact me at (410) 260-3477.

Cc: Steve Cohoon, Queen Anne's Co.

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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July 25, 2001

Mr. Kevin Dooley
Anne Arundel County Office of Planning & Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

RE: Variance Case No. 2001-0261-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 addition with less setbacks and Buffer than required. The property has a split designation of LDA/RCA and is developed with a recently constructed dwelling with attached garage and driveway.

This office often does not oppose decks of reasonable size provided impacts are minimized and the variance requested the minimum to provide relief. However, we are concerned about the recent trend of applicants (particularly this applicant) who construct dwellings in the Buffer under approved variances or up to the Buffer limits with sliding glass doors leading nowhere. They then return and ask for a second or sometimes third variance for the same site. This is unacceptable and it is a waste of County services. In this case, the house is in a neighborhood of mixed house styles and sizes. A smaller dwelling with an attached deck could have been accommodated on this lot with less impact to the Buffer. 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 request. Also, please provide this office with a copy of the written decision for this case.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA401-01

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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

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July 25, 2001

Mr. Steve Cohoon
Department of Planning & Zoning
107 N. Liberty Street
Centreville, Maryland 21617

**RE: Camp Pecometh - Minor Site Plan
File 03-01-07-0005-C**

Dear Mr. Cohoon:

Thank you for providing information on the above referenced site plan. The applicant is proposing to construct a new staff house and parking lot at an existing recreational camp. The site has approximately 130 acres within the Critical Area and is designated RCA. The Camp is already developed with numerous camp buildings (cabins, restrooms, pool, etc.).

The proposed development includes a 3,300 square foot staff house and a parking lot for 24 vehicles. The development will occur on a level, cleared area that is currently in agricultural use. There does not appear to be any habitat protection areas in the vicinity of the proposed construction. Provided that stormwater management is provided, it appears that the proposed construction is consistent with the County's Critical Area Program.

Stormwater calculations, including the 10% rule, were provided with the site plan. The 10% pollutant reduction is not required on this site because it is designated as RCA. (Due to the constants used in the worksheets, the 10% calculations do not work out for sites of this size with so little impervious surface.) Instead, the new State stormwater requirements (or the County's new stormwater requirements) should be applied. Stormwater quality waivers cannot be granted within the Critical Area. Revised stormwater information should be provided. We recommend that the applicant consider addressing stormwater for the entire site (including existing and proposed impervious areas) rather than building several small stormwater structures on a piecemeal basis as new buildings are added to the Camp.

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,


Lee Anne Chandler
Natural Resources Planner

cc: QC422-01

Branch 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 30, 2001

Mr. Steve Cohoon
Dept. of Planning & Zoning
107 N. Liberty St.
Centreville, Maryland 21617

RE: Growth Allocation Petition #GA 04-01-07-0009(c)
Maryland General Land Co., LLC

Dear Mr. Cohoon:

Thank you for providing information on the above referenced growth allocation request. The applicant has submitted a petition to redesignate a portion of a parcel from LDA to IDA. The acreage of growth allocation requested is 1.151 acres. The 1.151 acres is Lot 7 of a proposed subdivision. Proposed use of Lot 7 includes a building and associated parking for a marina distribution business.

This office previously provided comments on the site plan for Lot 7. The 10% pollutant reduction requirement is proposed to be addressed through a stormwater facility constructed for the entire subdivision. This office has reviewed the calculations and it appears that the 10% rule would be adequately addressed.

Section 14-176 of the Code of Public Local Laws for Queen Anne's County states in (4) that, "Proposed development projects using growth allocation must be determined to be consistent with the Queen Anne's County Comprehensive Plan and the Queen Anne's County Critical Area Program." As submitted, it does not appear that the petition for growth allocation is consistent with the County's Critical Area Program. Specifically, the acreage of growth allocation requested is not adequate. The County's Program discusses how to compute the use of growth allocation on page 21. Either the entire Critical Area acreage of a parcel must count against growth allocation or a development envelope shall be used. In this petition, the entire acreage of the parent parcel is not being requested. Instead, just Lot 7 is being considered the development envelope. The County's Program specifies those features that must be within the development envelope including, "a) individually owned lots; b) any required Buffers less than 300 feet in width; c) impervious surfaces, utilities, stormwater management measures, on-site sewage disposal measures; d) any areas subject to human use such as active recreation areas; and e) any additional acreage needed to meet the development requirements of the criteria." The area of the stormwater management facility (including the grassed swale which will convey the runoff to the pond) must be included within the development envelope. The petition for growth allocation should be revised accordingly.

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

Mr. Steve Cohoon
July 30, 2001
Page 2

Thank you for the opportunity to comment on this growth allocation petition. Please include this letter in your file and submit it as part of the record for this request. If you have any questions or concerns regarding these comments, please contact me at (410) 260-3477.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler" with a horizontal line extending to the right.

LeeAnne Chandler
Natural Resources Planner

Cc: QC655-00



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

August 2, 2001

Mr. Mark Moran
Board of Education of Anne Arundel County
2644 Riva Road
Annapolis, Maryland 21401

Post-It™ brand fax transmittal memo 7671		# of pages ▶ 6
To <i>Mark Moran</i>	From <i>LeeAnne Chandler</i>	
Co.	Co.	
Dept.	Phone # <i>410 260 3477</i>	
Fax # <i>410 222-5614</i>	Fax #	

RE: Mayo Elementary School - Commission Decision on Request for Conditional Approval for Alternate Site

Dear Mr. Moran:

At its meeting of August 1, 2001, the Chesapeake Bay Critical Area Commission unanimously voted to deny the Board of Education of Anne Arundel County's request for conditional approval for construction of a new Mayo Elementary School on the alternate site. The decision was based on the recommendation and findings of the panel of Commission members appointed to consider the request. The attached Final Staff Report describes the request as submitted to the Commission; the issues raised by the Board's representatives at the Public Hearing held June 27, 2001; the factors to be considered by the Commission when considering a conditional approval; and the six findings made by the Panel in making its recommendation and adopted by the Commission in its decision.

In accordance with COMAR 27.02.08.02(A), "a State or local agency or private sponsor whose proposal for development has been disapproved by the Commission may appeal the disapproval to the full Commission for reconsideration, within 30 days of receipt of the Commission's decision." If the Board appeals the Commission's disapproval, COMAR 27.02.08.02(B) states that, "the Commission shall afford the agency another opportunity to be heard on the matter, before the full Commission, within 30 days of receipt of notice of appeal, and shall issue its final decision in writing within 15 days of the reconsideration."

If you have any questions or concerns, please feel free to contact me at (410) 260-3477.

Sincerely,

LeeAnne Chandler
LeeAnne Chandler
Natural Resources Planner

cc: Mr. Alan Levy
P. Tyson Bennett, Esq.
Mr. Michael Lambert
Marianne D. Mason, Esq.

Branch 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 2, 2001

Mr. Mark Moran
Board of Education of Anne Arundel County
2644 Riva Road
Annapolis, Maryland 21401

RE: Mayo Elementary School - Commission Decision on Request for Conditional Approval for Alternate Site

Dear Mr. Moran:

At its meeting of August 1, 2001, the Chesapeake Bay Critical Area Commission unanimously voted to deny the Board of Education of Anne Arundel County's request for conditional approval for construction of a new Mayo Elementary School on the alternate site. The decision was based on the recommendation and findings of the panel of Commission members appointed to consider the request. The attached Final Staff Report describes the request as submitted to the Commission; the issues raised by the Board's representatives at the Public Hearing held June 27, 2001; the factors to be considered by the Commission when considering a conditional approval; and the six findings made by the Panel in making its recommendation and adopted by the Commission in its decision.

In accordance with COMAR 27.02.08.02(A), "a State or local agency or private sponsor whose proposal for development has been disapproved by the Commission may appeal the disapproval to the full Commission for reconsideration, within 30 days of receipt of the Commission's decision." If the Board appeals the Commission's disapproval, COMAR 27.02.08.02(B) states that, "the Commission shall afford the agency another opportunity to be heard on the matter, before the full Commission, within 30 days of receipt of notice of appeal, and shall issue its final decision in writing within 15 days of the reconsideration."

If you have any questions or concerns, please feel free to contact me at (410) 260-3477.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: Mr. Alan Levy
P. Tyson Bennett, Esq.
Mr. Michael Lambert
Marianne D. Mason, Esq.

Branch 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 2, 2001

Ms. Kelly Brewington
Town of Snow Hill
P.O. Box 348
Snow Hill, Maryland 21863

RE: Correction of Mapping Mistake – Tax Map 200, Parcels 139, 142 and 143

Dear Ms. Brewington:

At its meeting on August 1, 2001, the Chesapeake Bay Critical Area Commission concurred with the Chairman's determination that the proposed redesignation of three parcels of land from RCA to LDA on the basis that a mistake was made in original mapping qualifies as a refinement to the Town of Snow Hill Critical Area Program. Chairman North has approved this refinement to the County's Program. The Critical Area designation of the above referenced parcels has been changed from Resource Conservation Area (RCA) to Limited Development Area (LDA). This 2.63 acre reduction in RCA will result in a 0.13 acre reduction in the County's growth allocation.

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,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: Edward Tudor, 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
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August 8, 2001

Ms. Suzanne Diffenderfer
Anne Arundel Co. Office of Planning & Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

RE: Variance Case No. 2001-0243-V, Robert and Susan Gilbert

Dear Ms. Diffenderfer:

Thank you for providing information on the above referenced variance request. The applicants are requesting a variance to permit a dwelling addition and accessory structure with less setbacks and Buffer than required. The property is designated LDA and is currently developed with a modest, older single-family dwelling, shed, driveway and inground swimming pool.

This office often does not oppose variances for additions of reasonable size provided that impacts are minimized and the variance requested is the minimum to provide relief. Based on the site plan provided and a site visit, it appears that there is no opportunity to expand the dwelling without a variance. We do not oppose the variance for the proposed addition because it is located on the road-side of the house (away from the tidal wetlands) and is modest in size. Regarding the accessory structure, the new shed is already in place and is sited further from the wetlands than the existing one. (If the variance is approved for the addition, it will be necessary to remove the existing shed.) Optimally, a new shed would be placed outside of the 100-foot Buffer. However, the County does not consider this to be a waterfront lot where the Buffer would be the front building restriction line. Instead, the road side of the house is considered the front and placing the new shed out of the Buffer would necessitate a variance to place an accessory structure in the front yard. The shed is a non-water dependent structure that should not be permitted within the Buffer. However, we recognize that increasing the size of the addition to the house to provide a storage area would actually increase impacts closer to the wetlands than where the new shed is currently located. If the variance is approved, we recommend mitigation for new disturbance within the 100-foot Buffer at a 3 to 1 ratio. There is space on this lot to provide these plantings 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 request. Also, please provide this office with a copy of the written decision for this case.

Sincerely,

Lee Anne Chandler
Natural Resources Planner

cc: AA395-01

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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 13, 2001

Mr. David Nutter, Director
Dept. of Planning, Zoning & Community Development
P.O. Box 870
Salisbury, Maryland 21803-0870

RE: Amendments to Chapter 125 of Wicomico County Code

Dear Mr. Nutter:

I am writing in regard to the submittal of the amendments to Chapter 125 of the Wicomico County Code. The Critical Area Commission received the submittal on July 30, 2001 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 (Natural Resources Article §8-1809(g)) 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. *We recognize that Bill No. 2001-11 is the result of a detailed review of the existing Critical Area ordinance. In order to document completion of the Comprehensive Review, we recommend that the County send the Commission a letter outlining a timeframe for completion of the remaining tasks, i.e., adoption of the Special Buffer Area maps and review and revisions to the Critical Area Program document.*
2. Any necessary requests for program amendments, program refinements or other matters that the local jurisdiction wishes the Commission to consider. *Bill No. 2001-11 clearly identifies the proposed changes to the County's ordinance. The entirety of the bill will be considered as one amendment; however, the Commission reserves the right to approve only certain portions of the Bill should any deficiencies be identified during the Commission's review..*
3. An updated resource inventory. *Commission staff is aware that the County maintains a GIS database of known sensitive species habitats. We recommend that the County send a letter to the Department of Natural Resources asking if any new sites have been*

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

Mr. David Nutter
August 13, 2001
Page 2

identified and if so, if they could provide the digital information for the County's database. A copy of such correspondence would adequately document that this requirement has been addressed.

4. A statement quantifying acreages within each land classification, the growth allocation used and the growth allocation remaining. *The Critical Area Commission is updating its growth allocation files and setting up data tables to monitor use and changes to growth allocation acreages. Enclosed, please find the information we have compiled for Wicomico County. Our amendment files indicate one annexation by the City of Salisbury that moved 3.5 acres of LDA from the County into the City. The files also indicate that a total of 190.25 acres of growth allocation have been awarded, leaving 703.98 acres in reserve. Please review these figures and notify us as to how they compare with the County's records. Commission staff would be happy to meet with County staff to resolve any discrepancies.*

Commission staff notes that Section II of Bill No. 2001-11 states that it will take effect sixty days after its final passage. However, in accordance with Natural Resources Article §8-1809(i), the amendments cannot become effective until approval of the amendments by the Critical Area Commission.

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 County (location, date and time to be determined). I will contact County staff in the near future to make all necessary arrangements. Thank you for your assistance in this endeavor.

Sincerely,



LeeAnne Chandler
Natural Resources Planner

Enclosure

cc: Edgar A. Baker, Jr., County Attorney
Mr. Frank McKenzie
Mr. Matt Hedger

WICOMICO COUNTY

ORIGINAL CRITICAL AREA ACREAGE				
	IDA	LDA	RCA	Total
City of Fruitland ¹	0.00	40.00	0.00	40.00
Town of Mardela Springs ²	0.00	126.20	0.00	126.20
Town of Sharptown ²	96.70	0.00	0.00	96.70
City of Salisbury ³	669.00	175.30	0.00	844.30
County Land ⁴	281.80	3152.60	17884.60	21319.00
Total	1047.50	3494.10	17884.60	22426.20

CALCULATION OF GROWTH ALLOCATION	
Total RCA	NA ⁵
less Tidal Wetlands or Federal Land	NA ⁵
Net RCA	17884.60
Allow 5% Expansion	0.05
Total Original Growth Allocation	894.23
<i>Change due to mapping errors</i>	0.00
GROWTH ALLOCATION AVAILABLE	894.23

CURRENT CRITICAL AREA ACREAGE				
	IDA	LDA	RCA	Total
City of Fruitland	0.00	40.00	0.00	40.00
Town of Mardela Springs	0.00	126.20	0.00	126.20
Town of Sharptown	96.70	0.00	0.00	96.70
City of Salisbury	669.00	178.80	0.00	847.80
County Land	281.80	3339.35	17694.35	21315.50
Total	1047.50	3684.35	17694.35	22426.20

NOTES:

¹Per City of Fruitland Ordinance No. 194.

²Per page 1-13 of Wicomico County Critical Area Program (1989).

³Per page 1-16 of Salisbury Critical Area Program (1991).

⁴Exact figures provided by Rogers, Golden and Halpern in correspondence dated November 13, 1989 from the County to the Commission.

⁵All acreage figures for RCA in the County do not include tidal wetlands or Federal land.

WICOMICO COUNTY

GROWTH ALLOCATION USED				
PROJECT	DATE	AMEND.#	CHANGE	ACRES
Original growth allocation total (per approved '89 program)				894.23
Tyaskin Trust	8/93	WIA-2A	RCA to LDA	23.14
Back Creek	8/93	WIA-2B	RCA to LDA	16.23
The Shallows	8/93	WIA-2C	RCA to LDA	24.62
Redden Ferry Estates	10/93	WIA-3B	RCA to LDA	44.92
Kensington Woods	11/96	WIA-4	RCA to LDA	37.72
Cooper Landing	12/99	WIA-5	RCA to LDA	24.59
River Woods	7/00	WIA-6	RCA to LDA	19.03
Total used by County to date - 8/00				190.25
Total used by incorporated Towns to date				0.00
Total used to date				190.25
Wicomico County Growth Allocation Remaining				703.98

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 12, 2001

Ms. Tracey Greene
Maryland Dept. of Planning
201 Baptist St., Suite 24
Salisbury, Maryland 21801-4974

RE: Town of Snow Hill – Byrd Park Bulkhead Replacement

Dear Ms. Greene: *Tracey*

This office has received the consistency report for the above referenced project. The Town is proposing to replace 268 linear feet of timber bulkhead at the Byrd Park canoe ramp. Based on the information provided, it appears that the proposed project is consistent with the Town's Critical Area Program. Vegetation removed in the course of construction should be replaced in kind.

Thank you for the opportunity to review this project. If you have any questions or concerns, please contact me at (410) 260-3477.

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
Natural Resources Planner

cc: SN451-01

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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
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August 9, 2001

Ms. Tanya Krista-Maenhardt
Department of Planning & Zoning
Queen Anne's County
107 N. Liberty Street
Centreville, Maryland 21617

**RE: Narrows Point – Final Site Plan
#MASP 05-01-07-0010(c)**

Dear Ms. Krista-Maenhardt:

This office has received the above referenced final site plan and supporting documentation. This office has reviewed the information provided and we have the following comments:

1. This office remains concerned about the intensiveness of the proposed development and the amount of Buffer intrusion. The County's Buffer Exemption regulations include provisions which require a property owner to avoid development 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]. Fewer units would allow more flexibility in the layout of the development and would significantly reduce the Buffer intrusion. While the applicant states that the development site would allow 124 units, such density is subject to the other requirements of the Zoning Ordinance, including minimizing Buffer intrusion.
2. Of particular concern is not only the overall Buffer intrusion but also the intrusion into the reduced 50-foot shore Buffer. As stated in our previous comments, all new development activity, including the new road, should be located outside of the 50-foot Buffer. We recognize that there is already some impervious surface within the 50-foot Buffer but as proposed there is a net increase of imperviousness in this area. We recommend that the proposal be further minimized.
3. The letter from McCrone states that a jurisdictional determination of the wetland boundaries will be conducted in August. The wetland boundaries are not clearly labeled on the site plan. It is not possible to determine which lines are which. The wetland symbols and most lines are not identified in the legend on the cover sheet. Labels that appear on the site plan do not point to anything. We recommend that the applicant

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provide an accurate depiction of the mean high water line, the landward boundary of tidal wetlands, and the boundaries of non-tidal wetlands. The 50 and 100 foot shore Buffers should be drawn from the landward boundary of tidal wetlands. As provided, this office cannot complete review of the site plan.

4. The information on the title sheet contains several errors. First, it appears that the total acreage of the property has changed since the concept plan approval. What accounts for the increase in acreage? While the total acreage has increased, area within the 50-foot shore buffer has decreased. What accounts for the decrease? Under site statistics, the plan states that 8.16 acres are LDA while the Critical Area impervious area calculations state that 8.12 acres are LDA. Also, the plan lists two different acreages for resource protection lands. These discrepancies should be corrected. Quantified information on proposed clearing and grading should also be provided.
5. In an earlier submittal, the applicant stated that "based on initial grading calculations, approximately 10,000 cubic yards of material will be excavated from the dredge spoils area and placed in the flood plain limits of the site." Given that the whole site was used to dispose of dredge spoils, where is the fill coming from? Off-site? Will it be affecting any wetlands or Buffers? Have any permits been applied for? This information should be provided.
6. We recommend that the County require mitigation for impacts to the Buffer for the stormwater management facilities.
7. The limits of disturbance on the marina side of the property are less than twenty feet from the water for the entire length of the shoreline. The L.O.D. should be re-examined and adjusted. If disturbance is proposed that close to the shoreline, additional variances may be necessary.
8. The amount of impervious area (upon which the amount of mitigation is based) is incorrectly calculated on the title sheet. The net increase of impervious area from 0 to 100 feet from the shoreline is 1.983 acres, not 1.706 acres as shown. Accordingly, the amount of mitigation needs to be adjusted to 3.97 acres (278 trees). The landscaping plan should be revised accordingly.
9. The landscape schedule does not match up with what appears on the landscape plan. Detailed information should be provided on the proposed location of trees and other species within the mitigation areas. Also, we recommend that the landscape plan be revised to include only native species on this site.

Ms. Krista-Maenhardt

August 9, 2001

Page 3 of 3

10. With regard to the waterfowl staging area offshore of the property and the future condition of the Buffer, the landscape plan states that the existing *phragmites* will be eradicated. The applicant should consult with the waterfowl expert at the Department of Natural Resources to determine the best course of action for both eradication of the *phragmites* as well as recommended species for mitigation. Similarly, any shoreline work should be coordinated with DNR as there may be time of year restrictions placed on the permits. The *phragmites* should be replaced with species that provide the desired Buffer functions, i.e., providing habitat and water quality benefits. A mix of native grasses, shrubs and trees is recommended. A typical residential lawn or scattered trees in a park-like setting will not be acceptable.
11. The stormwater information provided is not adequate. The new State Stormwater regulations do not replace the 10% requirement in the Critical Area. Please provide the 10% calculations to this office for review.

Thank you for the opportunity to comment. If you have any questions regarding the comments above or would like to discuss any in further detail, please contact me 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

August 20, 2001

Ms. Lisa Collison
Department of Planning & Zoning
107 N. Liberty Street
Centreville, Maryland 21617

RE: Peter Sheaffer, Transfer of Development Rights
File: TDR #03-01-04-0003, Revision #2

Dear Ms. Collison:

Thank you for providing the revised plans for the above referenced TDR proposal. The applicant is proposing to transfer 5 out of 16 development rights from the portion of the property within the Critical Area. Commission staff has reviewed the information provided. We have noted the reduction in the number of TDRs and the resulting change in the configuration of the transferor parcel. It appears that the proposed transfer of development rights is consistent with the County's Critical Area Program. However, we would like to note that future subdivision of the remaining area must be wholly consistent with the County's Critical Area Program.

Thank you for the opportunity to review the revised plan. Please include this letter in your file for this proposed TDR. If you have any questions regarding 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: QC244-01

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Judge John C. North, II
Chairman



Ren Serey
Executive Director

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August 20, 2001

Ms. Tanya Krista-Maenhardt
Dept. of Planning & Zoning
107 N. Liberty St.
Centreville, Maryland 21617

RE: Growth Allocation Petition #GA 04-01-07-0009(c) – REVISION #1
Maryland General Land Co., LLC

Dear Ms. Krista-Maenhardt:

Thank you for providing the revised information on the above referenced growth allocation request. The applicant has submitted a petition to redesignate a portion of a parcel from LDA to IDA. The revised amount of growth allocation requested is 2.124 acres. The 2.124 acres is Lot 7 of a proposed subdivision and the stormwater management facility which will treat runoff from the site. Proposed use of Lot 7 includes a building and associated parking for a marina distribution business.

Based on the information provided, it appears that this revised growth allocation request is consistent with the County's Critical Area Program and the Commission's policy on growth allocation. This office has no further concerns at this time.

Thank you for the opportunity to comment on this growth allocation petition. Please include this letter in your file and submit it as part of the record for this request. If you have any questions or concerns regarding 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: QC655-00

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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
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Ren Serey
Executive Director

STATE OF MARYLAND
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August 20, 2001

Ms. Ramona Plociennick
Anne Arundel Office of Planning & Zoning
3664 Riva Road, MS 6301
Annapolis, Maryland 21401

RE: Variance Case No. 2001-0275-V, Paul Kruger

Dear Ms. Plociennick:

Thank you for providing information on the above referenced variance request. The applicant is requesting a variance to permit a pier addition with greater length than allowed. The property is designated LDA and is developed with a single family dwelling.

This office defers to the Maryland Department of the Environment and the County on pier length issues. We have no comment on this application, though all State permits should be acquired prior to issuance of any local permits.

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: AA444-01

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

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



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August 22, 2001

Ms. Ramona Plociennik
Anne Arundel Office of Planning & Zoning
3664 Riva Road, MS 6301
Annapolis, Maryland 21401

RE: Variance Case No. 2001-0296-V, L.G. Walker

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance case. The applicant is requesting a variance to permit a dwelling and associated facilities with disturbance to non-tidal wetlands and their buffer. The property is designated LDA and is currently undeveloped.

Provided this lot is properly grandfathered, this office does not oppose the siting of a single family dwelling on it. However, impacts should be minimized and the variance requested should be the minimum to provide relief. We recognize that the lot is severely constrained by non-tidal wetlands. It appears that the applicant has made an attempt to minimize direct impacts to the wetlands. However, it seems possible to move the house closer to the side building restriction line, especially since the impervious encroachment from next door will be removed. No information regarding total proposed clearing has been provided. We recommend reforestation for all disturbance at a 3:1 ratio. Also, we recommend that the remainder of the lot be placed under conservation easement to ensure no further disturbance to the non-tidal wetlands. Any future owner of this property should be made aware of the restrictions on further disturbance on this 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 request. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: 463-01

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Judge John C. North, II
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August 22, 2001

Ms. Ramona Plociennik
Anne Arundel Office of Planning & Zoning
3664 Riva Road, MS 6301
Annapolis, Maryland 21401

RE: Variance Case No. 2001-0295-V, William Schmale

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance case. The applicant is requesting a variance to permit a deck addition and stairway with less setbacks and Buffer than required and with disturbance to steep slopes. The property is designated LDA, is Buffer Exempt and is currently undeveloped.

According to our files, this property received a variance in January of this year to construct the dwelling. The proposed deck is modest in width at six feet and it does not appear that it or the stairs will increase the limits of disturbance. If feasible, we recommend that the deck be cantilevered and the footers for the stairs be hand dug. If this variance is approved, we recommend mitigation as required in the previous variance decision.

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: 640-00

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Executive Director

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August 22, 2001

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Ms. Ramona Plociennik
Anne Arundel Office of Planning & Zoning
3664 Riva Road, MS 6301
Annapolis, Maryland 21401

RE: Variance Case No. 2001-0302-V, Thomas Whitley

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance case. The applicant is requesting a variance to permit a dwelling and associated facilities with less setbacks and Buffer than required and with disturbance to steep slopes. The property is designated RCA and is currently undeveloped.

This lot was created through a family conveyance subdivision approved in 2000. This office submitted comments on the subdivision (copy attached), one of which was to ensure that creation of the new lot did not create the need for a variance. The subdivision plat (prepared by the same consultant as the variance plan) showed that a dwelling could be constructed on this lot without the need for any variances (copy of part of the site plan attached). Now a variance is being requested for Lot 2.

This office recommends denial of the variance requested. As stated above, the plat showed a new house located on Lot 2 that did not need any variances. However, the house design and location have now changed. A circular driveway has been added that is forcing the house onto the steep slopes. This is not an unwarranted hardship. New lots (even intrafamily conveyance lots) must not require variances in order to be developed. We recommend that the applicant redesign the proposed development such that no variances are required. Otherwise, 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 request. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: aa464-01

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Judge John C. North, II
Chairman



Ren Serey
Executive Director

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Fax: (410) 974-5338

August 26, 1999

Mr. Michael Murray
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6303
Annapolis, Maryland 21401

Re: Nellie S. Dobson
MS 99-081

Dear Mr. Murray:

Thank you for providing us with the above-referenced subdivision request to create four lots from two existing parcels. I have outlined my comments below.

- 1) Are the applicants proposing to create two additional lots in the Resource Conservation Area (RCA) based on the intra-family transfer provisions? If so, a note should appear on the plat, otherwise two additional lots are not permitted under the one dwelling unit per twenty acre density.
- 2) The County should ensure that the creation of new lots should not necessitate the need for variances to the Critical Area provisions of the County program.
- 3) A letter dated August 19, 1998 from Mr. Mike Slattery of the Wildlife and Heritage Division of the Department of Natural Resources indicates the possibility of a state threatened species, Glade Fern, that is known to occur in the area. This issue should be resolved before final subdivision plans are approved.
- 4) As always total impervious coverage for the entire subdivision shall not exceed 15% of the total site area.
- 5) There is a discrepancy between site plan and the Critical Area report concerning the acreage of proposed Lot 2. Is the acreage 3.3170 acres or 3.6864 acres?

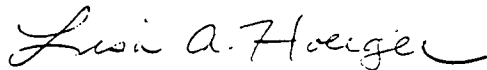
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Mr. Murray
Page Two
August 26, 1999

- 6) Finally, the slopes shown on the site plan reflect 25% slopes, but do not show the extent of 15% slopes.

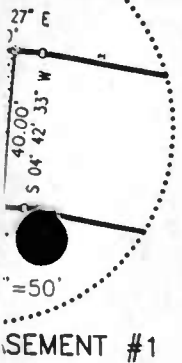
Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-7032.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc:



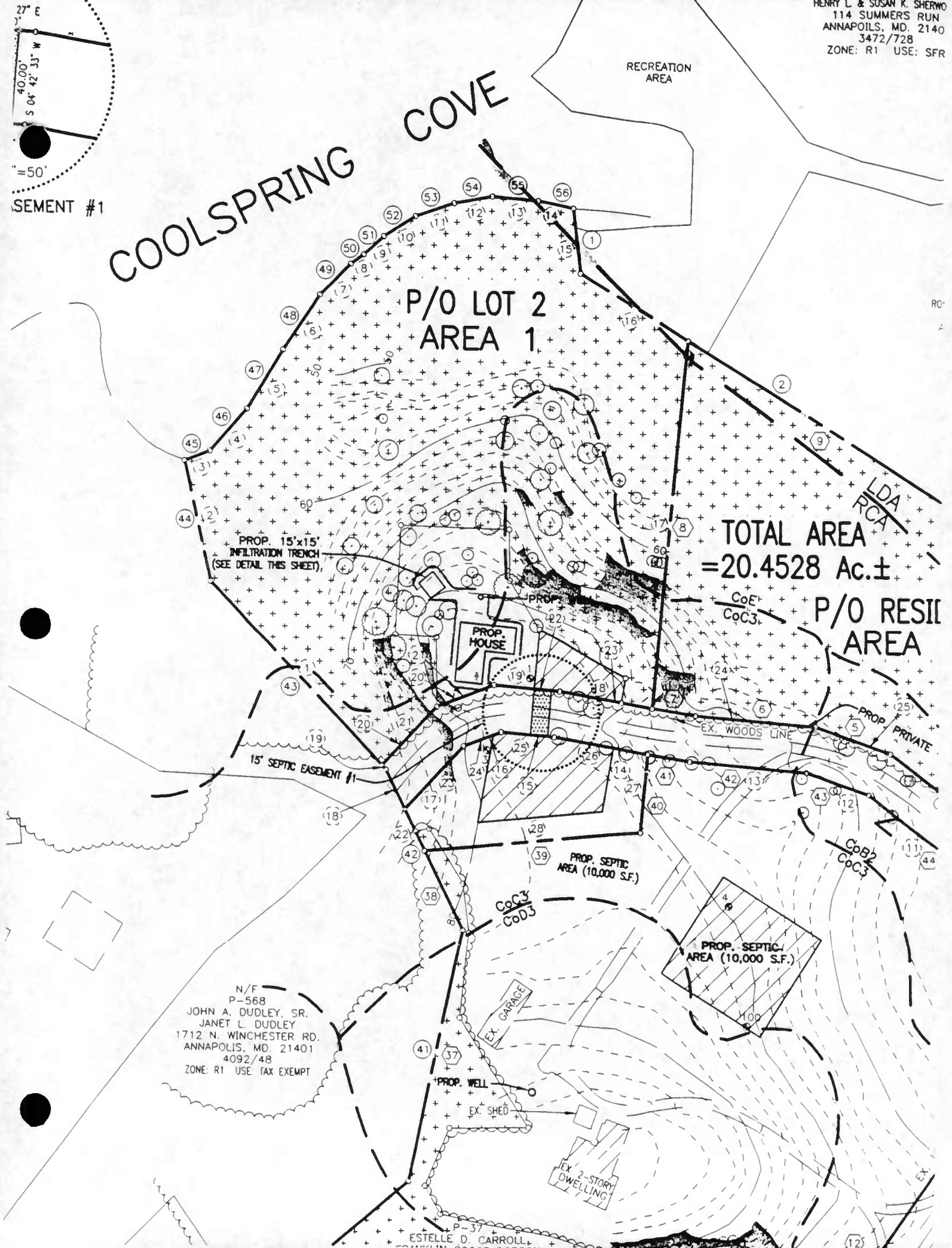
COOLSPRING COVE

RECREATION AREA

P/O LOT 2 AREA 1

TOTAL AREA
= 20.4528 Ac. ±

P/O RESID AREA



N/F
P-568
JOHN A. DUDLEY, SR.
JANET L. DUDLEY
1712 N. WINCHESTER RD.
ANNAPOLIS, MD. 21401
4092/48
ZONE: R1 USE: TAX EXEMPT

ESTELLE D. CARROLL



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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August 23, 2001

Ms. Lisa Collison
Department of Planning & Zoning
107 N. Liberty St.
Centreville, Maryland 21617

RE: Minor Subdivision – File # 02-01-08-0005(c)
Britland Farm

Dear Ms. Collison:

Thank you for providing information on the above referenced minor subdivision. The applicant proposes to subdivide a parcel with approximately 171 acres in the Critical Area into 5 lots. Commission staff has reviewed the information provided and we have the following comments:

1. The site plan shows several areas of tidal wetlands on the property. The applicant should provide information as to whether these are private tidal wetlands or State tidal wetlands. State tidal wetlands may not be included in impervious surface, clearing and other acreage calculations.
2. Provided that the wetlands are private and 171 acres is an accurate measure of the extent of property in the Critical Area, the Critical Area portion of the property may contain no more than eight (8) dwelling units. It appears that three (3) dwelling units already exist on the property on proposed lots 1, 2, and 3. Proposed lots 4 and 5 are currently undeveloped.
3. Any future renovations of the existing dwellings on lots 1, 2, and 3 must be fully compliant with the County's Critical Area Program. Due to the existing location of the dwellings on lots 1 and 3, any additions or changes may require variances.
4. More detailed topographical information should be provided. The Environmental Assessment report states that the shoreline and drainage "ravines" contain slopes but no further information is provided. This information is necessary in order to determine if Buffer Expansion is necessary.
5. There is a linear non-tidal wetland on lot 1 that enters the middle tidal wetland along the Chester River shoreline. Based on its configuration, it appears that this wetland may

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Ms. Lisa Collison

August 23, 2001

Page 2

actually be a stream. This area should be examined on-site and the subdivision plat revised accordingly. All tributary streams within the Critical Area require a minimum 100-foot Buffer.

6. The Environmental Assessment report indicates the presence of several forest interior dwelling bird species on this property. Much of the forested area is outside of the Critical Area and it does not appear that any clearing will be necessary for development of lots 4 and 5. However, we encourage use of the FID guidelines to preserve this habitat wherever possible.
7. Please provide a copy of the response from the Maryland Department of Natural Resources regarding habitats of threatened and endangered species when it arrives.
8. State Critical Area regulations require Buffer establishment when agricultural use of lands cease and land is converted to other uses. With this subdivision, Buffers must be established along all shorelines and streams. In establishing the Buffers, measures should be taken to provide forest vegetation that assures the Buffer functions set forth in the County's Program.

Thank you for the opportunity to comment on this subdivision. If possible, I would like to visit the site with County staff on a mutually convenient date and time. 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: QC471-01



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION

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August 23, 2001

Ms. Tanya Krista-Maenhardt
Department of Planning & Zoning
107 N. Liberty St.
Centreville, MD 21617

RE: Concept Plan, File # CP 04-01-08-0001(c)
Downey Land Development, LLC

Dear Ms. Krista-Maenhardt:

Thank you for providing information on the above referenced concept plan. The applicant is proposing a 15-unit condominium project on a 3.439 acre parcel. The parcel has all three Critical Area designations with 0.974 acres IDA, 0.555 acres LDA, and 1.910 acres RCA. The proposal includes the condominiums on the IDA portion and a path through the LDA and RCA to a community pier containing 16 slips. Commission staff has reviewed the information provided and we have the following comments:

1. With regard to the proposed development on the IDA portion of the property, the primary Critical Area issue is stormwater management and the 10% pollutant reduction requirement. How will stormwater be addressed? The 10% calculations must be based on the existing and proposed conditions of only the IDA portions of the site.
2. The proposed Buffer from the Tidal wetlands is only 100 feet. Has the Planning Commission approved a reduction from the standard 300 foot shore buffer? Is such a reduction being requested?
3. Section 14-143 of the Queen Anne's County Code regulates community piers such as the one proposed as part of this project. It specifically determines the maximum number of slips at a community pier to be the lesser of the following: 1. One slip for every 50 feet of shoreline in subdivisions in IDA and LDA and one slip per 300 feet of shoreline in subdivisions in RCA development areas; or 2. a density of slips to platted lots or dwellings according to the following schedule. Because the shoreline on this property is designated RCA, the applicant is allowed only one slip according to the length of the shoreline. (The length of shoreline measures 300 feet according to the site plan.) The plan should be revised to show only one slip. Alternatively, the applicant may propose a fishing/crabbing pier. We recommend that the walkway over the tidal marsh be limited

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Ms. Tanya Krista-Maenhardt
August 23, 2001
Page 2

to three (3) feet in width. The walkway and pier will require permits from the Maryland Department of the Environment.

4. The wetlands on this property should be identified as either private tidal wetlands or State tidal wetlands. State tidal wetlands may not be included in impervious surface or other acreage calculations.

Thank you for the opportunity to comment on this concept plan. When additional or revised information becomes available, please forward it to this office for further review. Due to a schedule conflict with our Commission meeting, I will be unable to attend the September 5th STAC meeting. If you have any questions or concerns regarding these comments, please contact me at (410) 260-3477.

Sincerely,



LeeAnne Chandler
Natural Resources Planner

Cc: QC 453-01



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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August 24, 2001

Ms. Ramona Plociennik
Anne Arundel Office of Planning & Zoning
3664 Riva Road, MS 6301
Annapolis, Maryland 21401

RE: Variance Case No. 2001-0299-V, Caldwell & Thrift

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance case. The application states that the request is for a dwelling and associated facilities with less setbacks and Buffer than required and with disturbance to steep slopes. However, it appears that this may actually be a variance to allow an extension of time for implementation of a previously approved variance. The property in question is designated LDA and is currently developed with a single family dwelling.

Provided that the plans have not changed from the previously approved plan, this office does not oppose the variance to allow an extension of time for implementation of the previous approval. All conditions of the previous approval 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 request. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: aa464-01

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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August 24, 2001

David M. Plott, Esq.
Linowes and Blocher, LLP
145 Main Street
Annapolis, Maryland 21401

RE: Commission Action on previous "Declassification" requests

Dear Mr. Plott:

This letter is in response to your inquiry regarding Critical Area Commission action on previous "declassification" requests in Anne Arundel County. It is our understanding that prior to the request of your client, Wright Investment Group, there have been three similar requests since Anne Arundel County adopted a Critical Area Program (made up of a Program document, implementing ordinance and Critical Area designation maps). Declassifications or reclassifications by reason of mistake are considered map amendments. In accordance with Natural Resources Article §8-1809(i), such amendments can occur only with approval of the Critical Area Commission.

I have reviewed our files related to the three previous declassification requests. Listed below is a brief summary of Commission action on the three requests:

1. **Schooler's Pond/Annapolis Development Corporation (Local Case No. C205-92)** Approved by the Administrative Hearing Officer on December 14, 1992. Submitted to the Critical Area Commission on May 10, 1993 as a map amendment. Accepted for processing on May 10, 1993. Commission panel hearing held on June 7, 1993. Approved by the Critical Area Commission on July 7, 1993. A total of 5.92 acres of land removed from the Critical Area.
2. **Chesapeake Harbour, Inc. (Local Case No. C298-94)** Approved by the Administrative Hearing Officer on October 27, 1994. Submitted to the Critical Area Commission on November 9, 1994 as a map amendment. Accepted for processing on November 21, 1994. Received letter from the County deactivating the request due to an appeal of the Hearing Officer's decision on December 13, 1994.
3. **Enyart Property (Local Case No. 1995-0382-C)** Approved by the Administrative Hearing Officer on January 17, 1996. Submitted to the Critical Area Commission as a map amendment on February 23, 1996. Accepted for processing on March 4, 1996. Commission panel hearing held on March 27, 1996. Approved by the Critical Area

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David M. Plott, Esq.
August 24, 2001
Page 2

Commission on April 3, 1996. A total of 1.15 acres of land removed from the
Critical Area.

Please contact me if you have any questions or would like additional information. I can be
reached at (410) 260-3477.

Sincerely,



LeeAnne Chandler
Natural Resources Planner

cc: AA43-01

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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August 27, 2001

Ms. Pam Miley
Anne Arundel Office of Planning & Zoning
3664 Riva Road, MS 6301
Annapolis, Maryland 21401

RE: Variance Case No. 2001-0245-V, Robert Pribble

Dear Ms. Miley:

Thank you for providing information on the above referenced variance request. The applicant is requesting a variance to permit a dwelling and associated facilities with less setbacks and Buffer than required. The property is designated IDA and is currently developed with a single family dwelling.

The existing house is proposed to be demolished and then replaced with a new larger home with an attached garage. With water on two sides of the property, the Buffer encompasses nearly the entire lot. We do not oppose redevelopment of this lot. However, impacts should be minimized and the variance requested should be the minimum to provide relief. The new house should be located no closer to the water than the existing dwelling (i.e., any increase in size should be towards the southwest). We recommend mitigation for all disturbance within the Buffer at a 3:1 ratio. There is ample space and opportunity to reestablish the Buffer on this property.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for 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: AA396-01

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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 27, 2001

Ms. Lisa Collison
Department of Planning & Zoning
107 N. Liberty St.
Centreville, Maryland 21617

RE: Minor Subdivision – File # 05-01-08-0007(c)
Theresa L. Thomas

Dear Ms. Collison,

Thank you for providing information on the above referenced minor subdivision. The applicant proposes to subdivide a 0.514 acre (with 0.104 acres in the Critical Area) into two lots. Only one of the new lots will have land within the Critical Area. Provided that development of Lot 1 will be consistent with the County's LDA regulations, it appears that the proposed subdivision is consistent with the County's Critical Area Program.

Thank you for the opportunity to comment on this subdivision. If you have any question regarding these comments, please contact me at (410) 260-3477.

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
Natural Resources Planner

Cc: QC478-01

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

TTY For The Deaf:
Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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August 29, 2001

Mr. Steve Cohoon
Dept. of Planning & Zoning
107 N. Liberty St.
Centreville, Maryland 21617

RE: Draft Text Amendments Concerning Growth Allocation Procedures

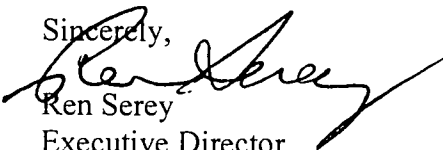
Dear Mr. Cohoon:

Thank you for providing the draft text amendments for our review. It is our understanding that the amendments will be presented to the Planning Commission in September. Commission staff has reviewed the information provided and we have the following comments:

1. Section (d)(2)(i) should read, "The purposes set forth in §8-1801 et seq. ..."
2. It appears there may be a typo in the last sentence of Section (e). The reference to the County Commission is perhaps a reference to the County Commissioners.
3. As you are aware, Natural Resources Article §8-1809 requires local jurisdictions to incorporate approved amendments and refinements into the local program within 120 days of receiving notice of an approval. Please direct your attention to Sections (f)(1) and (5) of the proposed text amendments. There may be a potential inconsistency between the maximum time allowed under these sections and the time frame set out in the Critical Area Law.
4. It is our understanding that there may be instances where the County Commissioners may decide to deny final approval to a growth allocation petition, even if the Critical Area Commission has approved it. We suggest that an additional paragraph be added to Section (f) that sets out a process whereby the County officially notifies the Critical Area Commission of the denial of final approval within 120 days of receipt of notice of Commission approval. This will ensure accurate accounting of the County's remaining growth allocation.

Thank you for the opportunity to comment. If you have any questions or concerns, please contact me at (410) 260-3462.

Sincerely,


Ren Serey
Executive Director

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August 28, 2001

Ms. Vivian Swinson
Dept. of Planning & Zoning
107 N. Liberty St.
Centreville, Maryland 21617

RE: Administrative Variance# 05-01-06, William A. Potts

Dear Ms. Swinson:

Thank you for providing information on the above referenced administrative variance. The applicant is requesting a variance from the 100-foot Buffer requirements in order to construct an attached deck. The property is designated LDA and is currently developed with a single family dwelling.

It is our understanding that the dwelling has recently been re-built on an existing footprint of a cottage. Impervious surfaces are not an issue and it does not appear that any other habitat protection areas will be impacted by the proposal. In such instances, this office often does not oppose attached decks that provide a reasonable expansion of living space. The proposed deck is extensive and could be reduced in size to minimize impacts. Mitigation should be provided in accordance with the County Zoning Ordinance.

Thank you for the opportunity to comment. Please include this letter in the official record of 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: QC477-01

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September 7, 2001

Mr. Steve Cohoon
Department of Planning & Zoning
107 N. Liberty Street
Centreville, Maryland 21617

RE: Text Amendment, TA# 01-04

Dear Mr. Cohoon:

Thank you for providing the above referenced text amendment to our office for staff review. The requested amendment proposes to clarify how density is determined when Critical Area TDRs are used in a Neighborhood Conservation Zoning District with an RCA designation.

We have reviewed both the existing and proposed text. It appears that the proposed amendment may permit more intense development in the Critical Area on a specific parcel than what would be permitted if the density in the Critical Area were determined by the acreage of only the Critical Area portion of the property. While the cover letter states that this clarification "does not depart from the Department's current interpretation of the Code," such an interpretation and this clarification may not be entirely consistent with the Commission's understanding of the County's TDR Program. The Commission will need a complete understanding of the County's TDR Program to ensure consistency with the Critical Area Law and Criteria.

It may be helpful for the County to meet with the Commission's Program Subcommittee to discuss this issue informally prior to submitting it as a Program amendment. Thank you for the opportunity to comment. If you have any questions or concerns regarding 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

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Ren Serey
Executive Director

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September 7, 2001

Mr. Steve Cohoon
Department of Planning & Zoning
107 N. Liberty Street
Centreville, Maryland 21617

RE: Text Amendment, TA# 01-03
Create Queenstown Master Planned District (QMPD)

Dear Mr. Cohoon:

Thank you for providing the above referenced text amendment to our office for staff review. The requested amendment proposes to create a Queenstown Master Planned District (QMPD) to place on properties designated as "Suburban Planned Development" in the Queenstown Community Plan. After a review of the proposed text, pertinent sections of the Community Plan, and the proposed zoning map; we have the following comments:

1. As set forth in proposed section 18-1405(c)(1), it appears that development within the QMPD will fully comply with the County's Critical Area Program and Ordinance. It appears that the proposed text amendment would in no way affect implementation of the County's Critical Area Program. Formal Commission review is not necessary.
2. The Community Plan states that the Dudley Farm (Parcel 38) and parcels in the triangle between Routes 50 and 301 are not impacted by the Critical Area. Based on a review of the Critical Area maps in our office, it appears that there are two small sections of the proposed QMPD that are within the Critical Area. Specifically, the western corner of Parcel 38 and the western point of Parcel 27 are in the Critical Area. It would be helpful if the Critical Area line appeared on the map.

Thank you for the opportunity to comment on this amendment. If you have any questions or concerns regarding 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

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September 13, 2001

Ms. Ramona Plociennik
Anne Arundel Office of Planning & Zoning
3664 Riva Road, MS 6301
Annapolis, Maryland 21401

RE: Variance Case No. 2001-0309-V, Christine Pirrung

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance case. 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 house and driveway.

Because it appears that impervious surfaces are not an issue and there are no Habitat Protection Area impacts, this office has no comment on this setback variance. However, we recommend in-kind replacement of any vegetation removed in the course of construction.

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

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA494-01

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Chairman



Ren Serey
Executive Director

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

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September 13, 2001

Ms. Ramona Plociennik
Anne Arundel Office of Planning & Zoning
3664 Riva Road, MS 6301
Annapolis, Maryland 21401

RE: Variance Case No. 2001-0312-V, Arundel Community Development

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance case. The applicant is requesting a variance to permit a dwelling with less setbacks and Buffer than required. The property is designated IDA and is currently undeveloped.

This application appears identical to the previous variance granted on this property (1999-0417-V). This office does not oppose the siting of a single family dwelling on this property. Impacts should be minimized as much as possible. In this case, because the lots are bisected by the Critical Area line, that would mean building primarily on the non-Critical Area portion of the site. As proposed, the house is located 28 feet from the western side property line. Given a minimum setback of 7 feet in an R5 district, would it be possible to move the house closer to that side property line? Some disturbance may occur within the Critical Area, but it would be less than is currently proposed. Also, because these lots are designated IDA, the 10% pollutant reduction rule must be addressed.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance 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: AA555-99

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September 13, 2001

Ms. Ramona Plociennik
Anne Arundel County Office of Planning & Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

RE: Variance Case No. 2001-0307-V, Peter Yiengst

Dear Ms. Plociennik:

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 developed with a recently constructed dwelling with attached garage and driveway.

This office often does not oppose decks of reasonable size provided impacts are minimized and the variance requested the minimum to provide relief. However, we continue to be concerned about the recent trend of developers (the developer of this property was Steve Washington) building houses at the 100-foot Buffer line with sliding glass doors leading nowhere. They or, as is the case here, the eventual buyer of the property then returns and asks for a variance to construct the deck. A substantial dwelling with an attached deck could have easily been accommodated on this lot without any variances. 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 request. Also, please provide this office with a copy of the written decision for this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA492-01

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Chairman



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September 20, 2001

Mr. Frank McKenzie
Salisbury/Wicomico County
Dept. of Planning, Zoning & Community Development
P.O. Box 870
Salisbury, MD 21803

RE: Routenberg Site Plan

Dear Mr. McKenzie:

Thank you for providing a copy of the above referenced site plan to this office for review. I have reviewed the information provided and have the following comments:

1. The revised site plan (dated (8/28/01)) is a significant improvement over the previously submitted plan. However, significant impacts (totaling over 19,000 square feet) to the 100-foot Buffer are proposed. There are opportunities to further reduce impacts. For example, the house could be flipped such that the garage is on the right side of the house. This would eliminate the grading proposed around the driveway as it passes the front of the house. The garage could also be changed to a front-entry design. We recommend the most direct route to access the house in order to minimize impacts to the Buffer.
2. The 30 to 40 feet of grading on the outside edge of the driveway is unnecessary. We understand that some increase in elevation for the driveway may be warranted. However, we recommend the use of a retaining wall along the edge of the driveway. No grading would then be necessary between the driveway and the River and wetlands. This would eliminate substantial impacts to the Buffer.
3. As proposed, mitigation is required at a 3:1 ratio for all disturbance within the Buffer (57,495 square feet) and at a 1:1 ratio for all clearing outside of the Buffer. A Buffer Management Plan should be prepared which demonstrates how these requirements will be met. Native, non-invasive species should be used. The undisturbed Buffer areas and non-tidal wetlands should be left in a natural condition. If any supplemental plantings are proposed within the non-tidal wetlands, MDE should be consulted.

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Mr. Frank McKenzie
September 20, 2001
Page 2

4. The site plan shows two ponds proposed within forested non-tidal wetlands within the Critical Area Buffer. Earlier this year, the Maryland Department of the Environment (MDE) sent this office a copy of the permit application for these ponds. It is our understanding from MDE personnel that authorization for these ponds was denied. Construction of these ponds is prohibited until such time that the applicant obtains authorization from MDE. Regardless of the status of MDE authorization, construction of these ponds within the Critical Area Buffer requires a variance under the County's Critical Area Program. The limits of disturbance around these ponds should be shown on the site plan, along with the quantified amount of disturbance within the Buffer. Mitigation will be required for this disturbance at a 3:1 ratio as well.

Thank you for the opportunity to comment. If you have any questions or concerns regarding these comments, please contact me at (410) 260-3477.

Sincerely yours,



LeeAnne Chandler
Natural Resources Planner

cc: Mr. Ace Adkins, MDE
WI486-01

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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September 27, 2001

Ms. Tanya Krista-Maenhardt
Department of Planning & Zoning
Queen Anne's County
107 N. Liberty Street
Centreville, Maryland 21617

**RE: Narrows Point – Final Site Plan
#MASP 05-01-07-0010(c) Revision #1**

Dear Ms. Krista-Maenhardt:

This office has received Revision #1 of the above referenced final site plan and supporting documentation. We have reviewed the information provided and have the following comments:

1. The applicant should provide documentation from the Maryland Department of the Environment and the Army Corps of Engineers reflecting the results of the jurisdictional determination (JD) on this property. Please forward a copy of this documentation to this office for our file. The plans may require additional revisions pending the outcome of the JD.
2. The cover letter from McCrone states that quantified information on proposed clearing and grading is provided on the plan. Please indicate on what sheet this information is provided.
3. As stated in previous comments, the amount of impervious area (upon which the amount of mitigation is based) is incorrectly calculated on the title sheet. The net increase of impervious area from 0 to 100 feet from the shoreline is 1.983 acres, not 1.706 acres as shown. Accordingly, the amount of mitigation needs to be adjusted to 3.97 acres (278 trees). While the cover letter from McCrone states that these changes have been made, the title sheet and the landscape/mitigation plan have not been revised.
4. We continue to recommend the use of only native species for mitigation and in landscaping the site. Most of the species in the landscape list are non-native. There are viable, attractive native replacements for many of these species (for example, replace the Bloodgood Planetree with an American Sycamore). Given that this property is almost

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completely within the Critical Area Buffer and because it will be very visible, it should be a model project with regard to native plantings.

5. The letter from McCrone, on page 5, number 8 indicates that the Department of Parks and Recreation will review landscaping materials in and around the proposed stormwater management ponds. The stormwater plant list in Appendix A of the MDE Stormwater Manual should be used as the basis for the review. Again, only native species should be used.
6. Note #3 on Sheets 7, 8, and 9 states that all drainage from rooftops, driveways, and roads is to be directed to stormwater management facilities. However, the stormwater management study indicates that there are some portions of the road that will not have any stormwater treatment. All impervious area runoff should be directed to a stormwater facility.
7. The stormwater management study includes one set of 10% calculation for the entire 15.956-acre site. Because there are four separate drainage areas with four separate BMPs, four sets of calculations are required. Also, the calculations must be based on the areas within the IDA only. McCrone has provided these to our office for review. With minor corrections to the calculations, it appears that the 10% pollutant removal requirement is met for this project. Enclosed, please find the corrected 10% calculations for your files. Provided that the Department of Public Works approves the design of the stormwater management facilities, we have no further concerns regarding the 10% requirement.

Thank you for the opportunity to comment. If you have any questions regarding the comments above or would like to discuss any in further detail, please contact me at (410) 260-3477.

Sincerely,



LeeAnne Chandler
Natural Resources Planner

Enc.

cc: QC594-00

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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September 27, 2001

Ms. Pam Miley
Anne Arundel County Office of Planning & Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

RE: Variance Case No. 2001-0313-V, Dennis & Mary Kitchen


Dear Ms. Miley:

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 developed with a recently renovated dwelling, a detached garage and driveway.

This office often does not oppose decks of reasonable size provided impacts are minimized and the variance requested is the minimum to provide relief. The information provided is confusing as to the distance between the proposed decks and the shoreline of Parish Creek. This should be clarified. If the subject of the variance is not related to the Critical Area Buffer, we have no comments on the request. If a Critical Area Buffer variance is being requested, it appears that the deck is a reasonable expansion of living space. It also is just eight feet closer to the water than the existing house. Mitigation should be provided at a 3:1 ratio for any disturbance within the Critical Area Buffer. Plantings should occur within the Buffer between the deck addition and the water.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this request. Also, please provide this office with a copy of the written decision for this case.

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: AA495-01

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Ren Serey
Executive Director

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

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September 27, 2001

Ms. Suzanne Diffenderfer
Anne Arundel County Office of Planning & Zoning
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2001-0104-V, Susan Solomon – ADDITIONAL COMMENTS

Dear Ms. Diffenderfer:

This office has received additional information with regard to the above referenced case. A wetlands report has confirmed that the wetlands on the property are non-tidal and therefore require a 25-foot buffer rather than a 100-foot Critical Area Buffer. The report also documents that the proposed improvements are outside of the non-tidal wetlands buffer.

Our previous comments expressed concern about the proposed stone terrace. We received revised plans dated July 11, 2001 which show that the stone terrace has been deleted. Only new wood steps will be located between the existing dwelling and the water. Given the minimal new impact waterward of the existing dwelling, we do not oppose the variance requested. Mitigation should be provided at a 2:1 ratio for new impervious surfaces within the 100-foot Buffer and at a 1:1 ratio for new impervious outside of the Buffer in accordance with the County's Buffer Exemption Area rules. The Buffer should be a priority location for the plantings.

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: AA203-01

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MEMORANDUM

TO: Q Johnson (Chairman), Larry Duket, Bill Giese, Joe Jackson, and Bill Rice

FROM: LeeAnne Chandler *YAC*

DATE: September 26, 2001

RE: Panel Hearing for the Wicomico County Comprehensive Review

Thank you for agreeing to be on the Critical Area Commission Panel appointed to review the changes to the Wicomico County Critical Area ordinance. The Panel hearing will be held in Room 301 of the Government Office Building at 125 North Division Street in Salisbury at 7:00 p.m. on Wednesday, October 10, 2001. (Map enclosed.)

The purpose of this hearing is to hear public comment on the proposed changes to the County's Critical Area ordinance resulting from the four-year comprehensive review. At this time, only the ordinance is proposed to be amended. The County's Program document will be amended in the coming year. The County Council approved the proposed changes in their June legislative session. A copy of the enrolled bill is enclosed with this memo. The bill includes only the sections subject to revisions. If you have any questions as to the context of any changes, please contact me and I will fax you pertinent pages of the existing ordinance.

The County has worked closely with Commission staff in making necessary changes over the last few years. Changes include the addition of many definitions, a section on allowable uses within the RCA, clarifying language on water-dependent facilities, the most recent impervious surface allowances, a section on transfer of development rights and incorporation of the Commission's Buffer Exemption Area policies (though the County is calling them "Special Buffer Areas"). The public may also comment on the County's proposed "Special Buffer Area" maps. The County Council has not officially approved these maps, though it is likely that the Council will approve the maps during their October legislative session.

We are expecting County staff to be at the hearing to assist in presenting the changes to the Panel and in answering any questions. Please contact me if you have any questions or would like additional information prior to the hearing. I can be reached at (410) 260-3477.

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September 27, 2001

Mr. Steve Cohoon
Department of Planning & Zoning
107 N. Liberty Street
Centreville, Maryland 21617

**RE: Camp Pecometh - Minor Site Plan
File 03-01-07-0005-C - REVISION #1**


Dear Mr. Cohoon:

Thank you for providing Revision #1 of the above referenced site plan. The applicant is proposing to construct a new staff house and parking lot at an existing recreational camp. The site has approximately 130 acres within the Critical Area and is designated RCA. The Camp is already developed with numerous camp buildings (cabins, restrooms, pool, etc.).

The proposed development includes a 3,300 square foot staff house and a parking lot for 24 vehicles. The development will occur on a level, cleared area that is currently in agricultural use. There does not appear to be any habitat protection areas in the vicinity of the proposed construction. With the addition of the infiltration trenches sized to handle runoff from the new impervious areas (and provided these receive approval from the Department of Public Works), it appears that the proposed construction is consistent with the County's Critical Area Program.

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: QC422-01

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Ren Serey
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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September 27, 2001

Ms. Vivian Swinson
Dept. of Planning & Zoning
107 N. Liberty St.
Centreville, Maryland 21617

RE: Administrative Variance# 03-01-07, Douglas Halliday

Dear Ms. Swinson:

Thank you for providing information on the above referenced administrative variance. The applicant is requesting a variance from the 100-foot Buffer requirements in order to construct a two-story addition to an existing dwelling. The property is designated LDA and is currently developed with a single family dwelling, driveway and carport.

We have met with the property owner's agent on this site. Due to the existing house design and location on the lot, it would be difficult to construct an addition without any impact to the Buffer. However, impacts should be minimized. We recommend that a heavily vegetated border around the edge of the driveway be planted to capture runoff and prevent it from continuing down the slope. Further, given the size of the lot, we recommend that Buffer mitigation be based on the amount of new disturbance within the 100-foot Buffer rather than just the impervious surface. There is ample opportunity to plant trees within the Buffer on this lot.

Thank you for the opportunity to comment. Please include this letter in the official record of 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: QC510-01

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

1804 West Street, Suite 100, Annapolis, Maryland 21401
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October 2, 2001

Mr. Ken McLawhon
Town of Indian Head
4195 Indian Head Hwy
Indian Head, MD 20640

RE: Ammar Mitigation Planting Plan dated August 2001

Dear Mr. McLawhon:

Thank you for providing the most recent Ammar submittal to this office for review. I have reviewed the information provided. I have the following comments:

1. The Buffer is not shown properly on the site plan. Without this information, I can not complete my review of the plan. At the request of Mr. Ammar at the end of the Board of Appeals hearings, I met with Mr. Eric See to discuss the location of the Buffer on this property on June 28, 2001. The meeting ended with the understanding that Mr. See would obtain additional information from Mr. Wes Tomlinson regarding the degree of slope in the Buffer. Once that information was obtained, a final determination as to the extent of Buffer expansion was to be determined. This submittal does not contain the needed information nor does it show proper Buffer expansion.
2. Mr. Tomlinson contacted me to inquire as to whether or not I had received the plans for review. I explained my concern regarding the lack of Buffer information. He asked me to review the plan, only looking at the proposed plantings. I can not review the plan without the Buffer information, though I can say that the species shown on the plan are native and are consistent with our previous recommendations.
3. Mitigation should be required for any additional clearing or disturbance within the Buffer (including both stream buffers) related to installation of utilities. Utilities are currently not shown on the site plan.
4. The restoration plan, including the narrative construction sequence, for the area of steep slopes that was disturbed appears to be adequate. However, a site visit to ensure complete restoration of this area is recommended.

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Mr. Ken McLawhon

October 2, 2001

Page 2

5. Please note that the estimate for the plantings does not match up with the species currently shown on the site plan. The Town should ensure that the species proposed on the site plan are the species that get planted on site.

6. It is my understanding that the issue of compliance with the Maryland Department of the Environment and the Army Corps of Engineers permit requirements is still outstanding. I have placed a call to the Corps of Engineers to find out the status of the enforcement action and I will contact you with any information they may provide. If you have any information regarding this matter, please provide documentation for our files.

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: Mr. Eric See
Mr. Wes Tomlinson
IH105-00

MEMORANDUM

TO: Judge North
FROM: LeeAnne Chandler
SUBJECT: Panel Appointment for the Wicomico County Comprehensive Review
DATE: October 3, 2001

I am working with Wicomico County on completing their Comprehensive Review. We have scheduled a public hearing for October 10, 2001 at 7:00 pm in Salisbury. I would like to recommend the following Commission members for the panel:

Q. Johnson (Chair)
Larry Duket
Bill Giese
Joe Jackson
Bill Rice

I have contacted all of the panel members, and they are all available. If this panel is acceptable to you, I will move forward with the hearing. If not, please let me know as soon as possible. Thank you.

CHESAPEAKE BAY CRITICAL AREA COMMISSION
1804 West Street, Suite 100
Annapolis, Maryland 21401

MEMORANDUM

To: All Commission members

From: LeeAnne Chandler

Date: September 21, 2001

Subject: Reconsideration of the request for conditional approval for the alternative Mayo Elementary School site

The School Board of Anne Arundel County has appealed the Critical Area Commission's decision to deny conditional approval for construction of a new Mayo Elementary School on the alternative site. Attached you will find the final staff report for this project (which includes the changes made at the August 1, 2001 Commission meeting), as well as the appeal notice filed by the School Board's attorneys.

At the October 3, 2001 Commission meeting, I will provide an overview of the request for conditional approval as well as the findings adopted by the Commission in making the decision. The School Board representative will then be granted an opportunity to be heard on the matter. A vote will follow.

If you have any questions prior to the Commission meeting, please contact me at (410) 260-3477.

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 4, 2001

VIA FACSIMILE

Ms. Suzanne Diffenderfer
Anne Arundel County Office of Planning & Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

RE: Case Nos. 2001-0162-S, 2001-0163-S, and 2001-0164-V, Maryland Mobile Estates – REVISED
COMMENTS

Dear Ms. Diffenderfer:

Thank you for providing information on the above referenced applications. The applicant is requesting a special exception to upgrade capacity of an existing commercial water supply system, a special exception to replace and upgrade capacity of an existing commercial sewerage treatment facility, and a variance to permit a wastewater treatment facility with less setbacks than required.

With regard to case 2001-0162-S, the special exception for upgrading capacity of an existing commercial water supply system, a review of the Critical Area map has indicated that the location of the water supply system is actually outside of the Critical Area. This office has no comment on that case. We also have no comment on the open space setback variance, case number 2001-0164-V.

Commission staff has met with the applicant regarding the expansion of the wastewater treatment facility (case number 0163-S) on two occasions. It is our understanding that from a zoning standpoint (setbacks, etc.), the County does not distinguish between private and public utilities and the County views this facility as providing a public function. Given that this facility already exists, already supports development outside of the Critical Area, and that public utilities are listed as a permitted use in the Resource Conservation Area, this office does not oppose the special exception requested. This is with the understanding that there will be no increase in impervious cover (except for the very short construction period) and no clearing associated with this proposal. If the project changes such that there is an increase in impervious cover, we would have further comments. If this special exception is approved, we recommend that the areas where impervious cover is removed be re-vegetated with native plantings. Also, according to the Zoning Ordinance (§1A-104(c)(6)), where no forest is established on a development site, the site must be planted to provide a forest cover of at least 15% of 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 this request. Also, please provide this office with a copy of the written decision for this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

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October 5, 2001

Ms. Ramona Plociennik
Anne Arundel County Office of Planning & Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

RE: Variance Case No. 2001-0316-V, Paul Clark

Dear Ms. Plociennik:

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 and with disturbance to steep slopes. The property is designated LDA, is Buffer Exempt and is currently undeveloped.

Provided this lot is properly grandfathered, this office does not oppose the siting of a single family dwelling on it. Obviously, any development on this lot will require a variance. However, impacts should be minimized and the variance requested should be the minimum to provide relief. The proposed house appears to be of reasonable size. The applicant is also requesting a rear setback variance in order to maximize the distance between the house and the water. We recommend that footers for the deck (which is mislabeled as 10 by 10; it is actually 18 by 10) be hand-dug. With regard to the proposed clearing, it should be noted that while maximum clearing now allowed on lots less than half an acre is 6,534 square feet, no clearing is inherently permitted within the Buffer. This office recommends mitigation for the proposed clearing 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 request. Also, please provide this office with a copy of the written decision for this case.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA517-01

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October 5, 2001

Ms. Ramona Plociennik
Anne Arundel County Office of Planning & Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

RE: Variance Case No. 2001-0335-V, John W. Fischer

Dear Ms. Plociennik:

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 and with disturbance to steep slopes. The property is designated LDA and is currently developed with a single family dwelling.

This office often does not oppose variances for decks which provide a reasonable expansion of living space. From the drawing provided, it appears that there are already extensive decks attached to this house. The proposed deck is modest in size and impacts to steep slopes appear to be minimal. If this variance is approved, we recommend mitigation in the form of native plantings around the new deck to offset the impacts to the steep slopes.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this request. Also, please provide this office with a copy of the written decision for this case.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA519-01

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Ren Serey
Executive Director

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October 5, 2001

Mr. Jordan Loran
Engineering & Construction
Tawes State Office Building, D-3
580 Taylor Ave.
Annapolis, MD 21401

RE: Tuckahoe Pedestrian Bridge

Dear Mr. Loran:

At its meeting on September 5, 2001, the Chesapeake Bay Critical Area Commission approved the proposed pedestrian bridge at Tuckahoe State Park with two conditions. The first condition was that staff from the Heritage Division of DNR approve the proposed bridge location (i.e., to ensure no impact to rare, threatened or endangered species). I have received documentation from Scott Smith, the Eastern Region ecologist, indicating that the proposed location is not habitat for any species of concern. The second condition is that vegetation removed in the course of construction be replaced at a 2:1 ratio. The area of the existing crossing should be a priority for planting to help discourage any further use of it.

Thank you for your cooperation and assistance in coordinating Commission review of this project. 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: John Ohler
DNR 31-01

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**STATE OF MARYLAND
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October 9, 2001

1804 West Street, Suite 100, Annapolis, Maryland 21401
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Mr. Steve Cohoon
Department of Planning & Zoning
107 N. Liberty Street
Centreville, Maryland 21617

RE: Major Subdivision #04-01-09-0009(c), Serenity Farm (Thomas Sperl)

Dear Mr. Cohoon:

Thank you for providing information on the above referenced subdivision. The applicant proposes to use one Critical Area development right to create a new lot. The proposed lot is 3.235 acres in size. I have reviewed the information provided and I have the following comments:

1. Development of the new lot must adhere to all Critical Area requirements for land in the Resource Conservation Area (with the exception of minimum lot size). Impervious surfaces are limited to 15% and no disturbance is permitted in the 100-foot Buffer. Also, in accordance with COMAR 27.01.09.02, where agricultural uses of lands are converted to other uses, the Buffer must be planted with forest vegetation that provides the Buffer functions set forth in the Criteria and the County's Critical Area Program. This should be included as a plat note.
2. On Sheet 2, the first bullet regarding stormwater management is incorrect. It should state that Lot #5 is exempt from stormwater quantity control because it discharges directly to tidal water. The second bullet is adequate.
3. The location of the proposed well for Lot 5 must be shown on the site plan. It can not be located in the Buffer.
4. While it does not appear that there will be any impacts to non-tidal wetlands or their buffers, note number 13 on Sheet 2 states that permits are required for such disturbance. Given the size of this property, this subdivision can be and should be designed to avoid the need for any permits.

Thank you for the opportunity to comment. If changes are made, please forward the revised plans to this office for review.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: QC528-01

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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October 9, 2001

Mr. Steve Cohoon
Department of Planning & Zoning
107 N. Liberty Street
Centreville, Maryland 21617

RE: Minor Site Plan - Chesapeake Church of Christ
MISP #05-01-06-0013-C - Revision #1

Dear Mr. Cohoon:

Thank you for providing Revision #1 of the above referenced site plan. The applicant is proposing to construct a 1,800 square foot addition and add 665 square feet of sidewalk. The property is designated LDA and is currently developed with a church and associated parking.

The 10% pollutant reduction requirement is not applicable to this project because it is designated LDA. However, that does not exempt the project from addressing water quality impacts. Provided that the Department of Public Works is satisfied with the standard stormwater calculations provided (though it should be noted that the 10% worksheet were completed incorrectly), this office has no further comments on this project.

Thank you for the opportunity to comment on this site plan. If you have any questions or concerns regarding 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: QC141-01

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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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October 9, 2001

Ms. Tanya Krista-Maenhardt
Department of Planning & Zoning
107 N. Liberty Street
Centreville, Maryland 21617

RE: Administrative Subdivision #05-01-09-0011-C, Magnum Enterprises, LTD

Dear Ms. Krista-Maenhardt:

Thank you for providing information on the above referenced subdivision. The applicant proposes to relocate a lot line and add land to the property currently owned by Magnum Enterprises and Narrows Point LLC. We have no comments on this subdivision. Please refer to the site plan file (MASP #05-01-07-0010) for our concerns regarding the Narrows Point project.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: QC534-01

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October 9, 2001

Mr. John Gigliotti
Department of Planning & Zoning
107 N. Liberty St.
Centreville, Maryland 21617

RE: Administrative Subdivision #05-01-09-0014-C (Lindsay E. Dixon)
Minor Site Plan # 05-01-09-0013-C

Dear Mr. Gigliotti:

Thank you for providing information on the above referenced subdivision and minor site plan. The administrative subdivision will combine two existing lots into one 14,000 square foot lot for the purpose of constructing a small office building. The property is designated IDA and is currently developed with a single-family dwelling.

Provided that all IDA requirements are addressed, we have no concerns regarding the subdivision. With regard to the site plan and supporting documentation, the 10% pollutant reduction requirement is the primary concern. While the narrative states that the proposed stormwater facilities address the 10% rule, the calculations were not provided. Please forward the calculations to this office for review.

Thank you for the opportunity to comment. Please forward the requested information when it becomes available. If you have questions or concerns regarding 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: QC536-01

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October 9, 2001

Ms. Ramona Plociennik
Anne Arundel County Office of Planning & Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

RE: Variance Case No. 2001-0333-V, Steven & Jane Andraka

Dear Ms. Plociennik:

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 and with disturbance to steep slopes and a variance to permit an accessory structure in the front yard. The property is designated LDA and is currently undeveloped.

This property was the subject of a previous variance case (1999-0102-V) that was ultimately denied by the Circuit Court of Anne Arundel County. In that case, this office recommended that the applicants relocate the proposed house to minimize the extent of the variance requested. We maintained that the house location close to the road, while still requiring variances, would minimize impacts to this environmentally sensitive property. The current application reflects that the applicants have moved the house location to minimize impacts. This office does not oppose the variance requested for the house. We also do not oppose the variance for the boathouse in the front yard, provided it is outside of the Buffer. Mitigation should be provided for all forest clearing at a 1:1 ratio in accordance with the County Zoning Ordinance.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this request. Also, please provide this office with a copy of the written decision for this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA546-01
Steven Andraka

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October 11, 2001

Mr. Steve Cohoon
Department of Planning & Zoning
107 N. Liberty Street
Centreville, Maryland 21617

RE: Minor Site Plan #04-01-09-0007(c), Dundee Condominiums

Dear Mr. Cohoon:

Thank you for providing information on the above referenced site plan. The applicant proposes to construct four duplex condominiums to be accessed from a private road and also requests a buffer reduction from 300 feet to 100 feet. The subject property is 5.27 acres in size and is designated LDA. I have reviewed the information provided and I have the following comments:

1. The site plan indicates that 2.28 acres of the property are tidal wetlands. Additional documentation is necessary to determine if these wetlands are State tidal wetlands or private tidal wetlands. (State tidal wetlands cannot be included in the impervious surface and clearing calculations.) The Critical Area report notes that a portion of the east side of the property is identified on the NWI maps as estuarine, sub-tidal, open water wetlands. An on-site meeting with a representative of MDE would be appropriate. I would also like to visit the site. Also, please provide documentation of a jurisdictional determination if one has been completed.
2. Notwithstanding comment #1 above, it appears that the proposed amount of impervious surface is consistent with the 15% limit applicable in the LDA. Also, the proposed planting appears to meet the 15% afforestation requirement. However, we recommend that non-native species total only 10% of all planting materials used in the Critical Area. This will allow some non-native ornamentals to be used as foundation plantings around the condominiums but will require native species to be used in the Buffer. We recommend that signage be provided to identify the Buffer as a protected area that should be allowed to naturalize.
3. The stormwater management report provides the 10% calculations for this project (even though it is designated LDA) and comes to the conclusion that water quality is not required due to the negative removal requirement. The 10% calculations are not

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applicable in the LDA and do not work for sites with less than 17% impervious. The County's standard stormwater requirements apply in the LDA and RCA.

4. Please provide a copy of the response from the Department of Natural Resources regarding habitats of threatened or endangered species when it is available.

Thank you for the opportunity to comment. If changes are made, please forward the revised plans to this office for review. I will contact you in the near future to arrange a visit to the site.

Sincerely,



LeeAnne Chandler
Natural Resources Planner

cc: QC525-01



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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October 11, 2001

Ms. Lisa Collison
Department of Planning & Zoning
107 N. Liberty Street
Centreville, Maryland 21617

RE: Minor Subdivision #03-01-09-0012-C, Edward & Anne Nielsen

Dear Ms. Collison:

Thank you for providing information on the above referenced subdivision. The applicant proposes to create one additional lot from an existing RCA property. Based on our files, it is our understanding that this property originally contained over 80 acres within the Critical Area. Two other lots were created in the past such that this lot, Lot 4, will exhaust all development rights on this property. Provided this is correct and provided that development of Lot 4 will be fully consistent with the development standards in the RCA, this office does not have any Critical Area concerns at this time. If these assumptions are not correct, please provide clarified information to our office for further review.

Thank you for the opportunity to comment. If you have any questions or concerns related to this subdivision, please contact me at (410) 260-3477.

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: QC609-99

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Executive Director

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October 15, 2001

Ms. Cathy Maxwell
Dept. of Planning & Zoning
107 N. Liberty St.
Centreville, MD 21617

RE: Variance Case # V-100005, Norman Point, Inc. (Winchester Subdivision)

Dear Ms. Maxwell:

Thank you for providing information on the above referenced variance case. The applicant is requesting variances to exceed the impervious surface limits on twenty-five lots within the Critical Area. Under state law and the County's Zoning Ordinance, each lot is limited to a maximum of 25% impervious coverage and the subdivision is limited to 15% impervious coverage. The applicant proposes 37% impervious coverage on all of the subject lots. The total impervious coverage within the Critical Area portion of the property would remain under the 15% maximum.

Provided that the 15% overall maximum is strictly enforced, this office does not oppose the variances requested. However, we recommend that, if approved, the variances be conditioned on the following:

- The deed for each lot will state the maximum square footage of impervious surface allowed.
- The applicant will provide documentation of adequate stormwater management for all proposed impervious areas to the satisfaction of the County Department of Public Works.
- The applicant will provide documentation that forest mitigation requirements have been addressed and that off-site reforestation areas are permanently protected.
- No additional impervious surface variances will be requested.

Lastly, it appears that one lot may have been inadvertently omitted from the list. The plat states that 26 lots are within the Critical Area, while only 25 lot numbers are listed on the variance application.

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

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: QC568-01

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Chairman



Ren Serey
Executive Director

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October 16, 2001

Ms. Lisa Collison
Department of Planning & Zoning
107 N. Liberty Street
Centreville, Maryland 21617

RE: Administrative Subdivision #02-01-10-0003-C, Ernest Ludwig Kipp

Dear Ms. Collison:

Thank you for providing information on the above referenced subdivision. The applicant proposes to reconfigure existing lot number 31, increasing its size to approximately 57 acres. Based on the information provided, it appears that the new lot will be completely outside of the Critical Area and there will be no impact to Critical Area resources. We therefore have no comments on this subdivision.

Thank you for the opportunity to review this subdivision. If changes are made which will affect Critical Area resources, please forward revised plans to our office for review.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: QC553-01

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Judge John C. North, II
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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 15, 2001

Ms. Ramona Plociennik
Anne Arundel Co., Office of Planning & Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

RE: Variance Case No. 2001-0286-C, Clarks Landing at Shady Side

Dear Ms. Plociennik:

Thank you for providing information on the above referenced reclassification application. The applicant is requesting a Critical Area reclassification to change 1.91 acres from RCA to LDA. The reclassification request is based on the assertion that a drafting error occurred when a small portion of the marina property was designated RCA.

We have met with the applicant's consultants regarding this matter. It is our understanding that in addition to the mistake on the Critical Area map, there was also a mistake on the zoning map with the majority of the property zoned MC and a small portion zoned OS. The adjacent property, a County-owned park, is designated OS and RCA. With regard to the zoning map, we have received a letter (copy attached) from Vivian Marsh from the Long Range Planning division of the Office of Planning and Zoning. He indicated that the zoning line has been moved to conform to the property boundary. The County Council approved the zoning map change on September 18, 2001.

The consultants have provided a copy of a 1984 aerial photo of the property. It shows that some boat storage was occurring on the portion of the property designated RCA in 1984. Based on a working knowledge of the County's Critical Area maps, it is unusual for commercial marina properties to be designated RCA. Similarly, it is unusual to have a split designation on a property of this size, except when a portion of the property is zoned OS (Open Space). It appears that the mistake on the zoning map could have led to the mistake on the Critical Area map. Based on the information we have obtained, Commission staff has no objection to the reclassification requested. However, if it is approved, the County must submit the map change to the Critical Area Commission as an amendment to the County's Critical Area maps. If the Critical Area Commission approves the map change, redevelopment of the marina property must fully comply with LDA requirements and go through the County's standard site plan review process.

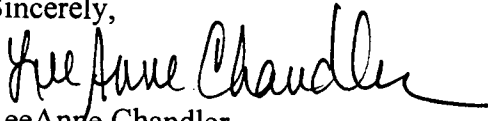
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Ms. Ramona Plociennik
October 16, 2001
Page 2

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this request. Also, please provide this office with a copy of the written decision for this case.

Sincerely,



LeeAnne Chandler
Natural Resources Planner

cc: Elinor Gawel
Tom Voisinet, McCrone, Inc.
AA530-01

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 17, 2001

Ms. Lisa Collison
Department of Planning & Zoning
107 N. Liberty Street
Centreville, Maryland 21617

RE: Administrative Subdivision #02-01-10-0004-C, Charles H. Bohl, III

Dear Ms. Collison:

Thank you for providing information on the above referenced subdivision. The applicant proposes to create one additional lot on a parcel with approximately 32 acres in the Critical Area by using a Critical Area development right. The new lot must fully comply with all RCA Critical Area standards, except for the size of the lot. The information provided indicates that no clearing will be necessary to construct a dwelling on Lot 2. Impervious surfaces will be limited to 14,636 square feet.

Sheet 3 of 5 contains topographical information for Lot 2. It appears that the 100-foot Buffer has been expanded for steep slopes except it is not clear how the extent of the expanded Buffer was calculated. Based on the topographical lines, it appears that the slope is between 20 and 25%. The Buffer should be expanded four feet for every percent of slope, or to the top of the slope, whichever is greater in extent. The Buffer should be expanded to 180 to 200 feet from the landward boundary of tidal wetlands. If the Buffer line is corrected, it appears that the proposed subdivision would be consistent with the County's Critical Area Program.

Thank you for the opportunity to review this subdivision. If changes are made which will affect Critical Area resources, please forward revised plans to our office for review.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: QC554-01

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October 18, 2001

Ms. Ramona Plociennik
Anne Arundel Co., Office of Planning & Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

RE: Variance Case No. 2001-0405-V, Centenary Methodist Church

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a church building with less setbacks than required. The property is designated LDA and currently contains a parking area. The site formerly contained a church building that was recently destroyed by a fire.

Because there are no impacts to any Habitat Protection Areas and because there will be a net decrease in impervious surface, this office has no comment on this setback variance. Due to the large amount of impervious surfaces proposed, stormwater management should be required.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this request. Also, please provide this office with a copy of the written decision for this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA478-99

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October 18, 2001

Ms. Ramona Plociennik
Anne Arundel Co., Office of Planning & Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

RE: Variance Case No. 2001-0347-V, Sally Dusold-Aragoni

Dear Ms. Plociennik:

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 dwelling, driveway, and swimming pool.

Because there are no impacts to any Habitat Protection Areas, this office has no comment on this setback variance. However, because the lot is designated IDA, the 10% pollutant reduction requirement must be addressed. On lots of this size, plantings are often sufficient to satisfy 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 request. Also, please provide this office with a copy of the written decision for this case.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA556-01

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October 18, 2001

Ms. Ramona Plociennik
Anne Arundel Co., Office of Planning & Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

RE: Variance Case No. 2001-0355-V, Keith Westphal


Dear Ms. Plociennik:

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 dwelling and driveway.

Because there are no impacts to any Habitat Protection Areas, this office has no comment on this setback variance. 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 request. Also, please provide this office with a copy of the written decision for this case.

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: AA560-01

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October 18, 2001

Ms. Ramona Plociennik
Anne Arundel Co., Office of Planning & Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

RE: Variance Case No. 2001-0401-V, John Brumbough

Dear Ms. Plociennik:

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 dwelling, detached garage and an unidentified building.

Because there are no impacts to any Habitat Protection Areas, this office has no comment on this setback variance. However, because the lot is designated IDA, the 10% pollutant reduction requirement must be addressed. On lots of this size, plantings are often sufficient to satisfy 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 request. Also, please provide this office with a copy of the written decision for this case.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA564-01

Branch Office: 31 Creamery Lane, Easton, MD 21601
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October 18, 2001

Ms. Ramona Plociennik
Anne Arundel Co., Office of Planning & Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

RE: Variance Case Nos. 2001-0377-V through 2001-0397, BMCN Joint Venture

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance applications. The applicant is requesting twenty variances to permit dwellings with less lot area, setbacks and Buffer than required. The applicant is also requesting variances for an extension in time for the implementation and completion of the variances. The properties are designated RCA and are currently undeveloped.

This office defers to the previous decisions made by the Administrative Hearing Officer in 1996 and 1997 on the variances previously granted for these properties. However, we would like to bring attention to several issues. One, the County should ensure that the Corps of Engineers' jurisdictional determination is current and valid. The letter enclosed as Figure 4 in the Critical Area report states that the expiration date for the JD is August 14, 1997. Second, the applicant should provide updated documentation from the Department of Natural Resources regarding possible threatened or endangered species. The letter provided is over six years old and new information may be available. Lastly, though the 1996 decision included several conditions requiring reforestation (such as condition #3 on page 14, requiring all impervious surfaces created within the 100-foot stream buffer to be mitigated on a 2:1 basis), it is unclear if reforestation requirements have been adequately addressed. The updated forest clearing information on page 3 of the updated Critical Area report indicates that 47% of the forest on these lots will be cleared. The County should determine the percentage of overall forest clearing for this development and should ensure that reforestation at the appropriate ratio (1:1 for up to 20%, 1.5:1 for 20 to 30%, and at 3:1 for over 30%) has or will occur. This should be in addition to the mitigation required for the Buffer disturbance.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for these requests. Also, please provide this office with a copy of the written decision for these cases.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA555-01

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October 18, 2001

Ms. Ramona Plociennik
Anne Arundel Co., Office of Planning & Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

RE: Variance Case No. 2001-0317-V, Genevieve Reip

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit an in-ground swimming pool with less Buffer than required. The property is designated LDA, is Buffer Exempt and is currently developed with a single family dwelling, shed and driveway.

This office cannot support the variance requested. A swimming pool is a non-water dependent structure and is not permitted within the Buffer. It is proposed to be located only 48 feet from the waters of Wharf Creek. There does not appear to be an unwarranted hardship in this case. The property is developed with a large single-family dwelling. Based on a drive through the neighborhood and a review of aerial photos, a pool is very rare in this neighborhood. Instead, it seems that a pool would be a special privilege. Approval of this pool would open the door to many similar requests. Also, there are opportunities to minimize impacts by placing the pool on the street side of the house (similar to the shed). Placement of a pool in this area would not require a Critical Area variance but would provide the same desired use. We recommend that mitigation be required at a 3:1 ratio for any allowed disturbance within the Buffer. Reforestation should be provided at a 1:1 ratio for disturbance 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 request. Also, please provide this office with a copy of the written decision for this case.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA497-01

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October 23, 2001

VIA FACSIMILE

Ms. Cathy Maxwell
Queen Anne's County
Board of Appeals
107 North Liberty Street
Centreville, Maryland 21617

RE: Variance Case No. V-010002 (Narrows Point LLC & Magnum Enterprises)

Dear Ms. Maxwell:

This office has received the most recent site plans and the volume drawings for the above referenced variance application. We previously commented on this application by letters dated January 19, February 2, and February 15, 2001. We also have participated in STAC review of the site plan.

We have no objection to the variance for the road within the 25-foot setback.

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: Tanya Krista-Maenhardt
QC20-01

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**STATE OF MARYLAND
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October 26, 2001

Mr. Donald H. Sparklin, Asst. Division Chief
Project Planning Division
State Highway Administration
P.O. Box 717
Baltimore, MD 21203-0717

ATTN: Ms. Karuna Pujara
Mr. Gary Green

Dear Mr. Sparklin:

Thank you for providing information on the proposed sidewalk and drainage system on MD 18C (Main Street), in the town of Queenstown, Queen Anne's County. Commission staff has reviewed the information provided. The following additional and/or revised information is necessary for us to complete our review:

1. The land use designations which appear on the site plan are not applicable to State projects. This area of Queenstown is considered to be an area of intense development.
2. A site plan should be provided which clearly shows the boundaries of tidal waters and tidal wetlands. The 100-foot Buffer, measured from the landward boundary of tidal waters or wetlands, should also be shown on the site plan. The amount of disturbance within the Buffer must be quantified.
3. Please provide information regarding the status of the necessary wetland permits.
4. The Buffer Management Plan should provide for the planting of 15 native trees or shrubs (or a combination of the two). A planting plan should be provided. Please note that the proposed species *Euonymus Kiachovicus* is not native and it should be replaced with a native species.
5. While the increase in impervious coverage within the project limits is less than 10%, the project will require formal review and approval from the Critical Area Commission due to the proposed impacts to the Buffer.

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Mr. Donald H. Sparklin

October 26, 2001

Page 2

6. In addition, because this project is within an area of intense development, the 10% pollutant reduction requirement must be addressed. Stormwater quality waivers cannot be granted within the Critical Area. Please provide a copy of the 10% calculations to this office for review.

Once the above issues are addressed, the project can be placed on the Critical Area Commission's next possible agenda. If you have any questions or if I can provide any assistance, please contact me at (410) 260-3477.

Sincerely,



LeeAnne Chandler

Natural Resources Planner

Cc: SHA36-01

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 29, 2001

Ms. Cathy Maxwell
Dept. of Planning & Zoning
107 N. Liberty St.
Centreville, Maryland 21617

RE: Variance # V-110007, County Commissioners of Queen Anne's County (Expansion of
Stevensville Wastewater Treatment Plant)

Dear Ms. Maxwell:

Thank you for providing information on the above referenced variance request. The applicant is requesting a variance from the County's floodplain regulations to place more than 600 cubic yards of fill in the floodplain for the wastewater treatment plant expansion.

Provided that the 10% pollutant reduction requirement will be addressed via the site plan review process, 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 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: QC580-01

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October 29, 2001

Ms. Lisa Collison
Department of Planning & Zoning
107 N. Liberty St.
Centreville, Maryland 21617

RE: Minor Subdivision – File # 02-01-08-0005(c) – Revision #1
Britland Farm

Dear Ms. Collison:

Thank you for providing Revision #1 of the above referenced minor subdivision. The applicant proposes to subdivide a parcel with approximately 171 acres in the Critical Area into 5 lots. Commission staff has reviewed the information provided and we have the following comments:

1. Our previous comments included statements regarding private tidal wetlands and State tidal wetlands. The letter from McCrone answered the question by simply stating that no state-owned wetlands were included in the calculations. This is not sufficient evidence regarding the determination between State and private tidal wetlands. The determination between State and private tidal wetlands must be done in the field through an on-site analysis of vegetation and hydrology. Commission staff would like to visit this site to confirm the consultant's determination.
2. Upon development, the Buffers on Lots 4 and 5 must be planted with forest vegetation. State Critical Area regulations require Buffer establishment when agricultural use of lands cease and land is converted to other uses. With this subdivision, Buffers must be established along all shorelines and streams. In establishing the Buffers, measures should be taken to provide forest vegetation that assures the Buffer functions set forth in the County's Program.

Thank you for the opportunity to comment on this revision. I will contact you in the near future to set up a date and time for a site visit.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

Cc: QC471-01

Branch Office: 31 Creamery Lane, Easton, MD 21601
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**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, 2001

Ms. Tanya Krista-Maenhardt
Department of Planning & Zoning
107 N. Liberty Street
Centreville, Maryland 21617

RE: Weese Development Corporation
File #TDR 03-01-06-0012

Dear Ms. Krista-Maenhardt:

Thank you for providing the revised plat for the above referenced subdivision. The applicant is proposing to utilize one transferred development right in order to create a building site within the Critical Area portion of Lot 7 of the recently approved Corsica Woods subdivision. The Critical Area portion of Lot 7 is 7.163 acres in size and is currently undeveloped.

It appears that most of our previous comments have been adequately addressed. The building pad has been revised to be outside of the 100-foot Buffer to the stream. The applicant has indicated that there are not steep slopes contiguous to the Buffer. The only remaining concern is the 1:1 mitigation required for the forest clearing and impact to the forest interior dwelling bird (FID) habitat. While I understand the desire to create additional Buffer between the building pad and MD 304, the area proposed for mitigation is listed as already forested according to both the table under "Critical Area Forest Requirements" and the graphic depiction of the woods line on the site plan. Also, Sheet 1 shows that 29 loblolly pine are proposed. Mitigation species should mimic the existing FID habitat and include some native hardwoods such as willow oak. Loblolly pines do not have substantial FID habitat

Thank you for the opportunity to comment on this revision. If you have any questions or concerns regarding 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: QC364-01

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

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MEMORANDUM

To: Roby Hurley

From: LeeAnne Chandler *LAC*

Date: November 2, 2001

RE: Chalupa Buffer and Forest Clearing, Town of Queen Anne

Thank you for arranging a site visit to the Chalupa property yesterday. It is understood that the property owner conducted unauthorized disturbance to the Buffer and cleared trees outside of the Buffer. It is also understood that, prior to this disturbance, the Buffer was in a degraded condition and contained discarded auto parts and miscellaneous trash. However, it was also vegetated. Based on this information, the Town's Critical Area Program, and the Commission's Buffer Management Plan guidelines, Commission staff recommends the following measures to bring the site into compliance:

1. First, the Town's Critical Area Program is clear with regard to the unauthorized clearing of the five trees outside of the Buffer. They must be replaced on site at a 3:1 ratio (i.e., for a total of 15 trees). Native species must be used. We recommend that these species be planted in the Buffer.
2. Second, with regard to the Buffer disturbance, the total square footage of Buffer impacts should be quantified. Mitigation should occur at a 1:1 ratio using the mitigation credits listed in the Buffer Management Plan forms. Ideally, a mix of species, including both trees and shrubs, should be used. Again, native species are strongly recommended.
3. Lastly, this office is concerned about the possibility of the future use of the Buffer as a storage area for cars and auto parts. We recommend that the Buffer be clearly (and permanently) delineated through the use of a fence or other boundary so that this does not occur. The Town may consider such a condition as a requirement in the planting agreement.

Please note that the typical requirement for Buffer violations is mitigation for square footage of disturbance at a 3:1 ratio. Given that some of this activity could have been permitted if the property owner went through the proper channels, Commission staff feels that the above mitigative measures, taken together, are reasonable yet will achieve the goals of the Critical Area Program. If you have any questions or concerns regarding these recommendations, please contact me at (410) 260-3477.

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November 5, 2001

Ms. Ramona Plociennik
Anne Arundel Co., Office of Planning & Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

RE: Variance Case No. 2001-0324-V, Severn River Inn, LLC

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit disturbance to the Buffer for a building and associated facilities, disturbance to steep slopes and the Buffer for a septic system and a variance to permit a parking lot with less setbacks than required. The property is designated LDA, is partially Buffer Exempt and is currently developed with a dilapidated restaurant and parking lot.

We have no comment on the setback variance for the parking lot. With regard to the Buffer variance, we recognize the existing conditions on this site. Overall impervious surfaces will be decreased, though the site will remain over 50% impervious. Redevelopment of this site should result in an overall environmental improvement. We do not oppose the variance to reconstruct the restaurant within the Buffer. However, we recommend that the vegetated areas, especially the area between the parking lots and the water, be maximized and planted with a variety of trees, shrubs, and herbaceous plants. Stormwater management should be provided in accordance with the new regulations. With regard to the septic system, we do not oppose the variance to disturb steep slopes and the Buffer provided that this is the only viable option for septic disposal. However, we recommend mitigation for all new disturbance within the Buffer for the septic system at a 3:1 ratio. Mitigation should occur on site to the greatest extent possible.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this request. Also, please provide this office with a copy of the written decision for this case.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA500-01

Branch Office: 31 Creamery Lane, Easton, MD 21601
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November 5, 2001

Ms. Ramona Plociennik
Anne Arundel Co., Office of Planning & Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

RE: Variance Case No. 2001-0434-V, Stephen & June Salanik

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a septic system with less Buffer than required. The property is designated LDA and is proposed to be developed with a single family dwelling.

Provided that this lot is properly grandfathered, this office does not oppose the siting of a single family dwelling on it. Ideally, all parts of the development should be located outside of the Buffer and expanded Buffer. However, given the required setback distances for both the well and the septic system, it does not appear possible to place a home and required facilities on this lot without disturbing the expanded Buffer. If this variance is approved, we recommend mitigation at a 3:1 ratio for all disturbance within the expanded Buffer.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this request. Also, please provide this office with a copy of the written decision for this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeArne Chandler".

LeeArne Chandler
Natural Resources Planner

cc: AA608-01

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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November 5, 2001

Ms. Cathy Maxwell
Dept. of Planning & Zoning
107 N. Liberty St.
Centreville, MD 21617

RE: Variance Case No. V-100008, Mary V. Little

Dear Ms. Maxwell:

Thank you for providing information on the above referenced variance request. The applicant is requesting a variance from the County floodplain ordinance to place a mobile home at 7.0 feet above sea level.

Provided that all Critical Area requirements are met, this office has no comment on this variance 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 case. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,


LeeArne Chandler
Natural Resources Planner

cc: QC574-01

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November 8, 2001

Ms. Tanya Krista-Maenhardt
Department of Planning & Zoning
107 N. Liberty St.
Centreville, Maryland 21617

RE: Maryland General Land Company Growth Allocation

Dear Ms. Krista-Maenhardt:

At its meeting of November 7, 2001, the Chesapeake Bay Critical Area Commission concurred with the Chairman's determination that the above referenced request for growth allocation qualifies as a refinement to the Queen Anne's County Critical Area Program. Chairman North has approved this refinement to the County's Program. The Critical Area designation of Lot 7 and the associated stormwater facility on the Maryland General Land Company property (a portion of Parcel 155 as shown on Tax Map 57) shall be changed from Limited Development Area (LDA) to Intensely Developed Area (IDA). A total of 2.124 acres of growth allocation will be deducted from the County's reserve.

Pursuant to Natural Resources Article 8-1809(o)(2), Annotated Code of Maryland, as amended, the County should make the necessary change to the County'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,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: Amendment file

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October 26, 2001

Ms. Tanya Krista-Maenhardt
Department of Planning and Zoning
107 N. Liberty St.
Centreville, Maryland 21617

RE: Maryland General Land Company Growth Allocation

Dear Ms. Krista-Maenhardt:

The Critical Area Commission has received the Maryland General Land Company Growth Allocation request to change 2.124 acres of LDA to IDA. We are accepting the request as a complete submittal and Chairman North has determined that it can be handled as a refinement to the County's Critical Area Program. The Commission will discuss the request for concurrence with the Chairman's determination at the November 7, 2001 Commission meeting in Crownsville.

If you have any questions or concerns regarding this matter, please do not hesitate to contact me at (410) 260-3477.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: Amendment file

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November 9, 2001

Mr. Kevin M. Smith
DNR, Watershed Restoration Division
Tawes Building, E-2
Annapolis, MD 21401

RE: Horsehead Shoreline Restoration and Fish Habitat Enhancement project

Dear ~~Mr. Smith~~ ^{Kevin}:

At its November 7, 2001 meeting, the Chesapeake Bay Critical Area Commission approved the above referenced project with four conditions. The four conditions are: 1) Permits will be acquired from MDE prior to any construction; 2) Once permits are in hand, the Queen Anne's County Soil Conservation District will be notified of the project; 3) The project design will incorporate the recommendations of DNR's waterfowl project manager to minimize disturbance to waterfowl; and 4) The area of the Buffer disturbed for shoreline access will be restored and any trees removed will be replaced at a 1:1 ratio.

Thank you for your kind assistance in providing the information necessary for Commission review and approval. If you have any questions or if there are any changes to the project as it was presented, please contact me at (410) 260-3477.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: DNR35-01

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November 8, 2001

Ms. Sue Ann Hyer-Morgan
Dept. of Planning & Zoning
107 N. Liberty St.
Centreville, Maryland 21617

RE: File #03-01-10-0011, C. Temple Rhodes Subdivision

Dear Ms. ~~Hyer-Morgan~~ *Sue Ann*

Thank you for providing information on the above referenced subdivision. The applicant proposes to subdivide his property into three lots. The property has a total of 94.267 acres within the Critical Area that are designated RCA. It appears that the site has an extensive shoreline, fringing tidal wetlands, a pond, and several streams. According to the site plan, the property is in agricultural use and only Lot 2 is currently proposed for development.

Based on the information provided, it appears that the proposed subdivision is consistent with the County's Critical Area Program. From strictly an RCA density standpoint (notwithstanding other County Zoning regulations), the parcel may be developed with 4 dwelling units within the Critical Area. We recommend that plat notes be added to reflect restrictions on future development. Any new lot created must not require a variance in order to be developed. Additional stream crossings within the Critical Area would require a variance.

Additional information should be provided in regard to the existing farm lane and the stream crossing. For example, what types of improvement will be necessary on the farm lane? Will additional impacts to the stream Buffer occur? This information should be provided. Also, in accordance with COMAR 27.01.09.02, since agricultural use of land is being converted to other uses, the Buffer on Lot 2 must be planted with forest vegetation that provides the Buffer functions set forth in the Criteria and the County's Critical Area Program. This should be included as a plat note.

Thank you for the opportunity to comment. If you have any questions or concerns, please contact me at (410) 260-3477.

Sincerely,

LeeAnne Chandler
LeeAnne Chandler
Natural Resources Planner

Cc: QC592-01

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November 14, 2001

Ms. Tanya Krista-Maenhardt
Dept. of Planning & Zoning
107 N. Liberty Street
Centreville, Maryland 21617

RE: Major Site Plan (Final) – Cerutti Building
MASP 04-01-10-0001©

Dear Ms. Krista-Maenhardt:

Thank you for providing the final site plan for the above referenced project. The Critical Area Commission approved the growth allocation request for the subject property at their November 7, 2001 meeting. Provided that the County Commissioners grant final approval of the growth allocation, the property will be redesignated IDA.

As an IDA project, the primary Critical Area concern is the 10% pollutant reduction requirement. The 10% calculations were provided at the concept plan stage of the review process and with some minor changes, the 10% requirement was addressed via a wet pond. The final site plan does not show any substantial changes that would affect the proposed stormwater facility. Therefore, this office has no further Critical Area concerns at this time.

Thank you for the opportunity to comment on the final site plan for this project. If any changes are made which will affect Critical Area resources, please forward revised plans to this office for further review. 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: QC655-00

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November 14, 2001

Ms. Sue Ann Hyer-Morgan
Department of Planning & Zoning
107 N. Liberty St.
Centreville, Maryland 21617

RE: File #04-01-11-0001-C, Barry & Eileen Legg

Dear Ms. Hyer-Morgan:

Thank you for providing information on the above referenced administrative subdivision. The applicants propose to combine two lots into one to allow construction of a garage. Provided that construction of the garage will be consistent with the development standards of LDAs, this office has no Critical Area comments at this time. Any trees cleared in the course of construction should be replaced in kind.

Thank you for the opportunity to comment. 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: QC611-01

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Chairman



Ren Serey
Executive Director

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November 14, 2001

Mr. John Gigliotti
Department of Planning & Zoning
107 N. Liberty St.
Centreville, Maryland 21617

RE: File #05-01-11-0002-C, Seventh Day Adventist Church

Dear Mr. Gigliotti:

Thank you for providing information on the above referenced administrative subdivision. The applicant proposes to relocate a lot line to increase the size of the existing church property. Total impervious cover on the church property will decrease from 57% to 41% once the additional acreage is added. This office has no Critical Area comments at this time.

Thank you for the opportunity to comment. 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: QC612-01

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November 16, 2001

Ms. Cathy Maxwell
Dept. of Planning & Zoning
107 N. Liberty St.
Centreville, Maryland 21617

RE: Board of Appeals Case No. A-110004

Dear Ms. Maxwell:

Thank you for providing information on the above referenced case. It is my understanding that a property owner is appealing the granting of a building permit on a neighboring property due to possible conflicts with community covenants. Because there are no Critical Area issues involved in this case, this office has no comment.

Please include this letter in your file and submit it as part of the record for this case. Also, please notify the Commission in writing of the decision made by the Board.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: QC627-01

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November 19, 2001

Ms. Ramona Plociennik
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 Ms. Plociennik:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling and deck 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

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November 30, 2001

Mr. Steve Cohoon
Dept. of Planning and Zoning
107 N. Liberty Street
Centreville, MD 21617

RE: Kent Island Elementary School - #CP 04-01-11-0001(c)

Dear Mr. Cohoon:

Thank you for providing the concept plan for the Kent Island Elementary School for our review. The school is proposed on a 51 acre parcel with approximately 9.46 acres in the Critical Area designated RCA. Commission staff has reviewed the information provided. We have the following comments:

1. On Sheet C-1, the Determination of Site Capacity for the Critical Area portion states that the maximum impervious area allowed is 4.73 acres. This is incorrect. Land within the RCA is limited to 15% impervious surface. Total impervious area on the Critical Area portion of this site is limited to 1.42 acres.
2. On a similar note, the applicant should provide information on the total proposed impervious area within the Critical Area portion of the site.
3. On Sheet C-4, there is a line labeled as the limits of construction, yet it appears that there is grading proposed outside of that line as well as construction of the hiker/biker trail. This should be clarified.
4. With regard to the 15% afforestation requirement for the RCA portion of the site, Sheet L-1 under "Required Critical Area Forestation" contains some typographical errors and misprints such that it cannot be read. This should be corrected. Also, please provide information on the proposed species to be used to satisfy the afforestation requirement.

Thank you for the opportunity to comment. If changes are made to the plans as submitted, please forward them to this office for further review.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler

Natural Resources Planner

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November 30, 2001

Mr. Steve Cohoon
Department of Planning & Zoning
107 N. Liberty Street
Centreville, Maryland 21617

RE: Minor Site Plan #04-01-09-0007(c), Dundee Condominiums – Revision #1

Dear Mr. Cohoon:

Thank you for providing the revised site plan for the above referenced project. The proposal has not substantially changed from the previous submittal. The subject property is 5.27 acres in size and is designated LDA. I have reviewed the information provided and I have the following comments:

1. There is what appears to be a stream on the adjacent property to the north. If it is a stream, a 100-foot Buffer is required. All development activity would have to be shifted outside of the Buffer. A rough measurement on the site plan shows the Buffer crossing six of the eight proposed units. We suggest that County and Commission staff meet on the site to investigate the stream as well as the issue in comment #2 below.
2. In our previous comments, we requested additional information as to whether the tidal wetlands on this site are State or private tidal wetlands. The applicant's response is not adequate. The waterward limits of the tidal wetlands on the site plan might be the surveyed limits of open water. However, State tidal wetlands include those vegetated tidal wetlands subject to the daily ebb and flow of the tide. (This was confirmed via a conversation with the head of the Tidal Wetlands Division of the Maryland Department of the Environment.) The only means of determining the boundary between State and private tidal wetlands is through an on-site vegetative analysis. This is a very important issue because State tidal wetlands cannot be included in the impervious surface and clearing calculations. Again, an on-site meeting with that includes a representative of MDE would be appropriate.
3. The boundaries of both tidal and non-tidal wetlands should be flagged and surveyed to provide accurate information on the site plan. The Buffer is determined on a site-by-site basis, measured a minimum of 100 feet from the landward edge of tidal

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Mr. Steve Cohoon
November 30, 2001
Page 2

wetlands. The thirty-year old tidal wetland maps cannot be used for the purpose of determining the Buffer on a specific site.

4. On page 3 of the letter from McCrone, number 1 under Plan Review Comments states that the impervious area calculations have been revised according to the new site plan. However, a comparison between the proposed impervious area on the old and new plans are the same. This should be corrected in necessary. The maximum impervious area allowed may change according to the results of a site visit.
5. We continue to recommend that signage be provided to identify the Buffer as a protected area that should be allowed to naturalize.
6. We defer to the County Department of Public Works with regard to the stormwater management facility.

We cannot support this request for site plan approval without further information regard to the potential stream, the State/private tidal wetlands issue, and the on-site Buffer delineation.

Thank you for the opportunity to comment. Commission staff is available to meet with you to discuss these matters in further detail. I will contact you in the near future to arrange the site visit.

Sincerely,



LeeAnne Chandler
Natural Resources Planner

cc: QC525-01

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
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December 3, 2001

Ms. Vivian Swinson
Department of Planning and Zoning
107 N. Liberty St.
Centreville, MD 21617

RE: Administrative Variance, Case #02-01-08, James and Margaret Judge

Dear Ms. Swinson:

Thank you for providing information on the above referenced variance. The applicants are requesting a variance from the Critical Area Buffer requirements for construction of an inground swimming pool. The subject property is designated LDA and is currently developed with a single-family dwelling, detached garage, and driveway.

The application states that the pool will be utilized as therapy for the applicants' autistic daughter. In 2000, the General Assembly approved House Bill 1323 which amended the Critical Area Law to provide that a local government's critical area program shall include provisions for reasonable accommodations in policies and procedures when the accommodations are necessary to avoid discrimination on the basis of physical disability, including provisions that authorize a local jurisdiction to require removal of a specified structure when the accommodation is no longer necessary. While Queen Anne's County has not adopted any specific provisions to provide reasonable accommodations, this case may warrant some consideration under the amended Critical Area Law. The cement area removed, the lack of other feasible locations for the pool and the planting of trees also are mitigating factors.

Thank you for the opportunity to comment. Please include this letter in the record for this variance request and please provide the Commission of copy of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeArne Chandler".

LeeArne Chandler
Natural Resources Planner

Cc: QC630-01

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December 4, 2001

Mr. Bill Dodd
McCrone, Inc.
207 North Liberty St.
Centreville, MD 21617

RE: Buffer Management Plan for Four Seasons at Kent Island

Dear Mr. Dodd:

Thank you for providing the draft Buffer Management Plan for the Four Seasons project for our review. Commission staff have reviewed the plans and we have the following comments:

1. Condition #24(d) of Resolution # 01-13 requires that, "A fully forested 100 foot buffer shall be established on each side of all tributary streams...". The Overall Buffer Planting Plan (Sheet L-1) does not show cross-hatching in the Buffer to the tributary stream on the western side of Cox Creek. This area should be identified for planting and a sample 100 foot Buffer planting should be provided.
2. Note #6 on Sheet L-2 states, "All disturbed areas within the Buffer shall be seeded with a native meadow mix, which shall be allowed to naturalize." Additional clarification should be provided which explains what type of disturbance will be occurring within the Buffer. The only activity which should occur within the Buffer is installation of plant materials.
3. This office has recognized that natural regeneration may be an acceptable method for reforesting the Buffer. However, we strongly recommend that potential buyers of lots along the Buffer (especially along Cox Creek) be informed that the "meadow" will not be mowed or maintained and that eventually it will be a riparian forest.
4. There should be assurance that there is a seed source in all of those areas identified for natural regeneration. Commission staff would like to visit the site and verify that natural regeneration is a viable method for Buffer establishment in all of the identified areas.
5. The Buffer Management Plan should include provisions for maintenance, monitoring and long term protection of all Buffers on the site. Survivability of planting materials

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must be guaranteed in those areas where the Buffer will be planted. For natural regeneration sites, inspections should be done on a bi-annual basis resulting in a report of the number of acceptable plants per acre, any invasive species present and other field observations pertinent to the viability of the site naturally reverting to an early successional forest. The Buffers will be considered forested upon verification that a minimum of 440 acceptable, evenly distributed native stems per acre have been established throughout the site. The Buffer Management Plan should include these provisions for long-term protection of the Buffer.

6. With regard to the species list, loblolly pine is listed as an understory tree. This species will not tolerate excessive shade. In addition, all of the herbaceous species are species that thrive in full sun. Additional species that tolerate shade should be added to ensure that there is an herbaceous layer once the trees mature. Lastly, Fountain Grass is listed as one of the herbaceous plants. This species is not native and it should be replaced with a native alternative.
7. The proposed plan shows the walkway along the tidal pond and the adjacent Chester River shoreline primarily within the 100-foot Buffer. The path should be designed to weave in and out of the Buffer. As identified in Condition #24(c), the 150-foot setback along the tidal pond is required to be forested in order to provide habitat protection via vegetative screening between the development and the waterfowl concentration areas. Also, when we met with the landscape architect and the applicant's representative in February, we discussed the need for extra screening for the waterfowl along the Chester River. Bigger trees and more evergreens were recommended to protect the Habitat Protection Area. The 150-foot Buffer Planting Plan should be revisited with these factors in mind. Also, the material for the pathways should be identified. Of the potential materials listed on Sheet L-1, we recommend that either gravel or mulch be used because both stone dust and clam shells will quickly become impervious.
8. We recognize that there is a desire to provide a water view from the proposed recreational facilities along the Chester River. However, Condition #24(b) requires a fully forested 100-foot Buffer to be established from the landward edge of the structural shore erosion control measures along the Chester River. It also specifies that the Buffer shall be established in multi-layered forest vegetation. Sheet L-4 shows only shade trees, maintained lawn, and a meadow in the area between the recreational facility and the water. It is possible, with careful placement of plants, to provide both a forested Buffer and a view of the water. Enclosed with this letter is an example planting plan which includes a "view consideration area." Several "view consideration areas" could be established in front of the recreational facilities with substantial plantings in between. Sheet L-4 should be revised with these factors in mind.

Mr. Bill Dodd
November 4, 2001
Page 3

9. Sheet L-4 shows an impervious walkway in front of the recreational facilities and a semi-circle of a twelve-foot wide walkway leading to the building. It also shows two approaches to the community pier as well as what appears to be a 3500 square foot waterfront deck wholly within the Buffer. What is the purpose of this structure? Non-water dependent structures cannot be located in the Buffer. While access to the water is certainly permitted (especially in this area), structures in the Buffer are not. The proposed deck should be eliminated from the plan.

10. It is our understanding that the Buffer along Macum Creek will be dedicated to the County for use as a County park. At the same time, under Condition #24(a), the 300 foot setback along Macum Creek is required to be established in multi-layered forest vegetation. Please provide information as to who will be responsible for establishing and maintaining the Buffer along Macum Creek.

Thank you for the opportunity to review and comment on these preliminary plans. If you have any questions or if you would like to discuss any of the above issues in more detail, please contact me at (410) 260-3477.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: Steve Cohoon, Queen Anne's County
QC 610-99

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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December 3, 2001

Mr. James W. Dryden
Bureau of Land Management
Milwaukee Field Office
PO Box 631
Milwaukee, Wisconsin 53201

Mr. Edward Ruda, Project Leader
Eastern States Office
7450 Boston Boulevard
Springfield, Virginia 22153

RE: Douglas Point Land Acquisition – Planning Analysis/Environmental Assessment

Dear Mr. Dryden and Mr. Ruda:

The Chesapeake Bay Critical Area Commission has received a copy of the Planning Analysis/Environmental Assessment (PA/EA) for the Douglas Point Land Acquisition. The purpose of this letter is to convey our interest in the ongoing planning process for this property. We understand that the Finding of No Significant Impact is for the proposal to acquire the property only and it does not reflect any potential management alternatives for the property if it is purchased. As indicated in the PA/EA, the property is within Maryland's Coastal Zone and is subject to a federal consistency determination under the Coastal Zone Management Act.

As you may or may not know, the Chesapeake Bay Critical Area Law and Criteria are a substantial part of Maryland's Coastal Zone Management Program. The Critical Area Program is one that is implemented at the local (i.e., County) level with oversight by the Critical Area Commission. In Charles County, the Program is implemented by the County Planning Office through the local Zoning Ordinance. The County's Critical Area regulations apply within the first thousand feet landward of tidal waters or tidal wetlands. The County also has resource protection regulations beyond the first thousand feet. We encourage close coordination with the County in preparation of the Coordinated Management Plan for this property.

Please forward a copy of the Coordinated Management Plan to this office for review when it is available. In addition, a copy should be sent to Mr. Elder Ghigiarelli (the Federal Consistency Administrator) at the Maryland Department of the Environment, 2500 Broening Highway, Baltimore, Maryland 21224.

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Mr. Dryden and Mr. Ruda

December 3, 2001

Page 2

If you have any questions or if Critical Area Commission staff could provide any assistance as the planning process proceeds, please feel free to contact me at (410) 260-3477.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler". The signature is written in black ink and is positioned above the printed name.

LeeAnne Chandler

Natural Resources Planner

cc: Mr. Elder Ghigiarelli, MDE
Mr. Zakary Krebek, Charles County Planning



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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

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December 6, 2001

Mr. Donald H. Sparklin, Asst. Division Chief
Project Planning Division
State Highway Administration
P.O. Box 717
Baltimore, MD 21203-0717

ATTN: Mr. Gary Green

Dear Mr. Sparklin:

At its meeting of December 5, 2001, the Chesapeake Bay Critical Area Commission approved the proposed improvements to MD 18C in the Town of Queenstown with two conditions. The conditions are: 1) All MDE permits will be acquired prior to any construction and 2) a Buffer Management Plan will be prepared and implemented by SHA with review and approval by Commission and Town staff. Please forward a copy of the MDE authorization for our files when it is available. Commission staff will continue to work with SHA staff with regard to the Buffer Management Plan.

If you have any questions or if the project changes in any way, please contact me at (410) 260-3477.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: SHA36-01

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December 6, 2001

Ms. Cathy Maxwell
Department of Planning & Zoning
107 N. Liberty St.
Centreville, MD 21617

RE: Variance Case #V-1110006, Seventh Day Adventist Church

Dear Ms. Maxwell:

Thank you for providing information on the above referenced variance case. The applicant is requesting a variance to the impervious surface limitations in order to construct another building on the church property. The church property was recently increased in size via an administrative subdivision.

The existing impervious coverage on the church property far exceeds that permitted under the LDA development standards (57%). The recent administrative subdivision added 0.465 acres to the church property such that the overall percentage of impervious area was decreased to 43%. The new building of approximately 2000 square feet increases the impervious percentage to 45%. (Please note that there appears to be an error in adding the existing impervious to the proposed impervious; the correct amount requested is 0.745 acres.)

Because the 2000 square foot increase is less than 15% of the lot area recently added to the church property, this office does not oppose the variance requested. Issues including afforestation and stormwater management must be addressed during the site plan review process.

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: QC612-01

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December 12, 2001

Mr. David Nutter, Director
Dept. of Planning, Zoning & Community Development
P.O. Box 870
Salisbury, Maryland 21803-0870

RE: Amendments to Chapter 125 of Wicomico County Code and proposed Special Buffer Area maps

Dear Mr. Nutter:

At its November 7, 2001 meeting, the Chesapeake Bay Critical Area Commission approved the proposed amendments to Chapter 125 of the Wicomico County Code (Bill No. 2001-11) and the proposed Special Buffer Area maps (Bill No. 2001-13). The text changes may take effect immediately and the Special Buffer Area maps may take effect in accordance with Bill No. 2001-13. Please provide this office with a set of Special Buffer Area maps and, when available, a copy of the amended Critical Area ordinance.

Commission staff would like to express our appreciation to the County Planning staff, in particular Mr. Frank McKenzie, and also to Mr. Edgar Baker, the County Attorney, for their assistance throughout the Comprehensive Review process.

Sincerely,

A handwritten signature in cursive script that reads "LeeArne Chandler".

LeeArne Chandler
Natural Resources Planner

cc: Edgar A. Baker, Jr., County Attorney
Mr. Frank McKenzie

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December 13, 2001

Ms. Ramona Plociennik
Anne Arundel Office of Planning & Zoning
3664 Riva Road, MS 6301
Annapolis, Maryland 21401

RE: Variance Case No. 2001-0443-V, Marion Claro

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance request. The applicant is requesting a variance to permit an in-ground swimming pool with greater impervious coverage than allowed. The property is designated LDA and is currently developed with a single-family dwelling and driveway.

This office cannot support the requested variance. As indicated in the application packet, the proposal will exceed the impervious limit by 205 square feet. There is opportunity to remove impervious coverage such that a variance would not be required. For example, some of the concrete driveway could be removed. The concrete driveway could be replaced with County-approved semi-pervious pavers. Alternatively, a smaller pool could be proposed that would eliminate the need for a variance. We suggest that the applicant redesign the proposal to reduce total impervious area by 205 square feet. Because there are viable alternatives, we recommend denial of the variance requested.

Thank you for the opportunity to comment. Please include this letter in the official record for this 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: AA621-01

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December 13, 2001

Ms. Ramona Plociennik
Anne Arundel Office of Planning & Zoning
3664 Riva Road, MS 6301
Annapolis, Maryland 21401

RE: Variance Case No. 2001-0450-V, Stephen & Edythe Alexander

Dear Ms. Plociennik:

This office has received information on the above referenced variance request. 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 large single-family dwelling, a pool and a pool house. The property was the subject of two previous variance requests, both involving setbacks from the adjacent property lines.

While this office typically does not comment on zoning setback variance requests, we have concerns related to the proposed additional impervious area and the conditions placed on the previous variances. First, the 1993 variance had two conditions placed on the approval: 1) An administrative plat had to be approved, filed and recorded showing the proposed additional area (2540 sq. ft.) on Lot 27 transferred from Lot 28 and 2) Lot 28R had to be platted as a conservation easement except for the 2540 square feet being transferred to Lot 27 and **the owners of Lot 28R had to relinquish any and all future development right or impervious coverage rights for this property** (emphasis added). During the deliberations for variance case 2000-0124-V, it became apparent that the administrative plat had never been recorded. Also, the applicant claimed that their impervious coverage allowance was based on the entirety of both Lot 27R and Lot 28R. This is contrary to the condition placed on the first variance in that the owner had to relinquish all impervious coverage rights from Lot 28R. It appears that their impervious allowance should have been based upon 15% of Lot 27R (4064.7 sq. ft.) or, under the latest impervious coverage rules, 5445 square feet. Given that their existing impervious coverage was over 8000 square feet, additional impervious coverage should have required an impervious surface variance.

The 2000 variance request was approved with two conditions: 1) the administrative plat had to be approved and recorded; and 2) there shall be no net increase in impervious coverage. The latest request reflects the addition approved in 2000 but also new impervious from an accessory structure (a pool house). It is not clear if the 2000 conditions were met. It also is not clear if the

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Ms. Ramona Plociennik
December 13, 2001
Page 2

"no net increase in impervious coverage" was specific to the addition or if it was meant to apply to all future development on the property. It appears that an impervious surface variance may be required for the additional impervious surface added since 2000. Given the previous variances and the conditions placed on them, this office could not support such a variance request.

Thank you for the opportunity to comment. Please include this letter in the official record for this 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". The signature is written in black ink and includes a horizontal line extending to the right from the end of the name.

LeeAnne Chandler
Natural Resources Planner

cc: AA181-00

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Chairman



Ren Serey
Executive Director

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December 13, 2001

Ms. Ramona Plociennik
Anne Arundel Office of Planning & Zoning
3664 Riva Road, MS 6301
Annapolis, Maryland 21401

RE: Variance Case No. 2001-0415-V, William Becker

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance request. The applicant is requesting a variance to permit a dwelling and associated facilities with less Buffer than required. The property is designated LDA and is currently undeveloped.

Provided this lot is grandfathered, this office does not oppose the siting of a single family dwelling on it. From the information provided, it is not clear if this parcel is legally grandfathered. The applicant should provide evidence as to the status of the parcel. Impacts of developing parcel 2 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 house is proposed within a wooded area while there is already a cleared area to the northwest that could be used for the house. Shifting the house to the northwest 60 to 70 feet would reduce clearing within the Buffer and reduce the disturbance related to the septic line. Also, we suggest that the applicant pursue a front setback variance in order to maximize the distance between the house and the water. If this variance is approved, we recommend mitigation for new impervious within the Buffer at a 2:1 ratio. Also, mitigation should be provided at the appropriate ratio for clearing for the septic system.

Thank you for the opportunity to comment. Please include this letter in the official record for this request. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeArne Chandler".

LeeArne Chandler
Natural Resources Planner

cc: AA598-01

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December 13, 2001

Ms. Ramona Plociennik
Anne Arundel Office of Planning & Zoning
3664 Riva Road, MS 6301
Annapolis, Maryland 21401

RE: Variance Case No. 2001-0446-V, Midgett Parker

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance request. The applicant is requesting a variance to permit deck additions with less Buffer than required and with disturbance to steep slopes. The property is designated RCA and is currently developed with a single-family dwelling.

This office often does not oppose variances for attached decks of reasonable size provided impacts are minimized. The proposed decks appear as close as 20 feet to the tidal marsh, though the house is already 27 feet from the marsh. Provided that mitigation for disturbance within the Buffer is provided, we do not oppose the variance request for the decks. However, we recommend that all footers for the deck be hand dug. We also recommend mitigation for all new disturbance within the Buffer at a 3:1 ratio.

Thank you for the opportunity to comment. Please include this letter in the official record for this 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: AA656-00

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December 13, 2001

Ms. Ramona Plociennik
Anne Arundel Office of Planning & Zoning
3664 Riva Road, MS 6301
Annapolis, Maryland 21401

RE: Variance Case No. 2001-0458-V, Shirley Hirshauer

Dear Ms. Plociennik:

This office has received information on the above referenced variance request. The applicant is requesting a variance to permit a group home on a lot with less area than required. Based on a review of the Critical Area maps in our office, it does not appear that the subject property is located within the Critical Area. We therefore have no comment on this request. If the property is, in fact, within the Critical Area, please contact this office at (410) 260-3477.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA663-01

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December 18, 2001

Mr. Roby Hurley
Maryland Department of Planning
27490 West Point Road
Easton, MD 21601

RE: Comegys Subdivision, Town of Queenstown

Dear Mr. Hurley:

Thank you for providing information on the above referenced subdivision. The applicant proposes to subdivide a 3.15 acre parcel into seven total lots (i.e., six new lots). As you are aware, the property has received growth allocation to redesignate it from LDA to IDA.

The primary Critical Area requirement in the IDA is the 10% pollutant reduction. Based on the calculations provided, it appears that the 10% rule has been adequately addressed. However, this conclusion is conditioned on final approval of the proposed stormwater management facilities by the Queen Anne's County Department of Public Works. All stormwater issues should be resolved prior to final approval of the subdivision plat.

Thank you for the opportunity to review this subdivision. If you have any questions or concerns, please contact me at (410) 260-3477.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

Cc: Eva Kirchner, Queen Anne's Co. DPW
QT544-01

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Memo

To: Marianne Mason

From: LeeAnne Chandler 

Date: December 17, 2001

RE: Latest submittal from KEN AMMAR

We received another revised site plan for the Ammar Property. The site plan shows the proposed house location as well as a line representing their determination of the expanded Buffer. There are still several problems with the site plan including:

- The Buffer is not expanded correctly. It appears that they have taken some transects and estimated a percentage of slope. From there, they plotted the expanded Buffer points along the transect lines and connected them. This results in a straight line between points and does not take into account the variations in the shoreline.
- They have expanded the stream Buffer to the top of slope instead of 4 feet for every percent of slope.
- After calculating percentage of slope in more locations and along the stream, I drew the expanded stream Buffer (green) and expanded shoreline Buffer (orange) on a copy of the site plan (attached).
- Their proposed house location is within both Buffers. Due to overlapping Buffers, it does not appear possible to build a house in the cleared area without a Buffer variance.

Mr. Ammar has a new attorney, Thomas Mudd. He has sent the town a letter (attached), which asks the Town to move things along as far as his permit go. Given the above issues, I'm not sure what to do next. Please advise. Thank you!

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Chairman



Ren Serey
Executive Director

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December 19, 2001

Ms. Tanya Krista-Maenhardt
Department of Planning & Zoning
107 N. Liberty St.
Centreville, MD 21617

RE: Concept Plan, File # CP 04-01-08-0001(c) - REVISION #1
Downey Land Development, LLC

Dear Ms. Krista-Maenhardt:

Thank you for providing the revised site plan for the above referenced project. The applicant is proposing a 15-unit condominium project on a 3.439 acre parcel. The parcel has all three Critical Area designations. The proposal includes the condominiums on the IDA portion and a path through the LDA and RCA to a community pier containing 10 slips. Commission staff has reviewed the information provided and we have the following comments:

1. Please provide the 10% calculations for the IDA portion of the property as early as possible in the review process. Site design should ensure that stormwater can be addressed on site.
2. It appears that there may be discrepancies between the County's Critical Area map and the site plan with regard to the boundaries of each land use designation. For example, the Critical Area map shows IDA along the northeast property line (the segment measuring 211.22 feet) for a distance of only 150 feet at which point the strip of LDA begins to extend eastward. Along the same property line, the site plan shows IDA extending up to the southwest corner of Lot 5 (a distance of 211 feet). Similarly, the strip of LDA extending eastward is approximately 50 to 70 feet wide on the Critical Area map while it measures between 80 and 100 feet wide on the site plan. Based on these discrepancies, it seems that the wetland portion of Lot 2 is entirely RCA. We recommend that these boundaries be examined and corrected as necessary.
3. Notwithstanding the above, the measurement of the shoreline for the purpose of determining the permitted number of slips at the marina is not correct. The shoreline is measured along the boundary between private tidal wetlands and State tidal wetlands. On this site (based on a site visit), the boundary is between the wetlands and open water. However, the line between the wetlands and the canal cannot be counted as shoreline

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Ms. Tanya Krista-Maenhardt
December 19, 2001
Page 2

because the canal was excavated from private wetlands and under State law, it remains private wetlands. Therefore, based on the length of the shoreline on Lot 2 and Section 14-143 of the Queen Anne's County Code, only one slip would be permitted at a community pier.

4. The requirements for afforestation in the RCA and LDA clearly state that when forest on site is less than 15%, additional forested areas shall be established so that at least 15% of the site area is in forest cover. Reduction of lot area to be afforested due to tidal/nontidal wetlands is not consistent with the County's Critical Area ordinance.

Thank you for the opportunity to comment on this revision to concept plan. When additional or revised information becomes available, please forward it to this office for further review. At this time, I am planning on attending the January 2, 2002 STAC meeting. If you have any questions or concerns regarding these comments, please contact me at (410) 260-3477.

Sincerely,



LeeAnne Chandler
Natural Resources Planner

Cc: QC 453-01

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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December 21, 2001

Ms. Sue Ann Hyer-Morgan
Department of Planning & Zoning
107 N. Liberty Street
Centreville, Maryland 21617

**RE: Gibson's Grant/White's Heritage Ptsp. - Concept Plan - Revision #2
CP #04-0011-0007(c)**

Dear Ms. Hyer-Morgan:

This office has received the information for Revision #2 of 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 12.41 acres to change part of the RCA to IDA.

Since the last STAC meeting, Commission staff have met on site with you and the applicant's consultants on two occasions. The project was also discussed at a Critical Area Commission subcommittee meeting. The subcommittee meeting centered on three issues: stormwater management in the 300-foot setback; providing a 300-foot setback around the tidal inlet; and determining the appropriate starting point for the 300-foot setback. With this submittal, the first two of these issues have been resolved. All stormwater ponds have been moved outside of the 300-foot setback (though the drainage area map, Sheet 6, still shows a number of stormwater facilities in the Buffer) and a 300-foot setback has been provided around the tidal inlet. It seems that the remaining issue of concern is the appropriate starting point for the 300-foot setback.

Shore Buffer

We discussed this issue at length during our second site visit in terms of determining where Macum Creek begins. From a technical standpoint, Macum Creek begins where it meets the Chester River, just beyond the island owned by the applicant. The beginning point for the 300-foot setback indicated on the site plan reflects the current boundary between RCA and LDA. This portion of LDA is the result of growth allocation received in 1996 for the Kent Island Golf Club and does not reflect any on-site conditions. From a buffering standpoint, it makes sense to begin the 300-foot setback at the point where

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Ms. Sue Ann Hyer-Morgan

December 21, 2001

Page 2

the bulkhead ends (this point also coincides with where the structures in the Buffer end). The natural shoreline and the lack of any structures would allow reestablishment of a fully vegetated Buffer.

In order to protect the sensitive nature of Macum Creek, and based on conditions placed on the approval of growth allocation for the Four Seasons project across the creek, Commission staff recommends that the applicant consider redesigning the loop of townhouses to provide a full 300-foot shore Buffer along the entire creek shoreline up to the existing bulkhead. Commission staff is exploring ideas in how this could be done and any resulting sketches will be forwarded to you. In relation to the 300-foot setback, please note that there is an indentation along the shoreline of Macum Creek (at survey point #28) where the proposed setback is approximately 200 feet rather than a full 300 feet. Also, there is a gazebo proposed within the setback along Macum Creek. Structures, like stormwater management facilities, are not to be located within the 300-foot setback.

A Buffer Management Plan will be necessary for the extent of the 100-foot Buffer along the Chester River and for the 300-foot setback along Macum Creek. Issues of concern will include details of the pedestrian trail; planting details including species and density; and details of any stormwater outfalls extending through the Buffer.

Stormwater Management

Preliminary 10% pollutant reduction calculations and stormwater plans should be submitted as early as possible in the review process. This information will be necessary for the Commission to process a formal request for growth allocation for this project.

Growth Allocation

With the growth allocation petition, the County must provide documentation of how the locational guidelines for growth allocation contained in the Criteria (COMAR 27.01.02.06) have been addressed. Examples of such documentation may include staff reports, Planning Commission minutes, maps, etc.

Thank you for the opportunity to comment on this revision of the 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

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December 21, 2001

Mr. Steve Cohoon
Department of Planning & Zoning
107 N. Liberty Street
Centreville, Maryland 21617

RE: Major Subdivision #04-01-09-0009(c), Serenity Farm (Thomas Sperl) – REVISION #1

Dear Mr. Cohoon:

Thank you for providing the revised information on the above referenced subdivision. The applicant proposes to use one Critical Area development right to create a new lot. The proposed lot is 3.235 acres in size. I have reviewed the information provided.

In comparing the new site plan with the previous one, it appears that some additional information (perhaps gathered when the Corps visited the site) on the wetlands has been added. However, the site plan does not show the boundary between tidal and non-tidal wetlands in the gut to the west of Lot 5. This distinction is necessary in order to ensure a 100-foot Buffer is provided from the landward boundary of all tidal wetlands. Please note that the Corps of Engineers does not make a distinction between tidal and non-tidal in a jurisdictional determination. Given that non-tidal wetlands only require a 25-foot Buffer as compared to the 100-foot Buffer for tidal wetlands, these details should be added to the site plan. As stated in previous comments, given the size of this property, this subdivision can be and should be designed to avoid any impacts to wetlands and their buffers.

Thank you for the opportunity to comment. If changes are made, please forward the revised plans to this office for review.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: QC528-01

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December 21, 2001

Mr. Steve Cohoon
Department of Planning & Zoning
107 N. Liberty Street
Centreville, Maryland 21617

RE: Minor Site Plan #04-01-09-0007(c), Dundee Condominiums – Revision #2

Dear Mr. Cohoon:

Thank you for providing the revised site plan for the above referenced project. The proposal has not substantially changed from the previous submittal. The subject property is 5.27 acres in size and is designated LDA. I have reviewed the information provided and I have the following comments:

1. The site visit of December 17, 2001 confirmed that the feature thought to be a stream is actually a drainage ditch and therefore does not require a 100-foot Buffer.
2. The site visit on the 17th also provided confirmation that the tidal wetlands on this site are private tidal wetlands.
3. Our site visit revealed that there are numerous trees that are not shown on the site plan. This information should be provided to ensure replacement in accordance with Section 14-138(d)(6) of the County Code.

Thank you for the opportunity to comment. 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: QC525-01

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

TTY For The Deaf:
Annapolis: (410) 974-2609 D.C. Metro: (301) 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 21, 2001

Ms. Tanya Krista-Maenhardt
Dept. of Planning & Zoning
107 N. Liberty Street
Centreville, Maryland 21617

RE: Major Site Plan (Final) – Cerutti Building
MASP 04-01-10-0001© - Revision #1

Dear Ms. Krista-Maenhardt:

Thank you for providing the revised final site plan for the above referenced project. The Critical Area Commission approved the growth allocation request for the subject property at their November 7, 2001 meeting. Provided that the County Commissioners grant final approval of the growth allocation, the property will be redesignated IDA.

Based on the information provided, it appears that the proposed project will be consistent with the County's Critical Area Program. This office has no further Critical Area concerns at this time.

Thank you for the opportunity to comment on the final site plan for this project. If you have any questions or concerns, please contact me at (410) 260-3477.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

Cc: QC655-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
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December 21, 2001

Mr. Ken McLawhon
Town of Indian Head
4195 Indian Head Highway
Indian Head, MD 20640

RE: Ammar Property – Plans received by the Town on December 3, 2001

Dear Mr. McLawhon:

Thank you for providing the most recent information on the Ammar property. I have reviewed the information and have the following serious concerns:

- The shoreline Buffer is not expanded correctly. It appears that they have taken three transects and estimated a percentage of slope. From there, they plotted the expanded Buffer points along the transect lines and connected them. This results in a straight line between points and does not take into account the variations in the shoreline. This method of Buffer expansion is incorrect and is not adequate to protect the steep slopes.
- The stream buffer is not expanded correctly. They have expanded the stream Buffer only to the top of slope instead of four feet for every percent of slope. The ordinance is clear in that the amount of Buffer expansion is either to the top of the slope or four feet for every percent of slope, **whichever is greater in extent** (emphasis added).
- After calculating percentage of slope in additional locations along the Potomac and along the stream, Commission staff drew the correct expanded stream Buffer (green) and expanded shoreline Buffer (orange) on a copy of the site plan (enclosed).
- When the Buffers are drawn correctly, the proposed house location is within both Buffers. Due to overlapping Buffers, it does not appear possible to build a house in the cleared area without a Buffer variance. Accordingly, if the applicant wishes to proceed with the plan as drawn, it is clear to the Commission staff that the applicant would need to apply and receive a variance to the Town's Critical Area Program requirements. As you know, such variances are not granted lightly.

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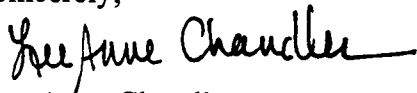
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Mr. Ken McLawhon
December 21, 2001
Page 2

It is my understanding that Mr. Tomlinson of Ben Dyer Associates is charged with the task of resolving State and Federal issues regarding this property. By copy of this letter, I am conveying our conclusions to Mr. Tomlinson. On advice of Commission counsel, I have copied this letter to the applicant's counsel, Mr. Thomas F. Mudd. Commission staff and our counsel are available to meet with Mr. Tomlinson and the applicant's counsel to answer any questions regarding the issues outlined above.

If you have any questions or concerns regarding these comments, please contact me at (410) 260-3477.

Sincerely,



LeeAnne Chandler
Natural Resources Planner

Enc.

Cc: Thomas F. Mudd, Esq.
Mr. Wes Tomlinson, Ben Dyer Associates
Marianne D. Mason, Esq.

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
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December 31, 2001

Ms. Ramona Plociennik
Anne Arundel Office of Planning & Zoning
3664 Riva Road, MS 6301
Annapolis, Maryland 21401

RE: Variance Case No. 2001-0474-V, Norman Hazard

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance request. The applicant is requesting a variance to permit a pier with greater length than allowed. The property is designated LDA and is currently developed with a single-family dwelling.

This office defers to the Maryland Department of the Environment and the County on pier issues. We have no comment on this request.

Thank you for the opportunity to comment. Please include this letter in the official record for this 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: AA679-01

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

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December 31, 2001

Ms. Ramona Plociennik
Anne Arundel Office of Planning & Zoning
3664 Riva Road, MS 6301
Annapolis, Maryland 21401

RE: Variance Case No. 2001-0462-V, Daniel and Cynthia Sturman

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance request. The applicant is requesting a variance to permit a dwelling addition with less setbacks than required. The property is designated LDA and is currently developed with a single-family dwelling.

Because impervious surfaces are not an issue and because there are no impacts to any Habitat Protection Areas, this office has no comment on this setback variance. However, vegetation removed in the course of construction should be replaced in kind.

Thank you for the opportunity to comment. Please include this letter in the official record for this request. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: AA697-01

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

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December 31, 2001

Ms. Ramona Plociennik
Anne Arundel Office of Planning & Zoning
3664 Riva Road, MS 6301
Annapolis, Maryland 21401

RE: Variance Case No. 2001-0492-V, Jeff & Sonia Sparhawk

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance request. The applicant is requesting a variance to permit a dwelling with less setbacks than required. The property is designated LDA and is currently undeveloped.

Because impervious surfaces are not an issue and because there are no impacts to any Habitat Protection Areas, this office has no comment on this setback variance. However, mitigation should be provided in accordance with Section 1A-105 of the County Zoning Ordinance.

Thank you for the opportunity to comment. Please include this letter in the official record for this request. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA702-01

Branch Office: 31 Creamery Lane, Easton, MD 21601
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December 31, 2001

Ms. Vivian Swinson
Department of Planning and Zoning
107 N. Liberty St.
Centreville, MD 21617

RE: Administrative Variance, Case #04-01-09, Suzanne and John Eaton

Dear Ms. Swinson:

Thank you for providing information on the above referenced variance. The applicants are requesting a variance from the Critical Area Buffer requirements for construction of a small addition, a detached three-car garage and a new septic system. The subject property is designated RCA and is currently developed with a single-family dwelling, two sheds and driveway.

Based on the site plan provided, it appears that the new garage and small addition will be constructed further from the water than the existing dwelling. The two sheds are to be removed. Given that most of the lot is within the Buffer and no construction could occur without a variance, this office does not oppose the variance requested. However, we recommend that the southern end of the stone driveway (i.e., the area waterward of the proposed garage) be removed. We further recommend mitigation for new disturbance within the Buffer at a 2:1 ratio.

Thank you for the opportunity to comment. Please include this letter in the record for this variance request and please provide the Commission of copy of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

Cc: QC696-01

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

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Executive Director

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December 31, 2001

Ms. Sue Ann Hyer-Morgan
Department of Planning & Zoning
107 N. Liberty St.
Centreville, Maryland 21617

RE: File #04-01-12-0004-C, Richard & Marguerite Brown

Dear Ms. Hyer-Morgan:

Thank you for providing information on the above referenced minor subdivision. The applicants propose to subdivide a 5.33 acre lot into two residential lots. The property is designated LDA with 2.37 acres within the Critical Area.

Based on the information provided, it appears that the proposed subdivision (with the Critical Area afforestation as indicated) will be consistent with the County's Critical Area Program.

Thank you for the opportunity to comment. 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: QC695-01

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December 31, 2001

Ms. Sue Ann Hyer-Morgan
Department of Planning & Zoning
107 N. Liberty St.
Centreville, Maryland 21617

RE: File #04-01-12-0006-C, William Dixon, Jr.

Dear Ms. Hyer-Morgan:

Thank you for providing information on the above referenced minor subdivision. The applicant proposes to subdivide a 1.36 acre parcel into two residential lots. The property is wholly within the Critical Area and is designated LDA.

Based on the information provided, it appears that the proposed subdivision (with the Critical Area afforestation as indicated) will be consistent with the County's Critical Area Program. Future development of Lot 2 must follow all rules for development within the LDA.

Thank you for the opportunity to comment. 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: QC704-01

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2001 Staff Correspondence Vol. II : Hoerger

S1832-148-2

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Chairman



Ren Serey
Executive Director

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December 27, 2001

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

Re: Mimososa Woods
S 00-122, P 01-256

Dear Mr. Soldano:

I have received the above-referenced subdivision proposal. The applicant proposes to create four new lots from one parcel with one and one half lots being inside the Chesapeake Bay Critical Area. I have outlined our comments below.

1. If the proposed lot configuration remains, then notes should be added to the plat alerting future homeowners that no new development activities are permitted in the nontidal wetland buffer or the Resource Conservation Area portions of proposed lots 3 and 4.
2. Given the area of the nontidal wetland and its 25-foot buffer on proposed lot 4, it appears there is little room remaining on the lot for future development activities of a residential homeowner, including the ability to construct a deck, shed, or other accessory structure without a variance.
3. Is there sufficient space on proposed lot 4 for a reasonable limit of disturbance to accommodate construction? It appears there is less than 10 feet at the two closest corners of the proposed dwelling from the edge of the nontidal wetland buffer.
4. Will public water and/or sewer serve the proposed lots? If not, where are the proposed locations of the wells and septic areas?

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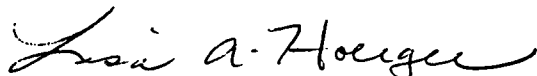
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Mr. Soldano
Page Two
December 27, 2001

5. Since the soils on this parcel are considered hydric, how will stormwater be handled?

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

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: AA 664-01

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 27, 2001

Mary Kay Verdery
Talbot County Office of Planning & Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601-3178

Re: George Carroll
L-873

Dear Ms. Verdery:

Thank you for forwarding the above-referenced minor lot line revision to this office for review and comment. It appears the applicant is abandoning a lot line and creating a larger lot area. Provided the lot line revision will not result in increased density in the Resource Conservation Area, or the need for variances to accommodate future development, this office has no comment.

Thank you for the opportunity to comment. Please contact me if you need additional information or assistance from this office.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: TC 686-01

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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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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

December 27, 2001

Mary Kay Verdery
Talbot County Office of Planning & Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601-3178

Re: J. Mitchell Reese, Jr.
L-875

Dear Ms. Verdery:

Thank you for forwarding the above-referenced major lot line revision to this office for review and comment. The applicant proposes to relocate a lot line. Provided the lot line revision will not result in increased density in the Resource Conservation Area, or the need for variances to accommodate future development, this office has no comment.

Thank you for the opportunity to comment. Please contact me if you need additional information or assistance from this office.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: TC 687-01

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Ren Serey
Executive Director

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December 21, 2001

Mr. Robert Cuthbertson
MDE, Water Management Administration
Tidal Wetlands Division
2500 Broening Highway
Baltimore, Maryland 21224

Re: 02-WL-0838, Larry Cate

Dear Mr. Cuthbertson:

I have received the above-referenced project to mechanically maintenance dredge an 80-foot long by 20-foot wide spur channel and slip area to the 5-foot depth at mean low water. It appears this area of Podickory Creek may support submerged aquatic vegetation according to the 1999 data. Disturbance to these aquatic resources should be the minimum necessary to provide access.

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: AA Co. Tidal Wetlands File

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Ren Serey
Executive Director

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December 21, 2001

Mr. Frank Ward
Department of Planning and Zoning
2664 Riva Road, MS 6001
Annapolis, Maryland 21401

Re: Buffer Exemption Areas
Interpretation of Section 1A-109 of the Zoning Ordinance

Dear Mr. Ward;

Recently it has come to our attention that two properties in the Critical Area were issued building permits for new development activities that appeared to require a variance. Both properties were in mapped Buffer Exemption Areas (BEA). Both also involved the installation of a swimming pool. In each case the County issued permits without the need for variances due to what we believe is an incorrect interpretation of the Zoning Ordinance.

In the first case, the McCleary property in Linstead, the applicant was not required to seek a variance due to an existing retaining wall in the Buffer. A permit for a pool waterward of the principal structure was issued based on the County's interpretation that a retaining wall could act as the setback.

In the second case, in Highland Beach, a pool was permitted in the 100-foot Buffer waterward of the principal structure, possibly due to the interpretation that the pool was part of the principal structure since it was connected by a deck. Such an interpretation resulting in the construction of a pool approximately 25 feet from tidal wetlands would be inappropriate.

Commission staff believe these interpretations are not correct. The Critical Area Commission approved the County's Buffer Exemption Area language in 1995 with the understanding that intrusions into the 100-foot Buffer would be minimized in all cases. Therefore, we invite you to meet with the Program Subcommittee of the Chesapeake Bay Critical Area Commission at its meeting on Wednesday, January 9, 2002 at 9:0 a.m. at the Department of Housing and Community Development Building in Crownsville to discuss these issues.

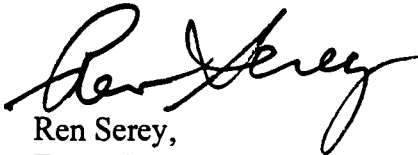
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Mr. Ward
Page Two
December 21, 2001

Thank you for your attention to this matter. Please telephone me with any questions or concerns at (410) 260-3462.

Sincerely,



Ren Serey,
Executive Director

cc: Denis Canavan, Director, Anne Arundel County Planning and Zoning
Judge John C. North II, Chairman, Chesapeake Bay Critical Area Commission
Marianne Mason, Assistant Attorney General, Chesapeake Bay Critical Area Commission

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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December 21, 2001

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

Re: Dennis Porter
MS 01-101

Dear Ms. Allen:

Thank you for forwarding the above-referenced subdivision request to this office for review. I have outlined our comments below.

1. According to the Critical Area report, the four lots are generated from two family conveyances and a bonus lot. What is a bonus lot?
2. The site plan should include the delineation of the Resource Conservation Area (RCA) from the Limited Development Area (LDA). Please have the applicant add this to the plan.
3. A note should be added to the plat stating that no development activities are permitted within the RCA portion of those lots are partially platted within the RCA.
4. According to some preliminary maps it appears this site is adjacent to a Wetland of Special State Concern (WSSC). These wetlands are regulated by the Maryland Department of the Environment's (MDE) which requires a 100-foot Buffer. It appears the wetland buffer may not extend onto this site, however this should be verified in the field.

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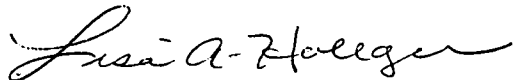
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Ms. Allen
Page Two
December 21, 2001

5. We are aware of the letter from the Department of Natural Resources indicating the possible presence of several rare plant species. There may be a connection of these species to the nearby WSSC. The issue of whether to do a field survey for these plant species should be coordinated with DNR.
6. In regard to Forest Interior Dwelling Birds (FIDs), the adjoining stream corridor may provide cover and feeding opportunities. It appears that no clearing would be necessary for proposed lot 3; however, lot 2 would require clearing and this would invoke FID mitigation requirements. Therefore, the applicant should consider adjusting the lot lines to include an already cleared area for proposed lot 2.
7. If it is determined that FID mitigation is required, then the applicant would need to replant in or at the edge of an existing FID habitat.
8. The plan should include a table that lists the clearing and impervious surface limitation for each lot.
9. There should be a note added to the plat that no clearing or disturbance is permitted in the existing forested area. In addition, we recommend these areas be held in an easement for perpetuity.

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

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: AA 674-01

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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December 20, 2001

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

Re: Sonneborne Land
S 01-038, P 01-121

Dear Ms. Allen:

Thank you for forwarding the revisions to the sketch plan for the above-referenced subdivision request. According to the applicant's response letter, it appears many of the issues outlined in my June 25 letter will be addressed at final. The comments of my July 23 letter were not addressed. That letter clarified that the newly created lots in the Critical Area portion of this subdivision cannot exceed 25%; therefore, the applicant may need to adjust the lot size or impervious surface limits on these lots. Please have the applicant address this issue in the next submittal.

Thank you for the opportunity to comment. If you have any questions, 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: AA 347-01

Branch Office: 31 Creamery Lane, Easton, MD 21601
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December 20, 2001

Mr. Douglas Stayton
Zoning Enforcement Officer
Talbot County Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: Perry Otwell, Clearing Violation

Dear Mr. Stayton:

Thank you for returning my call the other day concerning the clearing violation in Neavitt. It is my understanding that the entirety of the lot was cleared which violated the permit for the installation of rip-rap along the shoreline. You indicated the County would seek 3:1 mitigation for the violation and would require the property owner to replant the first 50-feet of the shoreline due to the possibility this lot may become a Buffer Management Area (BMA) in the future.

This office recommends that the property owner be required to replant the entire 100-foot Buffer on this lot. While the lot may be mapped as a proposed BMA, the County Council has not approved it. Even if this lot were already an approved BMA, the entirety of the 100-foot Buffer should be replanted.

Thank you for your attention to the matter. Please notify me at (410)260-3478 of the County's final determination concerning replanting of the Buffer.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: Ren Serey
Regina Esslinger

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

TTY For The Deaf:
Annapolis: (410) 974-2609 D.C. Metro: (301) 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 19, 2001

Mr. James W. Price, Director
Program Open Space, E-4
Tawes State Office Building
580 Taylor Avenue
Annapolis, Maryland 21401

Re: DNR Clearinghouse Review of Local POS Project #4059-2-192
Magothy Greenway (Looper), Anne Arundel County

Dear Mr. Price:

Thank you for forwarding this project to our office for review and comment. Our office is aware of the County's desire to acquire this property to protect adjoining bog ecosystems and we support this acquisition. However, it appears 20 acres will be reserved for active recreational facilities. We have no objection to this provided it is in the area already used for recreational facilities, which is located outside the Critical Area.

Thank you again for the opportunity to comment. If you have any 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: Ms. Elinor Gawel, AA Co.

Branch Office: 31 Creamery Lane, Easton, MD 21601
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December 19, 2001

Mr. James W. Price, Director
Program Open Space, E-4
Tawes State Office Building
580 Taylor Avenue
Annapolis, Maryland 21401

Re: DNR Clearinghouse Review of Local POS Project #3968-20-70
St. Michaels Canton Park Playground, Talbot County

Dear Mr. Price:

Thank you for forwarding this project to our office for review and comment. It appears most of the proposed 6 acres are outside of the Chesapeake Bay Critical Area; however, there may be a portion of Critical Area close to MD Route 33. All new park development activities must be consistent with the Town or County's Critical Area program. The activities should be kept outside of the Resource Conservation Area unless they are considered passive. All active recreational activities are permitted in the Limited Development Area and Intensely Developed Area.

Thank you again for the opportunity to comment. If you have any 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: Ms. Cheryl Thomas, Town of St. Michaels
Ms. Mary Kay Verdery, Talbot County

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Executive Director

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December 19, 2001

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

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

Dear Ms. Chalkley:

Thank you for forwarding the revised sketch plan. It appears the applicant has addressed the comments of my previous letter and your comments regarding the Critical Area issues for this project. I have outlined our comments below.

1. We still recommend that notes be added to the plat to alert future homeowners whose lots may extend into the Resource Conservation Area of the Critical Area that no development activities (i.e. accessory structures, clearing) are permitted on that portion of the lot.
2. Also, notes should be added to alert the Critical Area homeowners of the clearing and impervious surface limitations for their lots.
3. In regard to Forest Interior Dwelling Bird (FID) habitat, it appears from your last interoffice memorandum that you will ensure the reforestation will be FID habitat.

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

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

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

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Ren Serey
Executive Director

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Fax: (410) 974-5338

December 19, 2001

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

Re: Phelps Property - P # 98-165, S # 98-073
Revised Sketch Plan dated 11/21/01

Dear Ms. Allen:

Thank you for forwarding the revised sketch plan to this office. It appears the applicant has addressed many of the comments of my letter dated June 26, 2001. I have outlined our comments and concerns below.

1. The Critical Area acreage figure reported on sheet one of four in the "Critical Area Computations" table is different from the acreage figure reported under the "Area Tabulation". Please have the applicant clarify the acreage in the Critical Area, broken down by the LDA and the RCA.
2. In the "Critical Area Computations" there appears to be some mathematical errors reported for clearing and impervious surface figures for Section 1. If the true Critical Area acreage is 10.67 acres, then the 15% impervious surface limitation for Section 1 should be 1.60 acres. The 30% clearing limits would be 2.66 acres based on 8.86 acres of existing forested area.
3. The impervious surface for the subdivision in the Critical Area should be shown in a table on the plans. The figures for each lot should be provided along with the totals for the roads. Also, the proposed path at the end of Gerald Drive should be included if the surface will be impervious.
4. Please have the applicant check the Buffer expansion and delineation that is at the end of the Norman Avenue extension. In some areas it appears the Buffer is not 100-feet from the edge of the tidal wetlands. Also, it is unclear how the Buffer was expanded. Please clarify.

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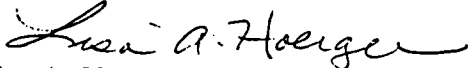
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Ms. Lori Allen
Page Two
December 19, 2001

5. It appears the applicant will be seeking a waiver at final for sidewalks. If this waiver is not granted, then the Critical Area calculations will need to be adjusted.
6. It appears the applicant will also be requesting a waiver to steep slopes. Where are these slopes?
7. It appears the method selected for stormwater management is primarily bioretention and private trenches on the lots; however, the note for stormwater management does not indicate how stormwater will be treated on lot 10 and lot 22. Please have the applicant include this information.
8. Where does the proposed path at the end of Gerald Drive lead? Is it connected to another path system on an adjoining property?
9. I have a copy of an August 8, 2001 letter from the Heritage Division of the Department of Natural Resources to the applicant regarding the potential for a rare plant species that may be on this site. The biologist for this region is aware of this issue. The applicant and the County need to coordinate with DNR on this issue until it is resolved.
10. I am also in receipt of a letter from the Maryland Department of the Environment concerning the nontidal wetlands on this site. It appears the reviewer for this region is aware of the proposed impacts to nontidal wetlands and their buffers. Based on the latest plan, there are still some impacts to the nontidal wetland buffer within the Critical Area. We will continue to coordinate with MDE on these issues.

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

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: The Honorable Philip C. Jimeno
The Honorable Joan Cadden
Mr. Frederick W. Hager, Citizen
Ms. Harriet Cavey, Citizen
Ms. Katherine McCarthy, DNR
Ms. Judy Cole, MDE
AA 394-98

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 17, 2001

Ms. Linda Mott
Environmental Design Division
State Highway Administration
707 N. Calvert Street
P.O. Box 717
Baltimore, Maryland 21203-0717

Re: MD 168 over Holly Creek, Anne Arundel County
Plantings Agreement

Dear Ms. Mott:

As part of the approval for the above-referenced project, the Commission included the condition that the applicant will initiate a Plantings Agreement with Critical Area staff. Please forward this agreement prior to construction which I understand will occur within the next month. If you do not have final clearing numbers please provide an approximate number and we can adjust the total after construction is completed.

Thank you for your attention to this matter. 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: Meg Andrews, DOT
Regina Esslinger, CBCAC

Branch Office: 31 Creamery Lane, Easton, MD 21601
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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, 2001

Mr. Robert Cuthbertson
MDE, Water Management Administration
Tidal Wetlands Division
2500 Broening Highway
Baltimore, Maryland 21224

Re: 02-WL-0710, Jae Moon

Dear Mr. Cuthbertson:

I have received the above-referenced project to emplace 98 feet of stone revetment within a maximum of 20 feet channelward of the mean high water line, and construct a pier with mooring piles and a boatlift within 90 feet channelward of the mean high water line. We defer to your office with construction activities that will occur below mean high water; however, any disturbance to tidal waters, tributary streams or tidal wetlands should minimize impacts, especially in areas where Submerged Aquatic Vegetation is present. In the case of anadromous fish spawning habitat, activities are prohibited between March 1 and May 15 (COMAR 27.01.09.05).

It appears this area of the Severn River and Asquith Creek support several species of submerged aquatic vegetation according to the 1999 data. Disturbance to these aquatic resources should be the minimum necessary. The proposed revetment 20 feet channelward of mean high water may not be the minimum necessary. If there is a less structural means to accomplish shore erosion control measures at this site, we recommend it be used rather than the current proposal for revetment.

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: AA Co. Tidal Wetlands File

Branch Office: 31 Creamery Lane, Easton, MD 21601
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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401
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December 14, 2001

Mr. Robert Cuthbertson
MDE, Water Management Administration
Tidal Wetlands Division
2500 Broening Highway
Baltimore, Maryland 21224

Re: 02-WL-0722, Huntward Limited

Dear Mr. Cuthbertson:

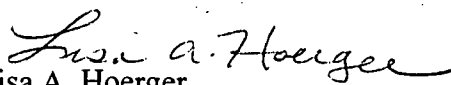
I have received the above-referenced project to emplace 300 feet of stone revetment within a maximum of 20 feet channelward of the mean high water line, and construct a pier with steps, mooring piles and a boatlift within 140 feet channelward of the mean high water line. We defer to your office with construction activities that will occur below mean high water. With regard to the steps that will be above mean high water, the applicant must replace all vegetation cleared at a 1:1 ratio.

According to the 1999 data, several species of submerged aquatic vegetation occur in this area of the Severn River. Disturbance to these aquatic resources should be the minimum necessary. The proposed revetment 20 feet channelward of mean high water may not be the minimum necessary. If there is a less structural means to accomplish shore erosion control measures at this site, we recommend it be used rather than the current proposal for revetment.

In the case of anadromous fish spawning habitat, activities are prohibited between March 1 and May 15 (COMAR 27.01.09.05).

If you have any questions, please call me at (410) 260-3478.

Sincerely,


Lisa A. Hoerger
Natural Resources Planner

cc: AA Co. Tidal Wetlands File

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CHESAPEAKE BAY CRITICAL AREA COMMISSION

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December 13, 2001

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

Re: Larry & Grace Haskins
REVISION Special Exception #1195

Dear Ms. Verdery:

Thank you for forwarding the revisions to the above-referenced special exception request. The applicant has revised the application that now proposes to construct a 193-foot pier with a total encroachment of 200 feet into the channel. As previously stated, this office has no comment regarding the encroachment issue or the pier request provided no Habitat Protection Areas are impacted.

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 473-01

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

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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, 2001

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

Re: Vallandingham Property - MS 01-098

Dear Mr. Soldano:

Thank you for forwarding the above-referenced lot line revision to this office for review and comment. The applicant proposes to adjust the lot line between two parcels to correct a nonconforming issue. This office has no objection to this action; however, the County should require the applicant to ensure all Critical Area requirements are met with the lot line change.

1. Lot 1 is already over the allowable impervious surface limitation. The existing driveway that loops and crosses the proposed lot line should be removed to reduce impervious surfaces on this lot.
2. Any proposed development on lot 2 should be located outside of the RCA portion of the lot and in the LDA. This would include all accessory structures, access and stormwater management devices.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3478 if you need additional information.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: AA 666-01

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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December 12, 2001

Ms. Lori Allen
Anne Arundel County Department of Planning and Zoning
MS 6304
2664 Riva Road
Annapolis, Maryland 21401

Re: David Taylor Research Center
C 01-009

Dear Ms. Allen:

Thank you for forwarding the above-referenced site plan to this office for review and comment. Since this site is subject to a Base Relocation and Closure (BRAC) process by the United States Navy, and will be subsequently conveyed to Anne Arundel County it is subject to the provisions in County Council Bill #49-01. The bill outlines the standards for government reuse facilities in the Critical Area Buffer where that Buffer is mapped as a Buffer Exemption Area (BEA). I have outlined our comments below.

1. Please have the applicant demonstrate how the number of plantings shown on the landscape concept plan meet the County's requirement that no less than 25% of the 100-foot Buffer shall be vegetated.
2. If the total area of the Buffer is 9.54 acres, then a minimum of 2.38 acres of plantings is required. Please have the applicant explain how the proposed planting meets this acreage requirement. If a credit system was used, the applicant should provide the amount of credit that was given for trees, understory, shrubs and herbaceous plants.
3. Please have the applicant provide the list of proposed species for planting in the 100-foot Buffer. They must all be native. The County recently published an excellent native species list that the applicant should use for this purpose.
4. How is the provision in Section 1A-109(c)(5) regarding mitigation associated with Buffer impacts being met on this plan? Please have the applicant provide the required 2:1 mitigation number required by this section of the Zoning Code.

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

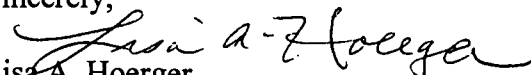
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Ms. Lori Allen
Page Two
December 12, 2001

5. The Buffer and expanded Buffer should be shown on all plans.
6. Please have the applicant demonstrate how new buildings are not located closer to the water than existing buildings. For example, the new building proposed on Worthington Basin appears to be sited closer to the water than the existing building.
7. The method for calculating the slope expansion appears to be incorrect. There are mathematical errors in both tables entitled "Critical Area Expanded Buffer Calculations." Please have the applicant recalculate these numbers to ensure the slopes are properly expanded on this site. The problems are:
 - a) The slope percentages are not all correct. Please recalculate.
 - b) The required Buffer distances also need to be recalculated.
 - c) One hundred feet needs to be added to each expansion number.
 - d) Please have the applicant explain the 50-foot expansion and no Buffer expansions in the second table.
8. Once the proper expansion for slopes is complete, they should be added to a plan that shows the proposed building and parking lot locations.
9. Since the majority of this site is in the Intensely Developed Area (IDA), the applicant must demonstrate that there will be a 10% reduction in pollutant loadings. Please have the applicant complete the required worksheet to demonstrate required removal rate for this site to ensure that the Best Management Practices (BMPs) proposed will meet or exceed that removal rate (assuming that number is not negative).
10. The site plan shows a walkway with at least three look out points in the 100-foot Buffer. This does not minimize impacts to the Buffer as provided for in Section 1A-109(d)(1). One look out point is sufficient for a project that is not open to the general public. Our understanding is that the overlooks are intended for the use of the on-site employees. Also, the applicant is maintaining a considerable amount of impervious/walkable area around most of the shoreline.

Thank you for the opportunity to comment. If I can provide further assistance, please do not hesitate to contact me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: Ren Serey
Regina Esslinger
Mary Owens

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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December 11, 2001

Ms. Lori Allen
Anne Arundel County Department of Planning and Zoning
MS 6304
2664 Riva Road
Annapolis, Maryland 21401

Re: Vallandingham Property - MS 01-098

Dear Ms. Allen:

Thank you for forwarding the above-referenced lot line revision to this office for review and comment. The applicant proposes to adjust the lot line between two parcels to correct a nonconforming issue. This office has no objection to this action; however, the County should require the applicant to ensure all Critical Area requirements are met with the lot line change.

1. Lot 1 is already over the allowable impervious surface limitation. The existing driveway that loops and crosses the proposed lot line should be removed to reduce impervious surfaces on this lot.
2. Any proposed development on lot 2 should be located outside of the RCA portion of the lot and in the LDA. This would include all accessory structures, access and stormwater management devices.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3478 if you need additional information.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: AA 666-01

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

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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, 2001

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: Jamaica Point - M 1000

Dear Ms. Verdery:

Thank you for forwarding the above-referenced subdivision request to this office for review and comment. We have reviewed a previous concept plan for this subdivision request. The issues in my previous comment letter dated May 2, 2001 have been addressed by the applicant with the exception of those listed below.

1. How did the applicant arrive at the requested number of lots given the one dwelling unit per twenty acre density provision in the RC?
2. An environmental report should accompany this plan prior to final approval.
3. The reestablishment of the 100-foot Buffer in native plantings can be used as credit for the required afforestation.
4. The impervious surface is at the maximum allowable limit of 15%. We recommend a note be added to the plat to alert future homeowners that the lot coverage indicated for each lot is the maximum allowed.

Thank you for the opportunity to comment. If you have any questions, or if I can provide you with further assistance, please do not hesitate to contact me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: TC 652-01

Branch Office: 31 Creamery Lane, Easton, MD 21601
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TTY For The Deaf:
Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450

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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 11, 2001

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: John Louis
L 868

Dear Ms. Verdery:

Thank you for forwarding the above-referenced lot line revision to this office for review. From the information provided, it is unclear why the applicant proposes to adjust the lot line. In any case, there should be no further development potential on either resulting lot since the original configuration allowed for two development rights.

Thank you for the opportunity to comment. If I can provide you with 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: TC 646-01

Branch Office: 31 Creamery Lane, Easton, MD 21601
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Chairman



Ren Serey
Executive Director

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

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December 11, 2001

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: Bart Helmer
L 869

Dear Ms. Verdery:

Thank you for forwarding the above-referenced lot line revision to this office for review. From the information provided, it appears the applicant proposes to change a lot line to meet Health Department requirements; therefore, this office has no comment regarding this proposal.

Thank you for the opportunity to comment. If I can provide you with 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: TC 648-01

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

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Chairman



Ren Serey
Executive Director

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

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December 11, 2001

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: William Carter
L 870

Dear Ms. Verdery:

Thank you for forwarding the above-referenced lot line revision to this office for review. It is my understanding this lot line revision is based on a request from the Department of Public Works to correct an existing drainage problem. Since the adjustment is minor and will not change the development activity on either lot in the Critical Area this office has no comment regarding this proposal.

Thank you for the opportunity to comment. If I can provide you with 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: TC 647-01

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

TTY For The Deaf:
Annapolis: (410) 974-2609 D.C. Metro: (301) 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 11, 2001

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: Bryan Brothers, LLC
M 1010

Dear Ms. Verdery:

Thank you for forwarding the above-referenced subdivision request to this office for review and comment. The applicant proposes to create a 41 lot subdivision with one lot in the Critical Area and the remaining lots outside the Critical Area. I have outlined our comments below.

1. We understand this site plan is only in the sketch phase; however, a letter from the Department of Natural Resources, Heritage and Biodiversity Division indicating the presence or absence of any rare, threatened or endangered species that may be utilizing this site should be received prior to final plat approval.
2. Also, an environmental report should accompany this plan prior to final approval.
3. While the amount of afforestation is correct, we recommend the applicant plant within the stream buffer.
4. With the creation of lot 41 as a residential lot, the 100-foot Buffer to San Domingo Creek should be reestablished in native vegetation.
5. The site plan shows several proposed ponds in the Critical Area. What is the purpose of these ponds? Are they for aesthetics or will they be providing a stormwater management function? All stormwater management for development outside the Critical Area must be located outside of the Critical Area.

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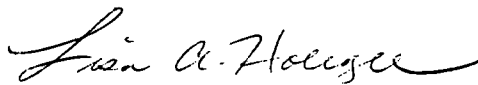
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Ms. Verdery
Page Two
December 11, 2001

6. Since the applicant proposes a trail system and observation tower in the Critical Area, please provide a plan that shows the areas that are zoned RC versus those areas zoned TR.
7. Will public sewer and water serve those lots proposed outside the Critical Area?

Thank you for the opportunity to comment. If you have any questions, or if I can provide you with further assistance, please do not hesitate to contact me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: TC 649-01

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 10, 2001

Mary Kay Verdery
Talbot County Office of Planning & Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601-3178

Re: Robert L. Kemp & Ann C. Kemp
S-937

Dear Ms. Verdery:

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

1. The site plan indicates an area of tidal wetlands. The ownership of these wetlands needs to be verified since State wetlands cannot be counted to determine density.
2. The information regarding the land area in the Critical Area is confusing. The notes indicate there are 61.44 acres in the Critical Area; however, the acreage figure on the parcel labeled "Remaining Lands" states there are 55.48 acres in the Critical Area. Please clarify.
3. Also, please clarify the use of the "Reservation of Development Rights". Does this mean that the remaining 13.11 acres are held in an easement to preclude future development activities, or does this function like TDRs?
4. If any clearing is proposed, the County and the applicant should contact the Department of Natural Resources and the U.S. Fish & Wildlife Service for assistance since the site may support the Delmarva Fox Squirrel.
5. There was no environmental report accompanying the site plan.
6. The Buffer should be reestablished in native vegetation.
7. Will the road to proposed Lot 1 require widening?

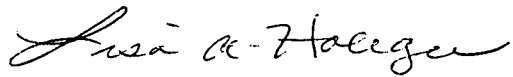
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Ms. Verdery
Page Two
December 10, 2001

Thank you for the opportunity to comment. Please contact me if you need additional information or assistance from this office.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: TC 650-01

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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December 6, 2001

Mary Kay Verdery
Talbot County Office of Planning & Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601-3178

Re: Tilghman on the Chesapeake – Avalon Limited Partnership
M-1009

Dear Ms. Verdery:

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

1. Based on the information provided, it is unclear whether the density for the proposed lots is being generated from two parcels or one. The lines on the site plan suggest there are two separate parcels. This needs to be clarified.
2. The site plan describes the original parcel as having 103.6 acres. Where is the original parcel?
3. There was no environmental report accompanying the site plan. It appears there are several impacts that need to be addressed absent that report.
4. The access road that will serve the proposed lots appears to cross a nontidal wetland. Has the applicant applied or received permits for this disturbance by the Maryland Department of the Environment?
5. It appears there may be two intermittent or perennial streams that run through proposed lots 1 and 2; therefore, there may be no buildable area remaining once the 100-foot Buffer is shown on the plan; therefore, lot 2 and potentially lot 1 may need variances which this office would not support.

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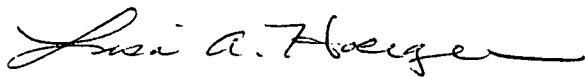
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Ms. Verdery
Page Two
December 6, 2001

6. There is an area on the site plan on Reserve Area RC-2 that is not labeled on the site plan. Is this a sewage reserve area?
7. What is the proposed clearing and impervious surface for this subdivision?
8. The Buffer must be reestablished in native vegetation since the use of the property will be changing from an agricultural use to a residential use.

Thank you for the opportunity to comment. Once some of the above issues are clarified, we will provide further comments. Please contact me if you need additional information or assistance from this office.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: TC 645-01

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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December 6, 2001

Mary Kay Verdery
Talbot County Office of Planning & Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601-3178

Re: James W. Mitchell
S-938

Dear Ms. Verdery:

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

1. The site plan provided does not indicate the total area inside the Critical Area. This needs to be verified to ensure there is an allowable development right.
2. The proposed lot is labeled as lot 5. Where are lots 1-4?
3. Since any future development must be outside of the 100-foot Buffer and the sewage disposal area, is there sufficient area to site a dwelling, driveway and any accessory structures?
4. There was no environmental report accompanying the site plan.
5. Will any clearing be necessary for access to or development of this lot? If so, the County and the applicant should be coordinating with the Department of Natural Resources and the U.S. Fish and Wildlife Service concerning Delmarva Fox Squirrel Habitat.
6. The Buffer should be reestablished in native vegetation.

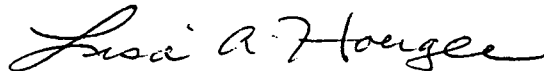
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Ms. Verdery
Page Two
December 6, 2001

Thank you for the opportunity to comment. Please contact me if you need additional information or assistance from this office.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: TC 651-01

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 5, 2001

Mr. Charlie Adams
State Highway Administration
707 N. Calvert Street
Baltimore, Maryland 212

Re: Woodrow Wilson Bridge Project - Reforestation Package

Dear Mr. Adams:

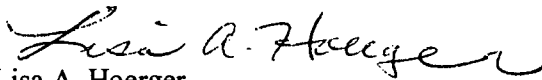
Thank you for forwarding the Plantings Plan and Plantings Agreement form for the reforestation package of the Woodrow Wilson Bridge project. Staff reviewed the plan and it appears to include all of the components discussed and required by the Commission's Project Subcommittee. The only information still outstanding includes who will hold the conservation easements on the Putterbaugh Farm and City of Bowie property (if it is approved by the City Council). Please forward this information as soon as it becomes available.

For your records, the Chesapeake Bay Critical Area Commission, at its meeting on October 3, 2001, unanimously approved the Woodrow Wilson Bridge Reforestation Package as presented at the afternoon meeting. The following conditions were required as part of the approval:

- 1) State Highway Administration will return to the Commission for approval of new sites if any of the proposed sites are not secured due to unforeseen circumstances at this time.
- 2) A Planting Agreement and Planting Plan will be agreed upon between Commission staff and the Project. The Planting Agreement will include who will hold the easements, and the Plantings Plan will include species selection and planting methods.

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. John Gerner, Federal Highway Administration
Mr. Donald Sparklin, Maryland State Highway Administration
Mr. Scott Burroughs, PCC

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Ren Serey
Executive Director

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December 4, 2001

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

Re: Thomas and Maria Mitchell
Appeal # 1204

Dear Ms. Verdery:

Thank you for forwarding the above-referenced case to this office for review and comment. The applicant has appealed the County's abatement order to remove an existing pier. Based on the information available to us, we support the County's position. The Critical Area Act states at Section 8-1805 (c)(4) that disturbance to the Buffer "is the minimum necessary to provide a single, point of access to the facility."

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: TC-01

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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 4, 2001

Ms. Ramona Plociennik
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Stephen and Deborah Lopitz
2001-0454-V

Dear Ms. Plociennik:

Thank you for forwarding the above-referenced variance request to this office for review and comment. The applicant proposes to construct an accessory structure that will require less setbacks. From the information provided, it appears there are no Critical Area issues.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: AA 660-01

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, 2001

Ms. Ramona Plociennik
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: DES Properties, LLC
2001-0455-V

Dear Ms. Plociennik:

Thank you for forwarding the above-referenced variance to permit an extension in time for the completion of a previously approved variance. While we offer no comment regarding the County's decision to grant or deny time extension requests, we are aware of the applicant's claim that this project has complex issues.

This office has worked extensively with the County and the applicant on this subdivision (Coxby's Estates) and this variance request due to the presence of Forest Interior Dwelling Bird habitat (FID) found on this site. Because of this issue, the applicant was required to meet numerous times with County staff and our office to select the development envelope and discuss mitigation options since FID habitat mitigation is more difficult to locate.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: AA -01

Branch 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 4, 2001

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

Re: Robert and Nancy Kneessi
Appeal # 1205

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 240-foot by 5-foot timber pier extension with a 10-foot by 20-foot "L" head, three boatlifts, and five mooring piles, with a total channelward encroachment of 400 feet. This office has no comment regarding the encroachment issue.

We have no objection to the requested pier provided no Habitat Protection Areas (HPAs) in Edge Creek will be impacted. The HPAs 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 telephone me if you have additional questions or if I can be of further assistance.

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: TC 665-01

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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December 4, 2001

Mr. Renee Albacete
Department of Parks and Recreation
Park Planning & Development Division
6600 Kenilworth Avenue
Riverdale, Maryland 20737

Re: Henson Creek Trail Extension

Dear Mr. Albacete:

I would like to take this opportunity to invite your agency to one of our Project Subcommittee meetings to discuss the Henson Creek Trail Extension alignment option(s). Since we last spoke on the telephone, I understand your agency continues to work with the local communities and the trail user groups on the various trail alignments. Because one of the alignments poses multiple Critical Area issues that may prevent the Commission from approving the project as proposed, you may wish to talk to the Project Subcommittee for some feedback on this option.

In a letter to Ms. Sue Holland (enclosed) I suggested that the waterfront option is problematic for several reasons. Generally, the Commission has not approved similar requests for this amount of disturbance to Habitat Protection Areas (HPAs). The HPAs on this site include the 100-foot Buffer, the expanded Buffer for steep slopes and hydric soils, and an eagle's nest. There may be other HPAs on the site that could include rare, threatened or endangered species habitat (plant and animal).

Additionally, it has come to our attention that the site may support significant archeological resources and/or historical sites which will require consideration when proposing the trail route.

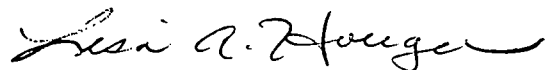
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Mr. Albacete
Page Two
December 4, 2001

While public access is encouraged, and the Commission supports this notion, the public benefits must significantly outweigh the any environmental impacts. Our Commission meets the first Wednesday of every month. This item would not be considered by the full Commission, but only by the Project Subcommittee.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: Larry Hill, MNCPPC
Ren Serey, 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

April 5, 2001

Ms. Sue Holland, Project Manager
Maryland National Capital Parks and Planning Commission
Park, Planning and Development Division
6600 Kenilworth Avenue
Riverdale, Maryland 20737

Re: Henson Creek Trail Extension
Proposed Alignment

Dear Ms. Holland:

This letter serves as a follow-up to the conversations we had at our field visit to the above-referenced site on March 13, 2001. As you are aware, the Chesapeake Bay Critical Area Commission must approve all State and local agency actions in the Critical Area. The Henson Creek Trail Extension, as proposed, will require Commission approval.

As discussed in the field, this project involves several issues that pose concern to Commission staff and will be problematic for the Project Subcommittee. The members of the Project Subcommittee have extensive knowledge of site plan review and will make a recommendation concerning the proposal to the full, 27-member Commission.

Based on the possible alignments we discussed in the field, this project will require conditional approval. The conditional approval process is outlined in COMAR §27.02.06 (enclosed). Essentially, it requires State and/or local agencies to address several conditions in order to qualify for approval by the Commission. You can find those conditions listed in the regulations.

Below I have outlined those issues that are of concern and may require the alignment to be reconsidered.

1. A portion of the proposed alignment runs parallel to the shoreline of Broad Creek. It is also within the 100-foot Buffer to Broad Creek. This alignment is problematic for the Commission since the trail is proposed in the 100-foot Buffer. The clearing and

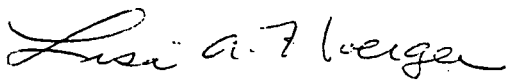
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impervious surface impacts associated with the trail through this section will provide adverse impacts to the creek over the long term. The Guidance Paper provided to you at the site meeting outlines the Commission's guidelines for public walkways (enclosed). The guidelines suggest that the proposed alignment may not be the optimum place for a trail.

2. Also, it is our understanding that MNCPPC has an easement through several riparian lots along this section of the trail alignment. The impervious surface associated with the trail will negatively affect the individual homeowner's impervious surface limitations in that the impervious area of the trail on each lot will count against that property owner's allowable impervious surface limits. MNCPPC should provide some notice to lot owners concerning this issue. If MNCPPC owned this land fee simple, then the impervious surfaces created by the trail would be the responsibility of MNCPPC.
3. Other portions of the proposed alignment may impact the expanded Buffer for steep slopes. Without a site plan delineating the proposed alignment and the extent of the Buffer, it is difficult to provide guidance. The Buffer is measured in the field from the landward edge of the mean high water line of tidal waters, tributary streams and tidal wetlands. However, it appears that some degree of grading and fill may be necessary to accommodate the trail through these areas. The Project Subcommittee has not looked favorably upon this type of activity in the Buffer or on steep slopes based on previous projects.
4. Finally, all clearing must be mitigated for at a 3:1 ratio for all disturbance to the Buffer and expanded Buffer, and at a 1:1 ratio for all clearing outside the Buffer that is under 20% of the site area. The 3:1 ratio will be calculated based on square footage of area cleared. It can be calculated on a tree-by-tree basis only if selected trees are being removed; however, since clearing understory also constitutes clearing, it is likely the clearing will be calculated on a square footage basis. In this case, the site area would be the area of the community open space and where the trail runs through the individual lots, clearing will be counted against each lot's total allowable clearing. Again, MNCPPC should provide notice to lot owners concerning this issue.

I would like to extend my thanks to yourself and Mr. Fred Shaffer for including Commission staff in the site visit and discussions of the Henson Creek Trail Extension. Commission staff is available to meet with you to discuss these issues further. If you have any questions, please do not hesitate to contact me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

Enclosures

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, 2001

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

RE: Hidden Pond at South River Colony

Dear Ms. Chalkley,

This letter serves to follow-up on the meeting we had last week with the developer and the engineer. It appears our concerns regarding the Forest Interior Dwelling Bird habitat on this site were addressed. The development pads for each of the three proposed dwellings matches those proposed by Ms. Claudia Jones in her letter of June 4, 2001.

We are also in agreement with the proposed notes that will be added to the final plat, including those regarding piers, dredging and accessory structures. The temporal restriction from March 15 to August 31 is correct. We also support the County's suggestion of putting all remaining areas, including steep slopes that are not within the development pads, in a conservation easement. More narrow driveways and maintaining the canopy along the proposed driveways are recommended. Also, the existing trails should remain as they exist in the field today.

The explanation regarding the State versus private wetlands on this site are satisfactory and it appears the applicant has sufficient acreage to support three dwelling units in the Resource Conservation Area.

Thank you for your assistance in the review of this project. If we can provide further assistance, please do not hesitate to contact us at (410) 260-3460.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: Ms. Claudia Jones

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

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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, 2001

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

Re: Michael and Janis Brown, Appeal # 1202

Dear Ms. Verdery:

Thank you for forwarding the above-referenced special exception request for a commercial riding stable and horse boarding/trails business. This office has no comment regarding this request.

Thank you for the opportunity to comment. Please telephone me if you any 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 632-01

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
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November 16, 2001

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

Re: Last Chance Partnership, Appeal # 1199

Dear Ms. Verdery:

Thank you for forwarding the above-referenced special exception request to this office for review and comment. The applicant requests a special exception for a boat and marine equipment sales and assembly, including outdoor boat storage in the LC zone. It appears the area of contiguous LC is greater than 20 acres; therefore, the Critical Area designation is an Intensely Developed Area (IDA). In regard to the use issue, this office does not object to the proposal since the property is in an IDA and the Critical Area Criteria or the County's program does not otherwise prohibit these types of uses in the Critical Area. Other local issues, such as noise, traffic, etc. are not within our purview.

If in the future, the site will increase its impervious surface areas or be redeveloped, the applicant must perform the 10% Pollutant Reduction calculation. The calculation will quantify how many pounds of phosphorous are leaving the site and this can be treated with an appropriate Best Management Practice (BMP). This office is able to offer the County assistance with the calculations and selecting an appropriate BMP for this site.

Thank you for the opportunity to comment. Please telephone me 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 629-01

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

TTY For The Deaf:
Annapolis: (410) 974-2609 D.C. Metro: (301) 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 19, 2001

Mr. Robert Cuthbertson
MDE, Water Management Administration
Tidal Wetlands Division
2500 Broening Highway
Baltimore, Maryland 21224

Re: 02-WL-0652, Cloverlea Boat Club, Inc.

Dear Mr. Cuthbertson:

I have received the above-referenced project to mechanically dredge a 51,300 square foot marina basin and a 375-foot long by 40-foot wide channel to the 6-foot depth at mean low water to improve navigable access. Any disturbance to tidal waters, tributary streams or tidal wetlands should minimize impacts, especially in areas where Submerged Aquatic Vegetation is present. It appears there is an area in Cadle Creek that may support one species of submerged aquatic vegetation according to the 1999 data. The species listed was *Z. palustris*. Disturbance to these aquatic resources should be the minimum necessary.

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: AA Co. Tidal Wetlands File

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

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November 16, 2001

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

Re: Broomfield Manor/Hugel Property
S 78-114, P 97-269

Dear Ms. Allen:

Thank you for forwarding the revised Forest Conservation and Critical Area site plans and the revised plat. I have outlined my comments below.

1. The applicant has amended the species list to include some native shrubs. This should provide more diversity for the wildlife that may utilize this site.
2. The proposed dwelling on proposed lot #1 is sited further away from the nontidal wetlands. I assume the proposed dwelling was relocated to address the Maryland Department of the Environment's (MDE) regulation that requires a 100-foot Buffer from Wetlands of Special State Concern. We recommend the LOD also be setback 100-feet.
3. Regarding the Wetlands of Special State Concern, the outfall statement indicates the trenches for lots 1, 4 and the right-of-way will outfall into the nontidal wetland. The County should verify with MDE that this is permitted before final approval is issued.
4. There should be a note added to the plat that no clearing or disturbance is permitted in the Critical Area Forest Conservation areas. In addition, we recommend these areas be held in perpetuity.

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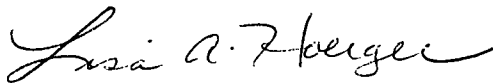
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Ms. Lori Allen
Page Two
November 16, 2001

5. We recommend that note #11 also appear with the Critical Area notes, and further state that no activities associated with development are allowed on the RCA portions of lots 2, 3, and 6.

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

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: Ms. Judy Cole
AA 40-98

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 16, 2001

Ms. Ramona Plociennik
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: David & Cynthia Kasza
2001-0436-V

Dear Ms. Plociennik:

Thank you for forwarding the above-referenced variance request to this office for review and comment. The applicant proposes to construct an addition that will require less setbacks. From the information provided, it appears there are no Critical Area issues. The impervious surface coverage is permitted provided the lot is considered properly grandfathered.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: AA 618-01

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

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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 15, 2001

Ms. Ramona Plociennik
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Joan & Robert Murray
2001-0424-V

Dear Ms. Plociennik:

Thank you for forwarding the above-referenced variance request to this office for review and comment. The applicants propose to construct a deck addition with less setbacks and with disturbance to steep slopes. From the site plan provided, it is difficult to locate the area of steep slope disturbance. In any case, this office does not oppose the requested variance for the deck provided the footers are hand dug.

Although there was no indication on the plan, any necessary clearing should be mitigated for at a minimum 1:1 basis. For future reference, a Critical Area Report did not accompany this application. Was a report prepared for this request?

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: AA 605-01

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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November 13, 2001

Ms. Ramona Plociennik
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Arundel Investments
2001-0422-V

Dear Ms. Plociennik:

Thank you for forwarding the above-referenced variance request to this office for review and comment. The applicant proposes to construct a dwelling and associated facilities with disturbance to steep slopes. Provided the lot is properly grandfathered, this office does not oppose the requested variance; however, we have outlined some recommendations below.

1. The applicant should consider siting the proposed dwelling at the opposite end of the site. This might lessen the impacts to slopes needed to access the site. Also, it appears the disturbance to slopes may be less than the proposed location.
2. It is not clear whether the access to the lot is a County right-of-way or will be a private driveway. In any case, it should be the access that provides the least disturbance to steep slopes. If this is a private driveway, we recommend the width be reduced to further minimize impacts to the slopes.
3. The impervious surface and clearing that will be necessary for this access needs to be accounted for by either the applicant or the County.
4. In regard to mitigation for clearing, the clearing necessary for access may be mitigated for at a 2:1 basis, while the clearing associated with the lot improvements should be mitigated for on a 3:1 basis.

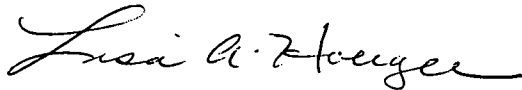
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Ms. Plociennik
Page Two
November 13, 2001

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: AA 603-01

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 13, 2001

Ms. Ramona Plociennik
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Stephen Hayden
2001-0421-V

Dear Ms. Plociennik:

Thank you for forwarding the above-referenced variance request to this office for review and comment. The applicant proposes to construct a patio addition that will require less setbacks and Buffer, and greater impervious coverage than allowed.

We understand this dwelling was constructed in 1995, well after the County adopted its Critical Area Program. In any case, the applicant chose to construct the new dwelling at the 100-foot Buffer setback apparently with French doors on the waterside. Now the applicants propose a stone patio on the waterside of the dwelling, which by location of the dwelling, can only be located inside the 100-foot Buffer. We believe the applicant should have contemplated the desire for a patio and set the dwelling back to accommodate a future patio. We will support this variance if the applicant uses decking material that will infiltrate rainwater instead of impervious stone.

In addition, the applicant has requested a variance to the impervious surface requirement. From the information provided, it appears the impervious surface limitation was exceeded when and/or possibly since the applicant built the dwelling. The existing impervious surfaces total 2108 square feet. The allowable impervious on this lot (assuming it is grandfathered) is 25% plus 500 square feet which would be 1771 square feet. This means the lot already exceeds its allowable limits by 337 square feet. Even if the patio in question did not impact the Buffer, the applicant would at a minimum need to maintain or reduce the total impervious areas on this lot. Therefore, we could support a deck since the County considers decks to be impervious.

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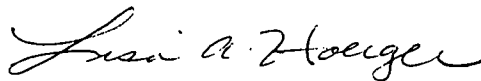
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Ms. Plociennik
Page Two
November 13, 2001

Mitigation for disturbance to the 100-foot Buffer should occur at a 3:1 basis for all new disturbance.

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

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: AA 602-01

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, 2001

Ms. Cynthia D. Simpson, Deputy Director
Office of Planning and Engineering
State Highway Administration
707 N. Calvert Street
P.O. Box 717
Baltimore, Maryland 21203-0717

Re: MD 168 over Holly Creek, Drainage Improvements - Anne Arundel County

Dear Ms. Simpson:

At its meeting on November 7, 2001 the Chesapeake Bay Critical Area Commission voted to approve the proposed MD 168 over Holly Creek project as presented at the afternoon meeting. The Commission approved this project with the following conditions:

1. The applicant shall provide mitigation at a 1:1 ratio for all new disturbance within the Buffer.
2. The applicant shall retain as much existing vegetation as possible and afforest those areas along the stream bank to the extent possible once construction is complete.
3. The applicant will initiate a Plantings Agreement with Critical Area staff.
4. The applicant (SHA) and Commission staff will assess the downstream conditions prior to and proceeding the project, and will report the Project Subcommittee within one year.

Thank you for your patience with our process and with the assistance provided by your staff. I have enclosed a Plantings Agreement form. Please complete and return this form with 30 days. If you have any questions or concerns, 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: Meg Andrews, DOT
Jason Alwine, SHA
Peter Merrill, SHA
Linda Mott, SHA
Regina Esslinger, CBCA

Branch Office: 31 Creamery Lane, Easton, MD 21601
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Chairman

Ren Serey
Executive Director

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

November 7, 2001

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 latest, revised site plan for the resubdivision of lot 6 in Rhode Harbor. It appears the applicant has addressed all of our previous comments.

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

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: AA 404-00

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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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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

November 6, 2001

Mr. Robert Cuthbertson
MDE, Water Management Administration
Tidal Wetlands Division
2500 Broening Highway
Baltimore, Maryland 21224

Re: 02-WL-0651, Joe Cater

Dear Mr. Cuthbertson:

I have received the above-referenced project to mechanically dredge a 150-foot long by 34-foot wide spur channel and slip area to the 6-foot depth at the mean low water and transport 490 cubic yards of dredged material to an approved upland disposal. We defer to your office with construction activities that will occur below mean high water; however, any disturbance to tidal waters, tributary streams or tidal wetlands should minimize impacts, especially in areas where Submerged Aquatic Vegetation is present. In the case of anadromous fish spawning habitat, activities are prohibited between March 1 and May 15 (COMAR 27.01.09.05).

It appears this area of Lake Ogleton may support two species of submerged aquatic vegetation according to the 1999 data; however, it is difficult to determine whether these species are within the project area. Those species were identified as *P. pectinatus* and *Z. palustris*. Disturbance to these aquatic resources should be the minimum necessary.

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: AA Co. Tidal Wetlands File

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

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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 5, 2001

Mr. Denis Canavan
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS 6402
Annapolis, Maryland 21401

Re: Anne Arundel County's 3rd Comprehensive Review
Addendum

Dear Mr. Canavan:

Since the writing of my last letter, Commission staff has identified three additional items that we would like the County to address since we anticipate these issues may be questions raised by the Commission panel assigned to the County's four-year review. I have outlined these issues below.

1. We have numerous examples of new dwellings built at the edge of the 100-foot Buffer that are seeking variances to construct decks. We believe the applicants should plan for these types of additions when the initial construction takes place. We request that the County add language to its ordinance that precludes decks, and/or additions in the 100-foot Buffer for those lots or parcels where the dwelling was built after December 1, 1985 or a grandfathering date the County chooses.
2. We have asked the County in years past whether they are forwarding all site plans that may impact 15,000 square feet or greater in the IDA and LDA, and 5,000 square feet or greater in the RCA for review by Commission staff. It has come to our attention that two recent development proposals should have been forwarded to this office for review based on the proposed disturbance. Please clarify whether the County is abiding by the requirements of COMAR §27.03.01.03. If not, we would like to discuss the issue.

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

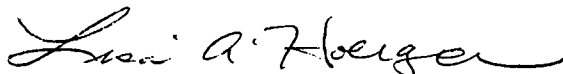
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Mr. Canavan
Page Two
November 5, 2001

3. A recent subdivision request involved the abandonment of a forest conservation easement on a parcel to allow for a new lot. It is our understanding that the County routinely abandons such easements if the proposed development activity otherwise meets the requirements of the Code. We are concerned that the terminology used can be confusing and misleading. For example, the County uses the term easement which suggests either permanent protection or protection for a specified time period. In the case mentioned above, not only was the term easement used, it was not clear for how long the easement would remain on the parcel, and the easement was used as a condition of the original building permit for the existing dwelling. We recommend the County only use the term easement when it truly protects land area from future development activity; otherwise the exercise of such easements appears to have no value.

Thank you for your consideration of the above issues. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: Ms. Elinor Gawel, Environmental Planner, Department of Planning and Zoning
Mr. Ren Serey, Executive Director, CBCAC
Ms. Marianne Mason, Assistant Attorney General
Ms. Mary Owens, Chief, Program Implementation, CBCAC

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

November 1, 2001

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

Re: Leslie Costello
S 01-083, P 01-227

Dear Ms. Allen:

Thank you for forwarding the above-referenced subdivision request to this office for review and comment. The applicant proposes to create two lots from one existing lot. The Administrative Hearing Officer granted the applicant a variance to disturb steep slopes to permit a dwelling and well subject to three conditions. Those conditions included the following:

1. The applicant shall remove the pavers at the waterside and shall make such other modifications as required by the Office of Planning and Zoning to satisfy the impervious surface limitations;
2. The applicant shall provide reforestation in accordance with the County Ordinance; and
3. There shall be no other improvement to either lot.

Based on the site plan submitted, the applicant has indicated the area of pavers to be removed. The County should verify this when construction is complete. Please have the inspector forward a copy of this inspection report when completed.

Also, we recommend a note be added to the plat to alert future homeowners of the restrictions imposed on these lots by the Administrative Hearing Officer. The notes should include the impervious surface restrictions and that no other improvements are permitted.

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Ms. Allen
Page Two
November 1, 2001

The applicant must provide 2:1 mitigation for all forest clearing since the proposed clearing is 24.8%. The Critical Area Report stated that only 1:1 mitigation is required. This is not correct since the current the site plan shows 24.8% clearing; therefore a minimum of 2:1 mitigation is required.

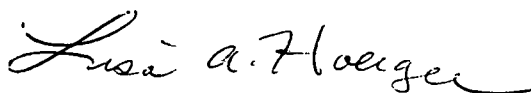
Finally, we are in receipt of a forest conservation easement for this property. It appears this easement was initiated between the applicant and the Chartwell Community Association as a condition of the building permit for the applicant's existing dwelling. In that regard, what is the County requiring of the property owner at this time since an original condition of the building permit was to hold the remainder of the parcel in a forest conservation easement?

It is unclear to this office as to why the County would require such easements as conditions for former building permits and then break them at a later time for further development activities on the same lot or parcel. We request that future easements be initiated with the understanding that they are perpetual or indicate a specific time frame (i.e. 10 years, 20 years). To initiate a legal document that is called an easement suggests that the terms and conditions within it cannot be broken. At a minimum the document should clearly state when or if it becomes null.

Also, the copy furnished from your files appears to be missing a page, as does the copy sent to us anonymously. While page two is clearly marked it does not pick up the remainder of the unfinished sentence on page one. Where is the real page two?

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: AA 549-01

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 25, 2001

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

Re: Trippe Creek, LLC
Schwaninger, M1006

Dear Ms. Verdery:

Thank you for forwarding the above-referenced subdivision request for review and comment. The applicant proposes to create 25 new lots on the above-mentioned farm. I have outlined our comments below.

1. According to our records, a portion of this farm was given a growth allocation of 38.78 acres from an RCA to an LDA in 1992. While we understand this plan is a sketch plan, the applicant needs to indicate the exact location of the LDA that was approved in 1992. The current plan appears to show a different development envelope than that shown in 1992. If the development envelope is a different configuration then this needs to be approved by the Critical Area Commission, even if the acreage figure remains the same. In addition to Commission approval, the new configuration would be subject to the Commission's policy on growth allocation that was adopted in 1993.
2. The area that is LDA appears to be where lots 2-9 are located on the current site plan. The growth allocation request indicated that the developer would put 50 acres of Critical Area land into a conservation easement and do habitat enhancement. Where is this area located? It was presented to the Critical Area Commission in 1992 as having a conservation easement on 50 acres on the remaining RCA. Please clarify.
3. Proposed lot 25 needs to be reconfigured so that it does not intrude into the Critical Area. No portion of any lot not within the LDA can be inside the RCA of the Critical Area, except for those lots generated by the one dwelling unit per twenty-acre density or lots included in the growth allocation envelope.

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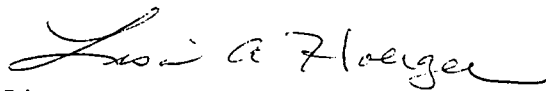
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4. In regard to the lots generated by the RCA density, proposed lot 1 cannot be located at its present location since that area of the parcel is less than 20 acres. It may be located on the other portion of the RCA if there is sufficient acreage in that area to support it, including lot 11.
5. The information provided indicates there are 56.5 acres of RCA; therefore the applicant proposes two lots inside the RCA in the Critical Area. The acreage figure should be verified before it is used to calculate density on this parcel since the site plan shows areas of tidal wetlands that may be State wetlands. State wetlands cannot be used for density purposes and cannot be included in lot boundaries. The Maryland Department of the Environment, Tidal Wetlands Division can assist you in determining whether the wetlands are State or private. You can contact them at (410) 631-8075.
6. The environmental assessment states that there is one house in the Critical Area, but there appears to be two houses on the site plan. Please clarify.
7. Since the use of the land will be changing from an agricultural use to a residential use, the 100-foot Buffer shall be reestablished in native vegetation. These plantings should include a variety of native species including trees, shrubs, and herbaceous cover.
8. The County must ensure the Buffer is properly delineated on the plan. Care should be taken where it appears there may be slopes greater than 15% or there are contiguous hydric soils that may require expansion of the Buffer.
9. The Department of Natural Resources has indicated this site may support Delmarva Fox Squirrel habitat. The County and the applicant should be in direct contact with the U.S. Fish and Wildlife Service, and DNR during the design phase concerning the proposed impacts to this site.
10. The applicant should quantify the proposed area of impervious surface for this parcel. All existing impervious areas, and the proposed road serving the lots must be included in that calculation.
11. The plan indicates a community pier is proposed; therefore, a note should be added to the plat indicating that private, individual piers are not permitted.

Ms. Verdery
October 25, 2001
Page Three

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: Ms. Mary Ratnaswany, USFWS
Mr. Scott Smith, DNR

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, 2001

Ms. Lakesha Coates
Watershed Restoration Division
Maryland Department of Natural Resources
Tawes State Office Building
580 Taylor Avenue
Annapolis, Maryland 21401

Re: NEPA Review of Hidden Pond Wetland Restoration

Dear Ms. Coates:

Thank you for forwarding the above-referenced project to this office for review and comment. This proposal to restore a tidal marsh does not require formal approval by the Chesapeake Bay Critical Area Commission. Commission staff is aware of this project and the Atlantic White Cedar habitat restoration further upstream. We support the both projects.

Please continue to provide us with information on similar projects since certain types of projects may require Commission approval. If any of the plans for this project change, please notify this office. If I can provide 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

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

TTY For The Deaf:
Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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October 22, 2001

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

Re: Cheryl Schultz
Special Exception #1198

Dear Ms. Verdery:

Thank you for forwarding the above-referenced special exception request for review. The applicant proposes to construct a 225' by 65' timber pier with a 10' by 20' "L" head, and two mooring piles and a boat lift. The total encroachment will be 245' 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 Broad Creek. 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. From the information provided, it appears nearby areas of Submerged Aquatic Vegetation will not be impacted.

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 579-01

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October 22, 2001

Ms. Penny Chalkley
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Carl Fiorenza
MS 2001-085

Dear Ms. Chalkley:

Thank you for forwarding the memorandum regarding the Administrative Plat for the Fiorenza property. Apparently there is an outstanding violation concerning clearing on the property. This issue should be addressed before final approvals are granted. The Code of Maryland Regulations at §27.01.10.01 G states, "Local jurisdictions shall demonstrate that the local regulations and programs proposed to meet the criteria in this regulation are enforceable." Therefore, this violation must be resolved prior to approval for new development activity on this lot.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: AA 324-01

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October 17, 2001

Mr. Michael S. Baker
Environmental Construction Manager
Woodrow Wilson Bridge Center
One Constellation Centre
6009 Oxon Hill Road, Suite 410
Oxon Hill, Maryland 20745

Re: Woodrow Wilson Bridge Project
SP 103: Value Engineering Proposal for Containment Dike

Dear Mr. Baker:

Thank you for forwarding the proposed changes to replace the geotextile tube and rip rap revetment system with the containment dike around Rosalie Island. This change will likely require notice and approval by the Maryland Department of the Environment since it is a change to your sediment and erosion control plan; however, this change will not require a formal approval by the Critical Area Commission since an alternative to an approved measure is being proposed.

Thank you for your cooperation. If you have any questions, please contact me at (410) 260-3478.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: Mr. Samuel Wynkoop, Prince George's County DER
Ms. Sherry Conway Appel, Prince George's County DER
Mr. Richard Thompson, Prince George's County DER

Branch Office: 31 Creamery Lane, Easton, MD 21601
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(410) 260-3460 Fax: (410) 974-5338

October 17, 2001

Mr. Michael S. Baker
Environmental Construction Manager
Woodrow Wilson Bridge Center
One Constellation Centre
6009 Oxon Hill Road, Suite 410
Oxon Hill, Maryland 20745

Re: Woodrow Wilson Bridge Project
Request for Approval to utilize the BR-3 construction staging area

Dear Mr. Baker:

I have reviewed the request to allow the contractor for the MA-1A contract to be granted permission to temporarily use the construction staging area set aside for the BR-3 contractor. Specifically you have requested to allow the MA-1A contractor to temporarily store common fill materials (rip-rap, stone, sand, and/or soil) in an area approximately 300'x400'. A maximum of approximately 15,000 cubic yards of material will be stored in mounds no greater than 8 feet in height. We understand this will be removed when the BR-3 contractor is ready to use the site. Also, the 100-foot Buffer will not be impacted, and the stockpile area will be enclosed with a silt fence, notwithstanding the existing sediment and erosion controls already on this site.

This office approves the request. If any of the above items change, then the request must be resubmitted to this office for review. Thank you for your cooperation. If you have any questions, please contact me at (410) 260-3478.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: Mr. Samuel Wynkoop, Prince George's County DER
Ms. Sherry Conway Appel, Prince George's County DER
Mr. Richard Thompson, Prince George's County DER

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October 17, 2001

Ms. Penny Chalkley
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: South River Colony, Hidden Pond
S #89-209, P 01-215

Dear Ms. Chalkley:

I have received the site plan for the above-referenced subdivision request. The applicant proposes three lots in the Resource Conservation Area (RCA) portion of the Critical Area. I have outlined my comments below.

1. We have met extensively with the applicant prior to this time and discussed the issue of the Forest Interior Dwelling Bird (FID) habitat on this site. I have attached a letter from Ms. Claudia Jones to you dated June 4, 2001 indicating the appropriate dwelling locations on each lot. Provided the applicant adheres to this agreement, this office will consider the FID Guidelines to be met for this site.
2. The plan submitted with this package did not include the house locations. Please have the applicants submit a plan showing the dwelling locations. Also, the lot configuration on the site plan submitted does not appear to accommodate for the agreed upon dwelling locations. However, a small site plan that is part of the environmental assessment, appears to show the dwelling locations in the agreed upon places. This needs to be verified.
3. We recommend conservation easements be placed on each lot in the Critical Area to alert future homeowners to the Forest Interior Dwelling Bird issue. The note should state that no clearing is permitted on the lots outside the limits of disturbance. Several lots have steep slope buffers which should also be noted for homeowner information.

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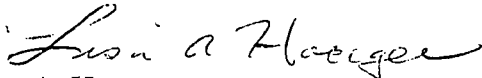
TTY For The Deaf:
Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450

Ms. Chalkley
Page Two
October 17, 2001

4. I have had discussions with the applicant's engineer and wetland scientist regarding the issue of tidal wetlands on this parcel. The acreage figure should be verified before it is used to calculate density on this parcel since the site plan shows areas of tidal wetlands that may be State wetlands. State wetlands cannot be used for density purposes and cannot be included in lot boundaries. The Maryland Department of the Environment, Tidal Wetlands Division can provide assistance in determining whether the wetlands are State or private. They can be reached at (410) 631-8075.
5. Those areas in the RCA proposed as Recreation Areas must be labeled as "passive" so ensure that only nature study is permitted in these areas in the future.
6. The environmental report describes clearing associated with the septic system installation. We recommend the minimum clearing be performed.
7. No construction activities are permitted during the breeding season which extends from April-August.
8. If the conditions of Ms. Jones June 4, 2001 letter are met then forest mitigation is required at a 1:1 basis, but is must be planted as FID habitat.

If you have any questions or need additional information please telephone me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: AA 524-99

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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October 17, 2001

Mary Kay Verdery
Talbot County Office of Planning & Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601-3178

Re: Richard L. and Sandra E. Brusca
L-865

Dear Ms. Verdery:

Thank you for forwarding the above-referenced lot line revision to this office for review and comment. It appears the applicant is consolidating two lots into one lot. Provided the lot line revision will not result in any need for variances to accommodate future development, this office has no comment.

Thank you for the opportunity to comment. Please contact me if you need additional information or assistance from this office.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: TC 547-01

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

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Judge John C. North, II
Chairman



Ren Serey
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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

October 17, 2001

Mary Kay Verdery
Talbot County Office of Planning & Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601-3178

Re: Anne Morton Wyman
L-866

Dear Ms. Verdery:

Thank you for forwarding the above-referenced lot line revision to this office for review and comment. Provided the lot line revision will not result in any need for variances to accommodate future development, this office has no comment.

Thank you for the opportunity to comment. Please contact me if you need additional information or assistance from this office.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: TC 572-01

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
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October 16, 2001

Mr. Denis Canavan
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS 6402
Annapolis, Maryland 21401

Re: Anne Arundel County's 3rd Comprehensive Review
Issues for Consideration

Dear Mr. Canavan:

We understand the County is underway with its third comprehensive review. In order to help expedite the process, Commission staff has identified those issues that should be addressed by the County. I have outlined those issues below.

1. Please provide clarification on how the County expands the Buffer. Currently, the County has a booklet for homeowners that provides an explanation and two examples of how the Buffer is expanded in the case of steep slopes. However, in a recent case the Buffer was not expanded in a Buffer Exemption Area (BEA), although the site contained steep slopes. Based on our reading of the County Code the Buffer requires expansion regardless of whether the site has BEA status.
2. The process for mapping BEAs needs to be changed in order to be more consistent with mapping practices throughout the Critical Area. The Program Subcommittee is aware of this issue and has requested changes to the current process to include Commission review and approval. Specifically, the County needs to include the Commission as part of the review and approval process.
3. The Commission adopted a new policy for commercial, industrial, institutional, recreational and multi-family projects in Buffer Exemption Areas in April 2000. We strongly encourage the County to draft language to address commercial, industrial, institutional, recreational and multi-family uses in BEAs. This will help County staff to determine how to review projects on these sites that are also mapped BEAs.

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4. Due to the recent discussion over Bill #49-01, Government Reuse Facilities in BEAs, it has come to our attention that the current BEA language that primarily addresses residential development requires some updating. Specifically, see the Commission's policy for Residential BEAs Section C Standards. In addition, it has come to our attention that in some instances it appears the County is not applying its BEA standards as prescribed in the Code. One example is that the Code requires that "no new impervious surface shall be placed nearer to the shoreline than the existing principal structure except by variance..." We have seen instances where this provision has not been followed.
5. Recently, a single lot on Gibson Island was mapped as a new BEA. Commission staff did not support this designation because staff does not feel that single lots meet the mapping criteria regarding an "existing pattern of development." While visiting the island, staff discovered that many other areas of the shoreline could be included as BEA. It is our understanding this was never completed. Commission staff recommend that BEA designation of the Gibson Island area be completed.
6. The County should consider establishing a time limitation for growth allocation or awarding growth allocation to a specific project on a specific site. Other counties have elected to put language in their ordinances limiting the time in which a growth allocation project must be substantially completed and tying the growth allocation to a specific project. This will ensure that the County will not facilitate the development of a project that was not originally intended for a particular site that was given growth allocation.
7. Commission staff is aware of the County's internal policy that allows riparian access to be six feet wide. In many cases this width is excessive and generally does not meet the goals of the Criteria of minimum impacts to the Buffer. The Commission recommends that riparian access be reduced to a maximum of three feet wide.
8. The Commission, at its April 3, 1996 meeting, approved a mapping mistake for the Enyart Parcel. The Commission made a specific request that the mapping of this parcel and the remainder of the tax map (#40) be corrected or confirmed as accurate. This should be done to preclude piecemeal re-mapping of the Critical Area.

9. In 1994, Chesapeake Harbor Incorporated was granted a reclassification request by the Administrative Hearing Officer to remove 1.9284 acres of the land from the Chesapeake Bay Critical Area (Case #C298-94). Although the County initially submitted the mapping change to the Commission for processing, the decision was appealed so the County requested the Commission deactivate its request in a letter dated December 5, 1994. Subsequent to that time, the parties withdrew the appeal, yet no resubmittal by the County was received by the Commission. Therefore, the decision of the administrative hearing officer resulted in a change to the County's Critical Area maps; however, this change was never brought to the Commission for review and approval. It needs to be submitted in the upcoming package of amendments.
10. There has been some confusion of how mapping mistakes are handled and who handles them. These mistakes include those cases where an applicant proposes to remove lands from the County's Critical Area. The County should develop a procedure that provides information on how they will be processed and who will process them. A recent case before the Administrative Hearing Officer has clouded who has the authority to review these cases.
11. In the last comprehensive review, Commission staff requested information about the grandfathering issue. Although some information was received, it is not clear how the County determines if a lot is grandfathered. This issue needs to be clarified with specific language in the County's Critical Area Ordinance.
12. We understand the County has amended sections of its Stormwater Management Ordinance that may not be consistent with the Critical Area provisions for applying the 10% rule in IDAs. Enclosed is a document we created that outlines the types of projects required for review under MDE's Manual and the Critical Area 10% rule. Please provide us with an explanation of how the 10% Pollutant Reduction requirement for projects in Intensely Developed Areas is ensured.
13. The Critical Area Criteria at §27.01.02 C (3) includes, "The total acreage in forest coverage within a jurisdiction in the Critical Area shall be maintained or, preferably, increased" and "All forests that are allowed to be cleared or developed shall be replaced in the Critical Area on not less than an equal area basis." Please provide the Commission with updated information on the County's forest mitigation fees-in-lieu program. This would include the amount of monies collected and the types of projects that were completed with the monies plus area cleared and area replanted. The County needs to demonstrate that replanting is occurring, and establish a record-keeping system for all reforestation projects.

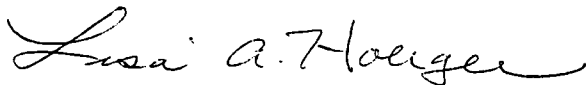
14. When doing forest mitigation, does the County allow easements on existing forested areas? If so, how is it counted? It has come to our attention that the County may still be allowing existing forested areas to count 100% towards reforestation.
15. The County may wish to reconsider whether the forest mitigation fees should be increased during this comprehensive review.
16. Now that the County is utilizing the Commission's guidance paper on Forest Interior Dwelling Birds (FID), there may be instances where a developer is required to pay a fee-in-lieu for FID mitigation. The County needs to be able to distinguish these monies from the other forest mitigation monies, and ensure that FID mitigation monies are used for FID mitigation projects.
17. Commission staff routinely receives telephone calls and walk-ins from citizens regarding enforcement of the Critical Area Program. In that regard, staff are familiar with the County's enforcement division but are not clear on the manner in which complaint issues are handled and followed-up on. The process for initial enforcement action might be included as part of the code so that it is spelled out for the public. A few years ago we received a policy document from the County (enclosed) that addresses Buffer violations. The Code of Maryland Regulations at §27.01.10.01H states, "Local jurisdictions shall demonstrate that the local regulations and programs proposed to meet the criteria in this regulation are enforceable."
18. Recent incidences have brought to our attention the need for the County to reconsider the sediment and erosion control measures required for sites in the County's Critical Area. The County has a lot of development activities that occur at or near steep slopes, highly erodible soils, the 100-foot Buffer or expanded Buffer. Due to this inevitability we request that the County consider additional measures for these sites (i.e. super silt fence, cover stock pile areas, etc.). The Code of Maryland Regulations at §27.01.02.03.C1, .04B1, .04C(c)(iv) and .04D request such appropriate measures.
19. Please provide Commission staff with a written explanation of how at grade structures and other land disturbing activities are reviewed for Critical Area compliance (i.e. Buffer, impervious surface limitations) if they do not require a building permit. The ordinance must make it clear that all new impervious surfaces and disturbance in the Critical Area are regulated for impervious surfaces calculations or other purposes.

Mr. Canavan
Page Five
October 16, 2001

20. The provision in the Subdivision Ordinance at 3-111 needs to be removed. This provision is not consistent with the Critical Area Criteria regarding steep slopes.
21. Please be sure to contact Ms. Lori Byrne of the Department of Natural Resources Heritage and Biodiversity Division to request information to update the County's rare, threatened or endangered species inventories. Please forward any updated information or maps to this office.

Thank you for your attention of the issues listed above. If you have any questions, or if we can provide the County with assistance, please do not hesitate to contact Mary Owens or myself at (410) 260-3460.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

Enclosure

cc: Ms. Elinor Gawel, Environmental Planner, Department of Planning and Zoning
Mr. Ren Serey, Executive Director, CBCAC
Ms. Marianne Mason, Assistant Attorney General
Ms. Mary Owens, Chief, Program Implementation, CBCAC

ANNE ARUNDEL COUNTY
Department of Planning and Code Enforcement
Annapolis, Maryland

POLICY AND PROCEDURE
Critical Area Buffer Violations

PURPOSE

The purpose of this document is to establish a new and unified policy and procedure for receiving, investigating, enforcing and following up on complaints of illegal grading or construction activity within the Critical Area Buffer.

BACKGROUND

The Critical Area Buffer is the area 100 feet landward from the mean high water line of tidal waters, tributary streams and tidal wetlands. The Buffer can be expanded to include contiguous areas of steep slopes (15%), hydric soils or erodible soils whose disturbance may impact streams, wetlands or other aquatic environments. Any vegetation removal within a natural or wooded buffer requires prior Department approval. Any change of grade within the buffer requires a grading permit. Any construction within the buffer requires a building permit and possibly a zoning variance. Due to the importance of the buffer to the protection of the Chesapeake Bay, it is imperative to immediately stop all illegal work in the buffer, implement the necessary environmental controls and require the proper approvals or permits before work can proceed. The failure to comply by the established compliance date is considered to be a major violation requiring prompt and effective enforcement action as prescribed in the County Code.

POLICY

Property owners, developers or contractors found to be in violation of the Critical Area Buffer requirements will be given due process by affording them a fair opportunity to obtain a permit after the fact. The failure to diligently pursue the issuance of the required permit or the implementation of interim environmental controls is considered a major violation subject to the next level of enforcement. Depending on the violation this can be the issuance of civil citations and referral to the Office of Law for civil or criminal enforcement as authorized in the County Code.

Should the owner of the property in violation claim the removal of vegetation was done by an outside third party without the owners permission, enforcement action against the owner can be deferred if they elect to pursue the third party through civil litigation. Should the property owner fail to diligently pursue civil action against the outside third party, enforcement action shall be taken against the property owner.

PROCEDURES

1. Receiving Buffer or Waterfront Property Complaints

Due to the potential for environmental damage, all complaints of illegal work in the buffer or on waterfront property are to be referred to the Environmental Programs Complaint Coordinator at 410-222-7780 or ICM-3074. The Complaint Coordinator will log the complaint, determine if any permits have been issued for the property, and refer it over the mobile radio to an Environmental Inspector or Supervisor for investigation. Environmental Hotline complaints

received after working hours will be processed by the answering service and referred to a Supervisor.

2. Response Time

Complaints of grading or building code violations within the Critical Area Buffer are considered a priority and are to be investigated on the same day if received during normal working hours prior to 3:15 pm. Complaints received after 3:15 pm will be inspected if work is actually underway at the time of the complaint. Otherwise the complaint will be investigated within 24 hours. After hours or weekend complaints received over the Environmental Hotline will be inspected the same day if work is ongoing at the time of the complaint.

3. Initial Investigation of Violation Sites

During the initial investigation, the environmental inspector will issue a stop work order for all illegal grading or construction activity. The inspector shall direct the immediate implementation of necessary environmental controls and will conduct a follow up inspection to ensure the controls are properly installed. If the illegal work has been performed by a developer or contractor, a civil citation shall be issued for work without a permit and any failures to comply with the stop work order or any corrective actions. If the illegal work was performed by the property owner, civil citations will not be issued if the necessary environmental controls have been installed as directed and the violator is not a repeat defender. The inspector will take action on any Grading Ordinance violations and will refer any illegal construction activity to the Chief Building Inspector for follow up as necessary. If possible, the Environmental Inspector will contact the area Building Inspector or Supervisor, via the mobile radio, and advise them of the violation.

4. Initial Documentation

The Complaint Coordinator will log the complaint on the standard complaint form and assign a complaint tracking number. The Environmental Inspector will use the standard computerized inspection report for documenting the results of the inspection. The next working day after the initial inspection, the inspector will fill out the bottom portion of the complaint form and give it to the Complaint Coordinator along with a copy of the inspection report if the site was in violation. The Complaint Coordinator will provide the Chief Building Inspector with a copy of any complaints where the inspector observed any illegal construction activity and provide a copy to the County Forester if any tree removal violations were observed. If a stop work order was issued, the standard stop work order form letter will be completed by the inspector and turned in to the Supervisor.

5. Required Approvals

Practically all activities in the buffer require an approval from the Department. A description of required approvals is as follows:

- i. Any change of grade requires a grading permit.
- ii. Any tree removal requires approval by the County Forester. Tree removal in excess of 1,000 square feet requires a bonded reforestation agreement. Individual tree removal for personal use, trees in danger of falling or small scale pruning requires a Standard Buffer Management Plan for the removal of individual trees approved by the County Forester.
- iii. Vegetation removal below 5,000 square feet to install a 6 foot wide path to the water or to install a non-structural shore line erosion control device requires a Standard Buffer Management Plan and a Standard Erosion Control Plan approved by the County Forester.
- iv. Vegetation removal in excess of 5,000 square feet requires a grading permit for logging, a Buffer Management Plan and bonded reforestation agreement approved by the Permit Application Center.

- v. Almost all construction activity, including sheds, decks and fences require a building permit. Retaining walls below 2 feet in height do not require a building permit, but do require a grading permit. Slabs on grade less than 8 inches high do not require a building permit, but may violate the impervious surface requirements.
- vi. Noxious weeds, including Johnson grass, poison ivy, honeysuckle, Canada Thistle and multiflora rose may be controlled by authorized means. With prior notification, these species may be cut at ground level and removed. However the root mat may not be disturbed. With a separate approval, certain chemicals such as Rodeo or Roundup may be used to control further propagation. Where the removal of these species or the use of chemicals leaves the ground exposed, replanting and stabilization under a DMP is required. Where the root mat is disturbed, less than 5,000 square feet requires a BMP and over 5,000 square feet requires a Grading permit for logging, bonded reforestation agreement and BMP.

6. Post Violation Compliance

After a violation site has been posted with a stop work order and interim environmental controls have been installed, the violator will be advised of the actions necessary to attempt to obtain compliance after the fact. In the case of any environmental violations, the Environmental Supervisor will advise the violator of the necessary applications, forms and plans that must be submitted and allow a maximum of 30 calendar days to make the proper submissions. Replanting fees, on site replanting and off site replanting will be determined during the review process. In the case of any building code violations, a maximum of 30 days will be allowed to submit a building permit application. Should the violator fail to make a timely submission or fail to diligently pursue the issuance of a permit or approval plan, follow up enforcement action shall be taken as prescribed in the Grading Ordinance or Construction Code. Any unresolved violation for which all due process authorized by the Code has been exhausted shall be referred to the Office of Law for litigation.


7. Compliance Monitoring

To monitor the progress of enforcement and compliance activities, a team consisting of the following persons will meet the first Tuesday of each month to review the status of all outstanding non-permit buffer violations:

- Chief, Environmental Programs
- Chief Building Inspector
- County Forester
- Head, Environmental and Site Review Section

8. Compliance Monitoring Check List

A Compliance Monitoring Check List shall be maintained by the Compliant Coordinator. The purpose of the Compliance Monitoring Check List is to properly track non-permit violations through the enforcement process. Copies of the Check Lists for all unresolved violations will be reviewed monthly by the Compliance Monitoring Team. The Check List is attached.


Prepared by John Peacock, Chief
Environmental Programs

9-9-96
Date

400

**COMPLIANCE MONITORING CHECK LIST
FOR
CRITICAL AREA BUFFER VIOLATIONS**

Compliant Number: _____

- Owner: _____
- Address: _____
- Tax Account or Permit Number: _____

Violation: _____

Complaint Received: _____ Complaint Investigated: _____

Interim Environmental Controls Installed: _____

Stop Work Order Issued: _____ Receipt: _____

Civil Citations Issued: _____ Paid: _____ Referred: _____

Compliance Date for Submittals:

- Compliance Date: _____ Compliance Obtained: _____
- Second Notice: _____ Compliance Date: _____ Compliance Obtained: _____
- Referral to Office of Law _____ Court Date: _____

Compliance Date for Permit or Approval Issuance

- Compliance Date: _____ Compliance obtained: _____
- Expiration Date of Application: _____ Referral to Office of Law: _____

Required Site Restoration:

- Compliance Date for Completion: _____ Compliance Obtained: _____
- Referral to Office of Law: _____ Court Date: _____

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 16, 2001

Mr. Roby Hurley
Critical Area Circuit Rider for Town of St. Michaels
Lower Eastern Shore Regional Office
Salisbury District Court/Multi-Service Center
201 Baptist Street, Suite 24
Salisbury, Maryland 21801-4974

Re: Chesapeake Bay Maritime Museum
Administration Buildings Restoration, Permit #2930

Dear Mr. Hurley:

Thank you for forwarding the above-referenced project to this office for review and comment. The applicant proposes to raise three administration buildings to meet the Town's floodplain regulations. I have reviewed the comment letter from the Town and reviewed the response from the applicant. It appears all of the Town's issues are met based on the revised site plan; therefore, this office has no objection to the proposal. I have outlined some additional comments below.

1. Some of this activity will occur within the 100-foot Buffer. It is our understanding that because this site is mapped as a Buffer Exemption Area, no variance is required for the disturbance. Instead, the applicant is required to mitigate at a 2:1 ratio. The trees selected to meet this requirement are native and will be planted within the 100-foot Buffer. This is acceptable.
2. Since the site is in an Intensely Developed Area and the project must meet the 10% Pollutant Reduction requirement, the applicant proposes to use three grass swales. This Best Management Practice (BMP) is not in the new MDE Manual. This office will accept this method of treatment for this project. However, future submittals must utilize the methods provided for in the MDE Manual since this office has adopted the manual for use in determining appropriate BMPs to use for treatment of the 10% Pollutant Reduction Requirement.

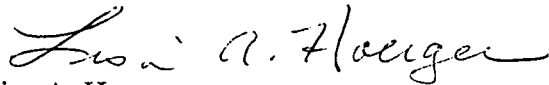
Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

TTY For The Deaf:
Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450

Mr. Roby Hurley
Page Two
October 16, 2001

Thank you for the opportunity to comment. Please telephone me if I can provide yourself or the Town of St. Michaels with additional assistance.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: Ms. Jean Weisman, Assistant Town Manager
Mr. Ronald Johnson



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 16, 2001

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

Re: Leslie Costello
S 01-083, P 01-227

Dear Ms. Allen:

Thank you for forwarding the above-referenced subdivision request to this office for review and comment. The applicant proposes to create two lots from one existing lot. The Administrative Hearing Officer granted the applicant a variance to disturb steep slopes to permit a dwelling and well subject to three conditions. Those conditions included the following:

1. The applicant shall remove the pavers at the waterside and shall make such other modifications as required by the Office of Planning and Zoning to satisfy the impervious surface limitations;
2. The applicant shall provide reforestation in accordance with the County Ordinance; and
3. There shall be no other improvement to either lot.

Based on the site plan submitted, the applicant has indicated the area of pavers to be removed. The County should verify this when construction is complete.

Also, we recommend a note be added to the plat to alert future homeowners of the restrictions imposed on these lots by the Administrative Hearing Officer. These notes should include the impervious surface restrictions and that no other improvements are permitted.

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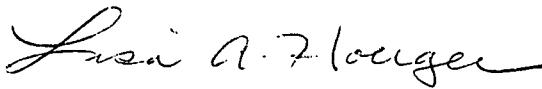
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Ms. Allen
Page Two
October 16, 2001

The applicant must provide 2:1 mitigation for all forest clearing since the proposed clearing is 24.8%. The Critical Area Report stated that only 1:1 mitigation is required. This is not correct since the current the site plan shows 24.8% clearing; therefore a minimum of 2:1 mitigation is required.

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: AA 549-01

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 15, 2001

Ms. Careen Wallace
Development Review Division, Zoning Section
Maryland National Capital Park and Planning Commission
14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772

Re: Rezoning from R-E/R-C-O to R-E/L-D-O
A-9955

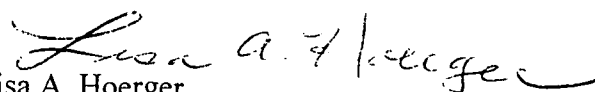
Dear Ms. Wallace:

Thank you for forwarding the above-referenced rezoning request to this office for review and comment. The applicant proposes to rezone 9.5470 acres from R-E/R-C-O to R-E/L-D-O. The remaining area of the parcel will be in RCO. Based on the site plan provided, it appears the existing house to remain is located on the area of the parcel proposed to remain RCO, which will be less than 20 acres. This makes proposed Lot 13 nonconforming with respect to the one unit per 20-acre requirement in the RCO. Therefore, it appears the entirety of the parcel must be deducted.

If the existing house were to be removed, there would be no issue with nonconformance; however, the proposed lot lines through the RCO to the water would not be permitted if the applicant still proposed the 300-foot setback area to remain as RCO. The RCO could remain only if the 300-foot setback area were placed in an easement and owned by the community association and not included in individual lots.

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. Jim Stasz
Mr. Richard Thompson

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

October 10, 2001

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

Re: Richard and Cu Beth Sharretts
MS 01-081

Dear Ms. Allen:

I have received the subdivision request of Richard and Cu Beth Sharretts to create two new lots from an existing lot. I have outlined our comments below.

1. In 1996, the applicants received a variance to permit a dwelling within the 100-foot Buffer. The Administrative Hearing Officer conditioned that approval. Those conditions stated that the proposed deck be pervious, and that the applicants plant native plantings within the 100-foot Buffer at a 3:1 ratio for all impervious surfaces in the Buffer. Before the County grants final subdivision approval, the County should ensure the applicants met these conditions. If not, they should be prior to final approval.
2. Please have the applicants complete the 10% Pollutant Reduction Worksheets for the new lots. These sheets will determine the required pounds of phosphorous to be removed, and should also show the Best Management Practices (BMP) proposed to meet this requirement. Please forward those calculations and proposed BMPs to this office.
3. The applicant proposes to clear all of the existing woodland. This area must be replaced on an equal area basis since one of the goals the Critical Area Program is to maintain existing forest cover throughout the Critical Area.

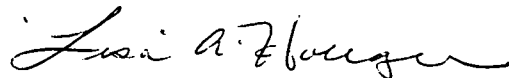
Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

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Ms. Allen
Page Two
October 10, 2001

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: AA 529-01



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 11, 2001

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

Re: Homeport Farm - Sketch Plan

Dear Mr. Soldano:

Thank you for forwarding the above-referenced sketch plan to this office for review and comment. Last fall, the Chesapeake Bay Critical Area Commission reviewed and approved a growth allocation request for the Homeport Farm property. The method of deduction involved a development envelope rather than full parcel deduction. The Commission allows development envelopes provided there is a minimum of twenty acres remaining on the parcel in order to maintain the character of the Resource Conservation Area.

1. The Commission approved 18.75 acres to change from a Resource Conservation Area to a Limited Development Area. As part of that approval the Commission required two conditions so the request would meet the Commission's policy on growth allocation deduction. Those conditions included;

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.

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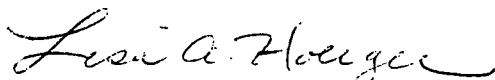
- 2) The County shall submit to the Chesapeake Bay Critical Area Commission for approval proposed transfer documents for the 25.15 acre tract proposed for a County park. These transfer documents shall ensure that there are appropriate deed restrictions to ensure that 13.51+/- acres of this tract shall 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 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 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.
2. Based on the site plan submitted, it appears the first condition has not been met. While the applicant intends to place a conservation easement on the adjoining property, it does not add up to enough acreage to meet the 20 acre minimum required by the Commission in the first condition. According to my calculations, the RCA area in the Open Space is 6.63 acres and lot 31 is 6.09 acres. This totals 12.72 acres. Therefore, the adjoining easement would need to be a minimum of 7.28 acres. The site plan indicates the easement will be 5.65 acres. This issue needs to be resolved, including Commission approval, prior to final recordation.
 3. Also, the first condition requires the easement to be recorded prior to final subdivision plat recordation. Please provide the documentation of this easement. Again, the easement must be of sufficient acreage to meet the minimum 20-acre requirement.
 4. The second condition requires the transfer documents be submitted to the Commission for approval prior to final subdivision plat approval. This document will demonstrate that the 26.1 acre tract on the northern area of the parcel is given to the County.
 5. The documents recording the deed restrictions for those portions of the parcel to the north remaining in RCA also needs to be submitted to the Commission for approval prior to final subdivision approval. The documents must include a minimum 20 acre area that is adjacent to the reforestation area. Since the reforestation area is 7.21 acres, the area required for the deed restriction must be a minimum of 12.79 acres.

Mr. Chris Soldano
Page Three
October 11, 2001

6. It appears the maximum allowable impervious area is proposed for this subdivision. Please clarify. We recommend the applicant submit a table on the plans indicating the proposed impervious area for each lot and the public streets. The table should include all existing impervious areas. This issue is important because future lot owners may wish to add impervious areas to their lots (i.e. sheds, pools, home additions, etc.). No variances should be granted for new impervious surface in the future since these are new lots. Each lot should be allocated sufficient impervious area for future development. It should not be utilized at the time of initial development.
7. The acreage being deeded to Anne Arundel County for a future park shall not be used to calculate the allowable impervious area for the Homeport subdivision.
8. It appears the applicant is replanting on-site in excess of the required forest mitigation. Please clarify whether some of the reforestation area is being used for other projects. Again, the applicant may prepare a table on the plans that displays this information.
9. If the reforestation required for the clearing for this project will not occur within the defined reforestation area, please have the applicant indicate where the replanting will occur on the plans.
10. Please ensure the Buffer is properly expanded to account for those areas of steep slopes, and highly erodible soils.
11. Since the Buffer on the new waterfront lots will be converting from an agricultural use to a residential use, it must be reestablished in native vegetation.
12. What is the proposed method for stormwater management?
13. Why does the proposed community pier require a special exception?
14. Page Two of Mr. See's report is missing from my package. Please send a copy.

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 524-01



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 9, 2001

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

Re: Sunrise Assisted Living Facility - 336

Dear Ms. Verdery:

Thank you for forwarding the above-referenced site plan to this office for review and comment. The applicant proposes to construct an addition to an existing structure on a parcel with a nonconforming use in the RCA. We understand this use existed prior to the adoption of the Talbot County Critical Area Program.

We are aware that Section 19.13 (e) of the Talbot County Zoning Ordinance permits an expansion of a nonconforming use to no more than 20 percent of the floor area. It appears the applicant is using the floor area of several structures on this parcel to calculate the 20 percent allowable expansion. In that regard, we have the following recommendations:

1. The County should require the applicant to provide a table on the plat showing the structures used to calculate for the expansion.
2. The County should require the applicant to provide a plat note stating that all allowable expansion on this nonconforming use is exhausted (if that is the case).

These provisions will help the County to track the allowable expansion on this parcel to ensure the allowable expansion does not exceed 20 percent. If the applicant proposes an expansion greater than 20 percent, then growth allocation would be required.

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 167-01

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

1804 West Street, Suite 100, Annapolis, Maryland 21401
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October 9, 2001

Mr. Bruce Wright
Department of Public Works
Bureau of Engineering
2662 Riva Road, MS 7301
Annapolis, Maryland 21401

Re: Woodland Beach Pumping Station Expansion

Dear Mr. Wright:

At its meeting on October 3, 2001, the Chesapeake Bay Critical Area Commission unanimously approved the Woodland Beach Pumping Station project. The following conditions were required as part of the approval:

1. The parcels shall be consolidated at the time of the building permit.
2. The limits of disturbance shall be as close to the proposed fence behind the pumping station as possible.
3. The applicant shall identify the site and provide mitigation at a 3:1 ratio for all new disturbance within the Buffer.
4. The applicant shall retain as much existing vegetation as possible and afforest the area between the fence and the stream.
5. The applicant shall coordinate with the stream stabilization project as required by the Development Division's Environmental Section.

You may notice that condition #3 was slightly modified from the original condition placed on your agency by the Administrative Hearing Officer. As we discussed, your project may proceed, and I will work with you to identify a site to plant your remaining mitigation. I have enclosed a Plantings Agreement Form, which will be completed and returned to me with 90 days.

Thank you for your cooperation with this project. If you have any questions, 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

Enclosure

cc: Ms. Elinor Gawel, Planning and Zoning

Branch Office: 31 Creamery Lane, Easton, MD 21601
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Chesapeake Bay Critical Area Commission

STAFF REPORT

October 3, 2001

APPLICANT: State Highway Administration

PROPOSAL: Reforestation Package for the Woodrow Wilson Bridge

JURISDICTION: Prince George's County

COMMISSION ACTION: Vote

STAFF RECOMMENDATION: Approval with Conditions

STAFF: Lisa Hoerger

**APPLICABLE LAW/
REGULATIONS:** COMAR 27.02.05 State Agency Actions Resulting in
Development on State-Owned Lands

DISCUSSION:

At the July 5, 2000 meeting of the Commission, the replacement of the Woodrow Wilson Bridge project was approved by the full Commission with one abstention. That approval required four conditions including the following:

The Commission staff will be apprised of progress of the forest mitigation package, and will be involved in all future site visits or discussions pertaining to the forest resource package. Prior to construction, periodic updates shall be brought before the Commission's Project Subcommittee for review. The updates should include information that include efforts made to look on both public and private lands in the Critical Area, and including lands owned by land trusts. Sufficient documentation would include those alternatives examined, and justifications for selecting certain sites over others. Once the forest mitigation package is finalized, it will be brought to the Commission for review and approval.

Over the past year, SHA has complied with the above condition of the July 5, 2000 approval of the Commission by providing periodic updates to the Project Subcommittee, reviewing both public and private lands in the Critical Area for reforestation, and providing sufficient documentation and justification for selecting the proposed sites. Commission staff worked and made site visits with the Project Forester. Also, staff of Prince George's County Department of Environmental Resources (DER) and Mr. David Bourdon, Project Subcommittee Chairman provided assistance to the Project Forester by providing potential sites. Overall, the project involves a total of 44.7 acres of clearing within the Critical Area. Based on the required mitigation ratios, the project is required to replace 81.1 acres. The table below details those impacts both inside and outside of the 100-foot Buffer and in the IDO, LDO and RCO (these acronyms are used by Prince George's County and are Intense Development Overlay, Limited Development Overlay, and Resource Conservation Overlay. They translate to IDA, LDA, and RCA). The table also provides the acreage cleared and necessary for replanting to satisfy the Reforestation Law.

Impacted Area	Proposed Impact (acres)	Mitigation Rate	Reforestation Requirement (acres)
CBCA 100' forested buffer	11.1	3:1	33.3
CBCA non-forested 100' buffer	4.9	3:1	14.7
Total Buffer Disturbance	16.0		48.0
CBCA Resource Conservation Overlay	0.0	3:1	0.0
CBCA Limited Development Overlay	2.2	3:1	6.6
CBCA Intense Development Overlay	26.5	1:1	26.5
Total Non-Buffer Disturbance	28.7		33.1
Total CBCA	44.7		81.1
Reforestation Law	42.7	1:1	42.7
Total Project	87.4		123.8

Proposed Reforestation Sites

In developing the reforestation package, Commission staff met with and conducted field visits with SHA and the project forester. Staff has allowed SHA to count a 300-foot Buffer as Buffer credit, and have also allowed SHA to use natural regeneration on selected sites. See attached maps that correspond with the sites below.

PAX49A Western Branch Wastewater Treatment Plant - The Washington Suburban Sanitary Commission (WSSC) owns the property at the Western Branch Wastewater Treatment Plant. This site is currently mowed and will provide .9 acres of forested Buffer along the Patuxent River. The site has been regularly mowed in the past, however WSSC has expressed desire to cease mowing upon planting. The planting site within the Critical Area will consist of Buffer planting. Any planting within 300 feet of tidal waters or wetlands will be utilized as Buffer reforestation. Reforestation of the site will increase the forested area on the property, add to the riparian buffer and increase wildlife habitat. Long term protection of the Buffer planting will be provided through Critical Area staff review of future WSSC projects on the site. No purchase of easement or property will be required. The site could be planted in the spring or fall, however a spring 2002 installation is recommended.

OHI1A-C National Park Service (NPS), Oxon Hill Farm - This site consists of three planting areas totaling 9.9 acres that would provide 6.7 acres of Buffer and 3.2 acres of reforestation mitigation. Two areas are open fields currently vegetated with grasses and receive regular mowing. The third area at this site proposed for planting is an open area that was used as a baseball field in the past and is currently vegetated with thick fescue, other herbaceous vegetation and some scattered pioneer species of trees. The National Park Service has expressed an interest in reducing mowing requirements as well a desire to have the riparian buffer to Oxon Cove completely forested. The site is located along Oxon Cove and would provide an increased riparian buffer, wildlife habitat and improve water quality. The plantings would increase the size of a large existing forest block in a

developed area and provide additional wildlife habitat, including the increase of Forest Interior Dwelling Bird (FID) habitat. The long-term protection of the site would be provided by the National Park Service (NPS) and a Memorandum of Understanding (MOU) between the State Highway Administration (SHA) and NPS ensuring protection of the reforested areas. The site is adjacent to the project area, in the Potomac River watershed and would significantly improve the riparian buffer along Oxon Hill Cove and between the landfill on the park property and the water. No purchase of easement or property will be required. The site should be planted in the spring due to deer browse and a spring 2002 installation is recommended.

PCR8 Puterbaugh Property -The site is currently utilized as pasture and vegetated by a variety of grasses and herbaceous plants. The property is privately owned and the owners have expressed an interest in selling a portion of the property, fee simple, for use as a reforestation area. The owners are considering two options; option one would involve the sale of approximately 29 acres of land and provide 5.5 acres of Buffer credit and 9.5 acres of reforestation (non-Buffer) credit. Option two would involve the sale of approximately 79 acres of land and provide 6.8 acres of Buffer credit and 53.2 acres of reforestation credit. The site has an old tenant house and three outbuildings in the reforestation area that would require removal. These buildings could be removed, leaving foundations in place with no excavation. Acquisition of the property, and the subsequent natural regeneration would provide wildlife habitat, improve the water quality, protect any cultural resources present, enlarge surrounding FID habitat and potentially enlarge the preserved area of Piscataway National Park. The long-term protection of the site would be provided by acquisition of the property, recordation of a protective easement on the deed and deeding of the property to an appropriate agency. The site is in close proximity to the project area, in the Potomac River watershed and would significantly improve the riparian buffer along Piscataway Creek. Natural regeneration of the site could begin immediately upon acquisition.

PAX81 City of Bowie – Hohensee Property - This site consists of an open field that has been used for agricultural production. The site is surrounded by existing forest, an area used for model airplanes and rockets and an existing reforestation area. The City of Bowie has inventoried all City owned Properties and prepared a listing of areas available for reforestation by the City, other agencies and developers. Currently the City is requesting \$5,000.00 per acre for use of the property for reforestation in addition to the cost of reforestation. The site is in the Patuxent River watershed and includes approximately 4.1 acres of Buffer and the potential for 25.9 acres of additional reforestation. The site would increase the size of existing large forest blocks, add to the greenway along the Patuxent River, Buffer the tidal wetlands along the river, improve water quality and add to existing FID habitat. Long-term protection of the site would require purchasing the conservation easement as noted above. Additionally, care would need to be taken to prevent conflicts with other uses on the property including the airplane and rocket club and Boy Scouts that camp on the property. The site could be planted in the spring or fall, however a spring 2003 installation is recommended. The reforestation plan for the site would need to meet requirements of the CBCA Commission and the City of Bowie Forest Mitigation Policies.

The table below provides the acreage figures associated with the mitigation sites described above. All are within the Prince George's County Critical Area. Three sites are in the Potomac River watershed and one site is in the Patuxent River watershed.

Site Description	CBCA Non-Buffer Acres	CBCA Buffer Acres		
		100' Buffer	101' – 300' Buffer	Total Buffer
<u>PAX49A</u> - Western Branch Wastewater Treatment Plant	0.0	0.1	0.8	0.9
<u>OHI1A-C</u> - National Park Service, Oxon Hill Farm	3.2	4.3	2.4	6.7
<u>PCR8</u> - Puterbaugh Property	53.2	1.8	5.0	6.8
<u>PAX81</u> - City of Bowie Property – Hohensee Property	25.9	0.1	4.0	4.1
Totals	82.3	6.3	12.2	18.5
Acreage Required	33.1			48.0
Reforestation “Banked” (- = shortfall)	± 49.2			(-29.5)
CBCA Acres utilized for 1:1.5 Buffer credit				* 44.3 (29.5 x 1.5)
Reforestation “Banked”	± 4.9 (49.2-44.3)			0.0

To complete CBCA Buffer reforestation obligations the Project will utilize the “Banked” CBCA receiving 1 acre of Buffer credit for every 1.5 acres of CBCA reforestation. The project requires 48 acres of Buffer plantings. Only 18.5 acres of the four sites proposed in the reforestation package could accommodate Buffer plantings. The remaining 29.5 acres owed is proposed to be provided by planting 1.5 acres for every remaining acres owed for Buffer mitigation.

Proposed Conditions:

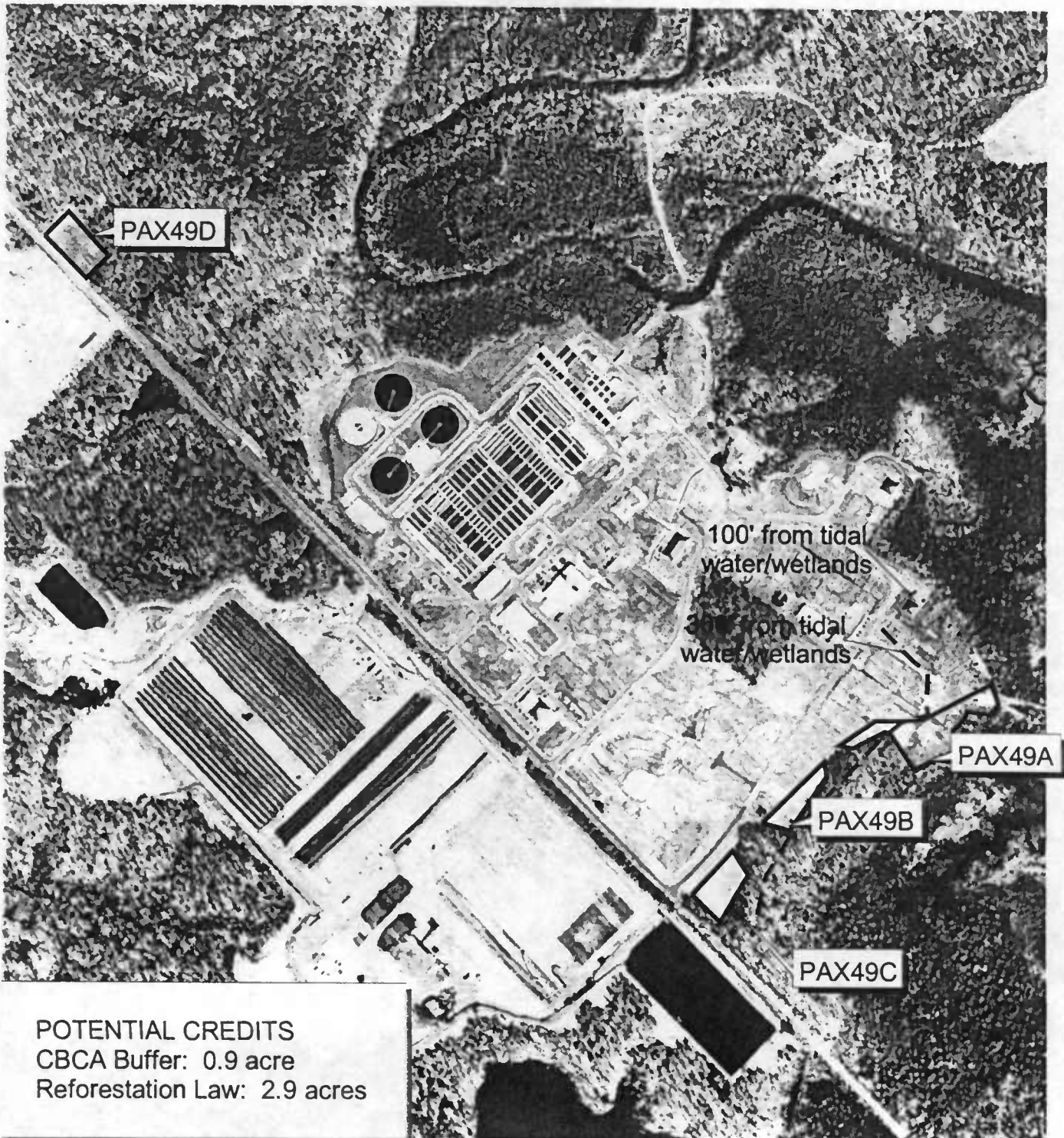
- 1) State Highway Administration will return to the Commission for approval of new sites if any of the proposed sites are not secured due to unforeseen circumstances at this time.
- 2) A Planting Agreement and Planting Plan will be agreed upon between Commission staff and the Project. The Planting Agreement will include who will hold the easements, and the Plantings Plan will include species selection and planting methods.

If you have any questions in the interim, please do not hesitate to contact me via telephone or email. (410) 260-3478 or lhoerger@dnr.state.md.us

Washington Suburban Sanitary Commission Western Branch WWTP PG map 111 parcel 27 PAX49A-D



1" = 600'



National Park Service Oxon Hill Farm PG map 95 parcel 24 OHI01



1" = 600'



Horace and Rosalie Puterbaugh PG map 141 parcel 11 PCR8 Option 2



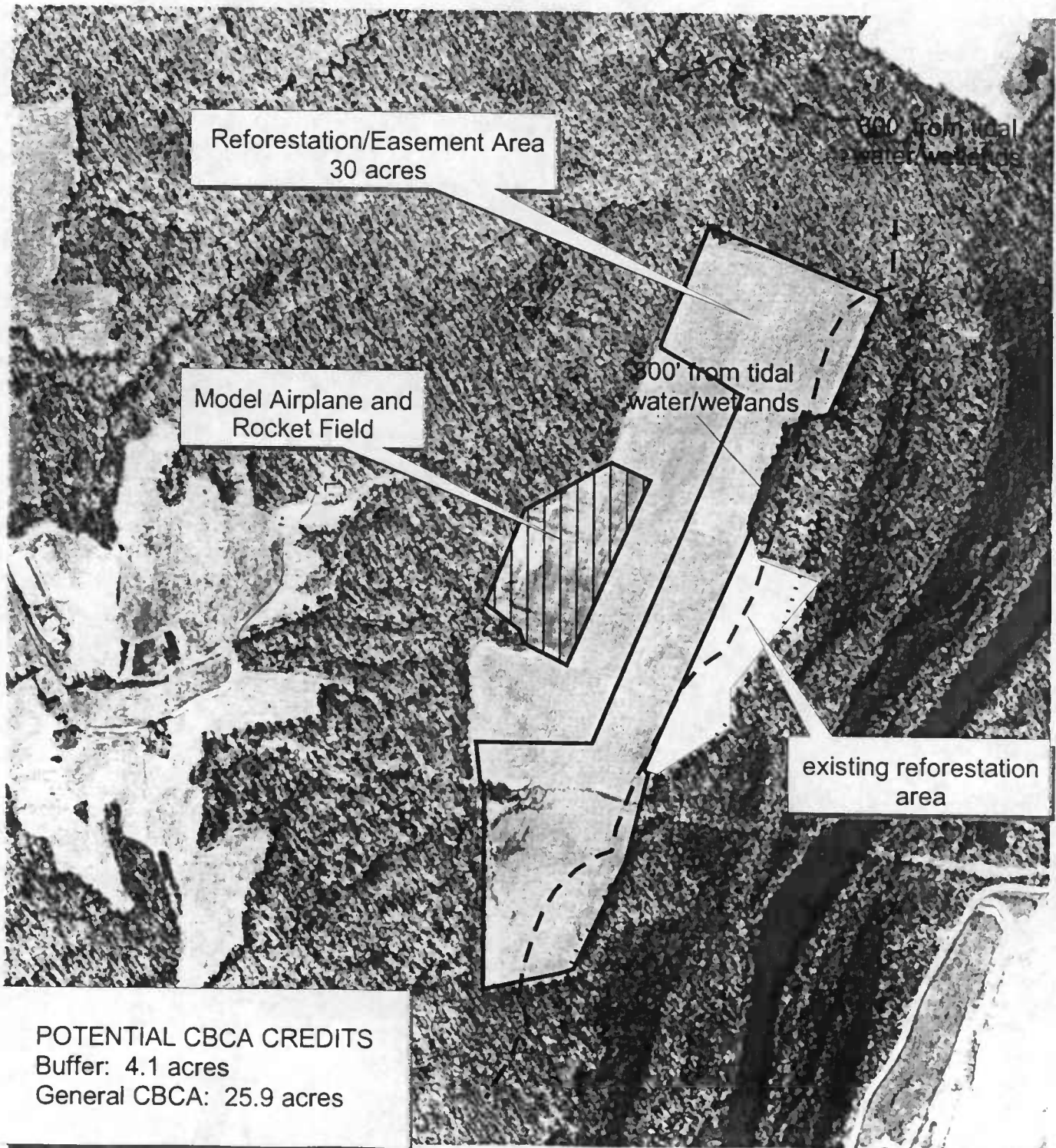
1" = 600'



City of Bowie Hohensee Property PG map 86 parcel 3 PAX81



1" = 600'



Chesapeake Bay Critical Area Commission

STAFF REPORT October 3, 2001

APPLICANT: Anne Arundel County Department of Public Works

PROPOSAL: Expansion of the Woodland Beach Pumping Station

COMMISSION ACTION: Vote

STAFF RECOMMENDATION: Conditional Approval

STAFF: Lisa Hoerger

**APPLICABLE LAW/
REGULATIONS:** COMAR 27.02.06 Conditional Approval of State or
Local Agency Programs in the Critical Area

DISCUSSION:

The Anne Arundel County Department of Public Works is seeking approval to build additions to the existing Woodland Beach Pumping Station. The site is located to the north of Mayo Road, Maryland Route 253 and is approximately 1100 feet east of Maryland Route 2. The parcel is located within an Intensely Developed Area and Limited Developed Area and is .644 acres. The facility provides sewer service to communities inside the Critical Area in IDAs, LDAs and RCAs.

The project is the expansion of the existing Woodland Beach Sewage Pumping Station. The project will expand the pumping capacity of this facility from 2.52 to 4.2 million gallons per day. The project is necessary to maintain public sewer service to the planned service area as the existing pumping station is at capacity, and a moratorium has been issued for the Edgewater/Woodland Beach/ Londontown Service Area.

The project is being constructed as part of the Anne Arundel County Capital Improvement Program. The construction contract will be administered by the Anne Arundel County Department of Public Works. The project was endorsed by the County by inclusion within the Capital Improvement Program and the monies have been previously appropriated for funding.

On Tuesday, September 11, 2001 I visited the site. The existing station is within the 100-foot Buffer to a tributary stream and is situated on hydric soils. The addition will also be within the Buffer and on hydric soils; therefore the project requires conditional approval. A chain link fence surrounds the existing station, and the balance of the parcel is either dedicated to gravel parking areas or mowed lawn. The perimeter of the site is densely vegetated with a variety of species. The dominant vegetation in the immediate project

area is covered with invasive vines such as multiflora rose and Japanese honeysuckle. A mix of hardwood species and shrubs dominates the remainder of the site. The land uses surrounding this parcel are commercial.

The site is the only location that can be utilized for the purpose of providing additional sewer capacity for the surrounding area. The County proposes to set aside a percentage of the proposed 4.2 million gallons per day for existing subdivisions that are on septic in the event that these septic might fail in the future.

The applicant has performed the 10% Pollutant Reduction Calculations and is required to remove .012 pounds of Phosphorous. The selected Best Management Practice is a wet pond. Sediment control will be accomplished with silt fence, and the wet pond will act as a sediment basin during construction.

The existing impervious area is 3,136 square feet (0.072 acres). The proposed impervious area is 5,575 square feet (0.128 acres). Forest clearing in the IDA is 2,309 square feet (0.053 acres), and clearing in the LDA is 436 square feet (0.010 acres). The applicant will plant 2,701 square feet on-site and has already paid a fee-in-lieu to the County's Critical Area Reforestation Fund for the remaining mitigation. The County has required that all remaining forest on-site be placed in an easement.

The Administrative Hearing Officer of Anne Arundel County has heard and approved the variance to allow this disturbance in the Critical Area subject to certain conditions. Any approval by the Commission will include his conditions.

The Department of Natural Resources Heritage and Biodiversity Division indicates that no rare, threatened or endangered species are present on this site. The applicant has obtained approval from the County Soil Conservation District for the proposed sediment and erosion control plan and the stormwater management plan. No permits are required from the Maryland Department of the Environment since no wetlands are proposed to be impacted.

Conditional Approval Process

In order to qualify for consideration by the Commission for conditional approval, the proposing local agency must show that the project or program has the following characteristics:

(1) That there exist special features of a site or there are other special circumstances such that the literal enforcement of these regulations would prevent a project or program from being implemented;

There exists both special features and special circumstances on this site that preclude the Anne Arundel County Department of Public Works from siting the proposed building additions outside of the 100-foot Buffer and on hydric soils. The building additions will house the increase in sewer service capacity needed to serve the immediate communities

and future needs. The ability to hook up existing failing septic systems and new development activities to sewer service supports the goals of the Critical Area Program by improving the water quality of the nearby waterways and ultimately the Chesapeake Bay. This site is the only feasible location for expansion of these operations. Also, it will not be necessary to construct a second, stand-alone facility that may impact other resources.

Special circumstances include the relatively small project area owned by the County, and the need for sewer services in the surrounding communities.

(2) That the project or program otherwise provides substantial public benefits to the Chesapeake Bay Critical Area Program;

The expansion to the existing pumping station will provide additional sewer service to the surrounding communities. The County has imposed a moratorium on development activities in this area due to the lack of capacity at this facility. The County has chosen not to approve new development with septic systems. Also, the stormwater management pond will reduce on-site pollutants from leaving the site, and can serve as an environmental education facility for the school children and community at large.

(3) That the project or program is otherwise in conformance with this subtitle.

Except for the proposed impacts to the 100-foot Buffer to a tributary stream and impacts to hydric soils, the project is otherwise in conformance with the state criteria and the Anne Arundel County Critical Area Program. Critical Area staff conducted a site investigation to ensure this project is otherwise consistent with COMAR 27.02.06.

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 Anne Arundel County Department of Public Works from providing additional sewer capacity that supports the water quality goals of the Critical Area Program.

(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 County determined the project to be consistent with the local Critical Area program. The impacts to the 100-foot Buffer were granted via the local variance process by the Administrative Hearing Officer. The additional impacts will be offset by the water quality benefits of the proposed stormwater management facility. This facility is designed to reduce pollutant loadings by 10% over predevelopment levels. The applicant

is also providing plantings reforestation on-site, and has paid a fee to the County's Reforestation Fund. Finally, the project will provide sewer capacity for new development occurring on this peninsula.

(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. The stormwater management facility will provide an increase in water quality and quantity protection for this site. The design will provide for a 10% pollutant reduction of pollutant loadings.

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:

The applicant will abide by the conditions imposed by the granting of the variance by the Administrative Hearing Officer. Consequently, these conditions include those offered by Ms. LeeAnne Chandler of the Critical Area Commission staff when she provided comments to the County on this variance request. Those conditions include the following:

1. The parcels shall be consolidated at the time of the building permit.
2. The limits of disturbance shall be as close to the proposed fence behind the pumping station as possible.
3. The applicant shall provide mitigation at a 3:1 ratio for all new disturbance within the Buffer.
4. The applicant shall retain as much existing vegetation as possible and afforest the area between the fence and the stream.
5. The applicant shall coordinate with the stream stabilization project as required by the Development Division's Environmental Section.

Please contact me with any questions or concerns at (410) 260-3478 or via email (lhoerger@dnr.state.md.us)

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 2, 2001

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

Re: Nantucket on the Severn
S 01-074, P 01-196

Dear Ms. Allen:

Thank you for forwarding the above-referenced sketch plan to this office for review and comment. The applicant proposes to combine, reconfigure, and resubdivide five existing legal lots and one "illegal" lot to create a total of fourteen residential units. For the reasons below, we cannot offer the County substantive comments until the applicant provides the following information.

1. Does the site plan provided indicate the location of the original lot lines or the proposed lot lines? We should have a plan that shows both.
2. There is no plan showing the location of the fourteen proposed lots. We will need this information to ensure the applicant will meet the County's Critical Area regulations.
3. The plan submitted does not show lot lines, dwelling locations, proposed stormwater management options, roads, etc. Again, this information is necessary in order to perform a more complete review.
4. Will the County consider the resulting parcels grandfathered after being combined, reconfigured and resubdivided?
5. Why is Parcel 240 considered an illegal lot?

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

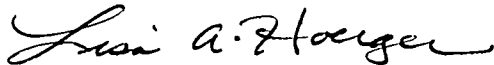
TTY For The Deaf:
Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450

Ms. Allen
Page Two
October 2, 2001

6. We have received a letter from Ms. Judy Cole of the Maryland Department of the Environment, Nontidal Wetlands Division, to Ms. Penny Chalkley indicating that MDE requires more information including a jurisdictional determination and the possibility of a permit review requiring public notice and an informational hearing. We share MDE's concerns regarding the unique features of this site and recommend the County investigate this issues before subdivision approval is granted.
7. Ms. Cole also states the site supports the State listed Atlantic White Cedar. This office is aware of this unique, ecologically important habitat and has similar questions and concerns regarding this resource. We are currently awaiting an analysis by the applicant concerning these species and the impacts the proposed development will have on the site. Again, we recommend the County await final subdivision approval until these issues are discussed and investigated.

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: AA 291-01

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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October 1, 2001

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

Re: Trippe Creek, LLC
Duval Farm, M1007

Dear Ms. Verdery:

Thank you for forwarding the above-referenced subdivision request for review and comment. The applicant proposes to create 24 new lots on the above-mentioned farm. I have outlined our comments below.

1. The information provided indicates there are 202.5 acres inside the Critical Area; therefore the applicant proposes ten lots inside the Critical Area. The acreage figure should be verified before it is used to calculate density on this parcel since the site plan shows areas of tidal wetlands that may be the property of the State of Maryland. This can be verified by contacting the Maryland Department of the Environment, Tidal Wetlands Division at (410) 631-8075.
2. Once the allowable density is determined, any lots above the allowable density that are partially within the RCA are not permitted to site any buildings, accessory structures, stormwater management, and septic systems in the RCA portion of the lot. All activities associated with the development of that lot must be located outside the RCA portion.
3. Since the use of the land will be changing from an agricultural use to a residential use, the 100-foot Buffer shall be reestablished in native vegetation. These plantings should include a variety of native species including trees, shrubs, and herbaceous cover.

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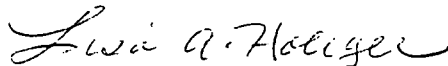
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Ms. Verdery
Page Two
October 1, 2001

4. The County shall ensure the Buffer is property delineated on the plan. Care should be taken where it appears there may be slopes greater than 15% or there are contiguous hydric soils.
5. We understand the Department of Natural Resources has identified this site as supporting Forest Interior Dwelling Bird (FID) habitat. From the site plan provided, it is difficult to determine the location of the existing edge of forest. Once we have better information regarding the forested areas on-site, this office can provide the County with guidance concerning lot locations. Therefore, the proposed lot locations may require reconfiguration if it is determined that FID habitat may be impacted.
6. The DNR has also indicated this site may support Delmarva Fox Squirrel habitat. The County and the applicant should be in direct contact with the U.S. Fish and Wildlife Service and DNR concerning the proposed impacts to this site.
7. The applicant should quantify the proposed area of impervious surface for this parcel. All existing impervious areas, and the proposed road serving the lots must be included in that calculation.
8. The applicant needs to verify whether the pond is tidal or nontidal. If it is a tidal pond, then a 100-foot Buffer is required.

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: Ms. Mary Ratnaswany, USFWS
Mr. Scott Smith, DNR

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 1, 2001

Mr. Richard Thompson
Department of Environmental Resources
9400 Peppercorn Place, Suite 600
Largo, Maryland 20774

Re: Chalk Point Generating Station
Shore Erosion Control Work

Dear Mr. Thompson:

I received an application from Mirant, Mid-Atlantic regarding a shore erosion control project at their Chalk Point Generating Station. According to the Memorandum of Understanding between our agencies, it appears this project will not require a review by the Commission or staff since the project will likely not require a variance from the Prince George's County Critical Area Program. In that regard, I have directed Ms. Ann Wearmouth of Mirant, Mid-Atlantic to your office.

Thank you for your cooperation with this matter. If I can provide you with 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. Ann Wearmouth, Mirant, Mid-Atlantic

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

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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 27, 2001

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

Re: Indian Point, W. Lehr Jackson - L-863

Dear Ms. Verdery:

Thank you for forwarding the above-referenced lot line revision to this office for review and comment. The lot line revision should not result in the need for variances to accommodate future development for either parcel.

From the site plan provided, it appears that resulting Parcel 96 will be 20 acres; however, there is a tidal pond on Parcel 96. Generally, tidal wetlands or waters are the property of the State of Maryland and cannot be used for density calculations. The ownership of these tidal areas needs to be resolved before the lot line adjustment can be approved as proposed. To make this determination, the applicant needs to contact the Maryland Department of the Environment, Tidal Wetlands Division at (410) 631-8075.

If the tidal areas are State-owned, the proposed lot line revision for Parcel 96 will result in a lot that is less than twenty acres since the area of tidal wetland and the tidal pond cannot be counted. This will create a nonconforming lot. The tidal wetlands on Parcel 1 also require ownership verification for the same purpose.

The areas labeled "Reservation of Development Rights" cannot be used for future development activities if these acreage figures support the creation of the lots in the RCA. In other words, there must be twenty acres set aside for each lot created in the RCA. Any acreage above that figure can be used for the Reservation of Development Rights.

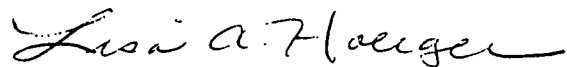
In addition, the County should verify that reconfiguring these parcels will not create nonconforming lots with respect to the other Critical Area provisions in the County's Ordinance such as clearing and impervious surface limitations.

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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 513-01

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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September 27, 2001

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

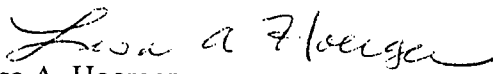
Re: G. Lee Brown - L-862

Dear Ms. Verdery:

Thank you for forwarding the above-referenced lot line revision to this office for review and comment. The lot line revision should not result in the need for variances to accommodate future development for the parcel in side the Critical Area. In addition, the County should verify that reconfiguring these parcels will not create nonconforming lots with respect to the other Critical Area provisions in the County's Ordinance such as clearing and impervious surface limitations.

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 512-01

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Ren Serey
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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September 27, 2001

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

Re: Richard Henry - L-864

Dear Ms. Verdery:

Thank you for forwarding the above-referenced lot line revision to this office for review and comment. The lot line revision should not result in the need for variances to accommodate future development for either parcel, and it should not create nonconforming lots with respect to the other Critical Area provisions in the County's Ordinance such as clearing and impervious surface limitations.

The ownership of these tidal wetlands on each parcel needs to be determined before the lot line adjustment can be approved as proposed. Since tidal wetlands or tidal waters are the property of the State of Maryland, they cannot be used for density calculations. To make this determination, the applicant needs to contact the Maryland Department of the Environment, Tidal Wetlands Division at (410) 631-8075. This information will determine the future density on each parcel.

In regard to Parcel 144, the resulting acreage will be 23.603 acres in the Critical Area. It appears the parcel currently supports two dwellings, so the proposed lot line adjustment will make this lot nonconforming with regard to RCA density.

Thank you for the opportunity to comment. Please contact me if you need additional information or assistance from this office.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: TC 514-01

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Chairman



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Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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September 27, 2001

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

Re: G. Kirk White - S-935

Dear Ms. Verdery:

Thank you for forwarding the above-referenced subdivision request to this office for review and comment. The applicant proposes to create one 20-acre lot in the RCA. I have outlined our comments below.

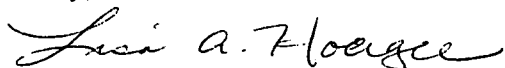
1. From the site plan provided, it appears that .77 acres of the 20 acres are being set aside for Reservation of Development Rights. This is not permitted, since a minimum of twenty acres is need for the newly created lot in the RCA.
2. The total area proposed for afforestation should be three acres, not 2.88 as shown on the plan. It appears the 2.88 acres was calculated based on a site area of 19.23 (20 acres - .77 acres). Since the lot must be a minimum of 20 acres, the required afforestation must be three acres. We support the area proposed for afforestation.
3. The allowable impervious area also appears to be based on 19.23 acres. The allowable limit for a 20-acre parcel that is properly subdivided would be also be three acres or 130,680 square feet.
4. The area of tidal wetlands cannot count towards the acreage figure for density purposes if they are State tidal wetlands. This should be confirmed with the Maryland Department of the Environment, Tidal Wetlands Division at (410) 631-8075.
5. The final lot configuration should not result in the need for variances to accommodate future development on this lot.

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Thank you for the opportunity to comment. Please contact me if you need additional information or assistance from this office.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: TC 515-01

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 12, 2001

Ms. Cecelia Lammers
MNCPPC
Environmental Planning
14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772

Re: Potomac Heights
11403 Riverview Road

Dear Ms. Lammers:

This letter serves to clarify the Commission's interpretation of the grandfathered status of the above-referenced property. We understand that the Potomac Heights subdivision was recorded in April 1987 and that the County's Critical Area Program was approved in November of 1987. You have asked whether this lot is considered grandfathered since it was recorded in 1987 and whether proposed development is limited to the non-Critical Area portion of the property. The Code of Maryland Regulations at §27.01.02.07B and B (4) states:

Local jurisdictions shall establish grandfather provisions as part of their local Critical Area programs. Except as otherwise provided, local jurisdictions shall permit the types of land described in the following subsections to be developed in accordance with density requirements in effect prior to the adoption of the local Critical Area program notwithstanding the density provision of this chapter. A local jurisdiction shall permit a single lot or parcel of land that was legally of record on the date of program approval to be developed with a single family dwelling, if a dwelling is not already placed there, notwithstanding that such development may be inconsistent with the density provisions of the approved local program.

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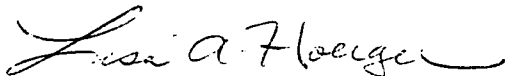
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Land that was subdivided into recorded, legally buildable lots, where the subdivision received the local jurisdiction's final approval after December 1, 1985 provided that either development of any such land conforms to the criteria in this subtitle, or the area of land is counted by the local jurisdiction against the growth increment permitted under Regulation .06.

Based on our records, the Critical Area Commission did not require Prince George's County to deduct growth allocation for any subdivision activity that occurred between December 1, 1985 and the local program approval date of November 1987. The Commission made these decisions on a case-by-case basis. For those jurisdictions that were not required to do so, any newly created lot during the interim period can be considered grandfathered for density purposes. Because growth allocation was not required as noted under §27.01.02.07.B (4), the lot in question can be developed in the RCO zoned portion of the lot. It should be noted that while the subject property is grandfathered for density purposes, the remainder of the Chesapeake Bay Critical Area Program requirements are still applicable.

If you have further questions, or if I can provide you with additional information, please do not hesitate to contact me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: Mr. R. Porter Ingram, Senior Planner, MNCPPC
Mr. Tom Haller, Esquire

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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September 7, 2001

Ms. Penny Chalkley
Anne Arundel County Office of Planning and Code Enforcement
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:

Thank you for forwarding the 10% Pollutant Reduction Calculations for the above-referenced project. The applicant elected not to recalculate the 10% Pollutant Removal Requirement due to the fact that the proposed BMP is designed for more than adequate removal of phosphorous from the site. In any case, I did rerun the calculations based on the new site area of 8.68 acres on lot 2 in the Critical Area and using the updated worksheet. The removal requirement was less than the original requirement and the applicant proposes the same BMP that will treat greater than 40 pounds per year.

I have provided the applicant with the updated 10% Pollutant Reduction Removal Manuals so that in future submittals they will be using the correct worksheet.

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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Chairman



Ren Serey
Executive Director

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

September 7, 2001

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

Re: Stoltz Subdivision
99-016

Dear Ms. Chalkley:

Thank you for providing your latest comments for the above-referenced subdivision request. I believe that the site plan I have may be the final plan. It is dated 10-99. The comments below are based on this plan and the soils analysis provided by Mr. Gary Jellick of Coastal Resources, Inc., and confirmed by the Soil Conservation District.

It appears the septic line will not run through the area designated as hydric soils. The line must be outside of all Buffers to tidal waters, tidal wetlands, tributary streams and expanded Buffers. Otherwise, a variance will be required and this office will not support variances for new development.

In regard to the potential for Forest Interior Dwelling Birds (FID), has the County determined whether this site supports FID habitat? If so, then FID mitigation is required and can probably be accommodated on-site.

If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: AA 67-99

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

TTY For The Deaf:
Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450



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Chairman

Ren Serey
Executive Director

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September 6, 2001

Ms. Cathy E. Bridges
MS 6301
Anne Arundel County Department of Planning and Zoning
2664 Riva Road
Annapolis, Maryland 21401

Re: Cherrystone, Lot 3, Section I & Lot 6, Section III
S #1989-067, P # 2001-194

Dear Ms. Bridges:

Thank you for forwarding the plans for the above-referenced project. The applicant proposes a lot line adjustment that will eliminate an access easement between the two above-mentioned lots, and the pier will be located entirely within Lot 6. This office has no comment regarding the proposed request. Based on the information provided, it appears there will be no net change in acreage figures between the two lots, and no development activity is proposed at this time.

If you have any questions, or 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: AA 483-01

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

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September 4, 2001

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

Re: The Preserve at Lake Ogleton
S 01-073, P 01-191

Dear Mr. Soldano:

Thank you for forwarding the above-referenced Forest Stand Delineation report to this office for review and comment. Normally, this office does not comment on subdivision requests outside of the Critical Area since the County is not required to notify us of these activities. However, in this instance we will offer that it appears the parcel, including the area inside the Critical Area, is probably not Forest Interior Dwelling Bird (FID) habitat due to the size of the forested area. Therefore, we do not have any concerns from that perspective.

In regard to other issues, we will offer more substantive comments when and if an application is submitted for review for the portion of the parcel inside the Critical Area.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: AA 476-01

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

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September 4, 2001

Mr. Michael Trumbauer
Kent County Planning Office
Courthouse
Chestertown, Maryland 20620

Re: Kings Grant Enterprises, Inc.
01-97

Dear Mr. Trumbauer:

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

1. According to the Critical Area Project Information form, you indicated this site may support rare, threatened or endangered species, colonial waterbird and waterfowl staging areas, anadromous fish habitat, and potential Forest Interior Dwelling Bird habitat. A letter from the Department of Natural Resources (DNR), Heritage and Biodiversity Division should be obtained prior to subdivision approval to confirm the presence or absence of any of the above-mentioned Habitat Protection Areas (HPAs). This information will help the County and the applicant when the lot is proposed for future development activities.
2. Future development of the lot should not require the need for any variances to HPAs or the impervious surface limitations. This office will not support variances for lots created after the adoption of the County's Critical Area Program. It appears this lot is of sufficient size to avoid any HPAs.
3. Since the application did not include information on existing forest cover, it is difficult to determine whether the applicant will need to provide afforestation or reforestation once development occurs. In any case, we recommend that any planting required occur on-site. If afforestation is required, it should be clearly marked with notes on the final plat indicating which areas will be in a conservation easement.

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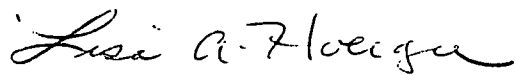
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Mr. Trumbauer
Page Two
September 4, 2001

4. If the use of the lot is currently agricultural and that use changes to another use, then the 100-foot Buffer must be reestablished in native Buffer vegetation according to COMAR 27.01.09.01C(6).

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: KC 487-01

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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September 4, 2001

Mr. Michael Trumbauer
Kent County Planning Office
Courthouse
Chestertown, Maryland 20620

Re: Andrew C. Bradley
01-103

Dear Mr. Trumbauer:

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

1. The proposed lot is 21.212 acres in the Resource Conservation Area (RCA). Since the density provisions require a 20-acre lot minimum, the applicant needs to confirm with the Maryland Department of the Environment (MDE), Tidal Wetlands Division, whether the tidal wetlands on proposed Lot 1 are privately owned or owned by the State of Maryland. If the wetlands are owned by the State, then the applicant cannot count that portion of the acreage towards the density requirement.
2. A letter from the Department of Natural Resources (DNR), Heritage and Biodiversity Division should be obtained prior to subdivision approval to confirm the presence or absence of any of the above-mentioned Habitat Protection Areas (HPAs).
3. Future development of the lot should not require the need for any variances to HPAs or the impervious surface limitations. This office will not support variances for lots created after the adoption of the County's Critical Area Program.

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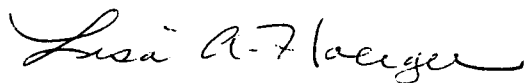
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Mr. Trumbauer
Page Two
September 4, 2001

4. Prior to subdivision approval, the County should determine whether the applicant needs to provide afforestation or reforestation. We recommend that any planting required occur on-site. If afforestation is required, it should be clearly marked with notes on the final plat indicating which areas will be in a conservation easement.
5. Since the use of the lot will change from an agricultural use to a residential use, then the 100-foot Buffer must be reestablished in native Buffer vegetation according to COMAR 27.01.09.01C(6).

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: KC 488-01



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Chairman

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Executive Director

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August 29, 2001

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

Re: Rock Creek Boat Club
S 01-069, P 01-247

Dear Ms. Allen:

Thank you for forwarding the above-referenced subdivision request to this office for review and comment. The applicant proposes to subdivide an existing non-conforming parcel that currently supports 28 structures into 17 lots. 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.
2. While the applicant is maintaining less than 15% impervious cover over the entire subdivision, it appears that several driveways might be shared to further reduce impervious cover and forest clearing. We would encourage driveway sharing on several of the lots.
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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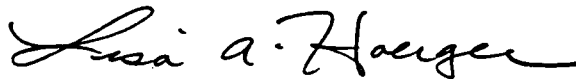
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Ms. Allen
Page Two
August 29, 2001

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. We prefer the County work with the applicant to reestablish the Buffer before off-site areas or fees-in-lieu are considered. Again, any efforts to minimize clearing will reduce the required forest mitigation.
5. We understand from the applicant that stormwater management will be according to the new MDE manual. We support the concept of bioretention and grass swales on this site given the sandy soil conditions.

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: AA456-01

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 24, 2001

Ms. Charisa Morris
U.S. Fish and Wildlife Service
177 Admiral Cochran Drive
Annapolis, Maryland 21401

Re: Easton Village PUD
Delmarva Fox Squirrel Analysis

Dear Ms. Morris:

Thank you for meeting with Mary Owens and Claudia Jones of our office on Monday, August 13 to discuss the management and mitigation plans that will be required for the Delmarva Fox Squirrel (DFS) habitat on the Easton Village project. I am writing to inform you of the local process and the timeframe in which we are trying to work. Your input within this process is critical since any necessary changes or mitigation requirements (i.e. acreage figures, mitigation ratios, off-site plantings) should be offered to the Town and to the developer prior to their joint public hearing.

The Town of Easton's Planning Commission and the Talbot County Planning Commission will hold a joint public hearing on the Easton Village PUD on Thursday, September 20, 2001. At that time the project will be presented to both planning commissions for their consideration and to receive public comment. If the project receives a favorable recommendation from each Planning Commission, then the project will be forward to the Easton Town Commissioners and the Talbot County Council so that these bodies can also hold a joint public hearing. These hearings will progress with or without further input from our office regarding the Delmarva Fox Squirrel issue.

Based on our experience working with the local jurisdictions and developers over the years, we have found that issues such as mitigation, particularly any off-site requirements are more assured if these discussions and agreements take place prior to any approvals by the local bodies or the Critical Area Commission. In other words, it will be more difficult to assure that off-site areas or a particular management design will be part of the final approved plan, unless this information is considered at the time of approval.

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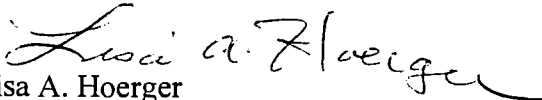
Ms. Morris
Page Two
August 24, 2001

The Commission prefers that in the event that off-site mitigation is required on a project, that the off-site area be identified prior to their approval. This is due to the fact that we have encountered difficulty over the years in identifying off-site mitigation areas in a reasonable amount of time once a project is approved.

As soon as you complete your analysis of this project, please contact Claudia Jones, Mary Owens or myself so that we may provide this information to the Town.

Thank you again for your assistance and time spent on assisting us with this project. We value your expertise on the matter of the DFS and look forward to working with you on future projects. If we can assist you in any way, please do not hesitate to contact us at (410) 260-3460.

Sincerely,


Lisa A. Hoerger
Natural Resources Planner

cc: Mr. Scott Smith, DNR
Mr. Thomas Hamilton, Town of Easton
Mr. Daniel Cowee, Talbot County

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Chairman



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August 22, 2001

Mr. Larry Lubbers
Watershed Restoration Division
Department of Natural Resources
Tawes State Office Building, E-2
580 Taylor Avenue
Annapolis, Maryland 21401

Re: NEPA Review Harundale Stream Restoration

Dear Mr. Lubbers:

Thank you for meeting with me in the field this morning to discuss the above-referenced project. Since the purpose of this project is to restore in-stream habitat in an eroded stream channel as mitigation for historical damage, and the project is not considered a development activity, it will not require formal approval by the Chesapeake Bay Critical Area Commission.

After our site visit today it appears the project will have minimal disturbance to the Critical Area. Since an existing footpath exists, there should be little or no clearing for the installation of the rock weir. After visiting the project site at Sawmill Creek with you this morning, I am confident that any area disturbed will be revegetated either through planting or natural regeneration. The information you provided me today indicates that all other resource agencies have reviewed the project, and that there are no rare, threatened or endangered species at the project site.

Commission staff are satisfied with the information presented both in written form and with the results of the site visit. This letter does not satisfy any other State or local approvals. Also, I trust the property owner, Glenwood Civic Association, Inc., has been informed of the proposed stream restoration project either by DNR or the County.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: Ms. Regina Esslinger, Project Chief, CBCAC

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



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August 22, 2001

Mr. Ronald W. Johnson
2661 Riva Road
Building 400, Suite 420
Annapolis, Maryland 21401

Re: Allowable RCA Density on Split Designation Parcels

Dear Mr. Johnson:

This letter is in response to your inquiry as to whether a parcel with a split Critical Area designation that includes LDA and RCA can have a development right in the RCA portion. Provided the parcel is grandfathered, one development right is permitted in the RCA portion. The LDA portion would be permitted the density afforded either the LDA designation or the underlying zoning, whichever is more restrictive.

If you have any further questions, please do not hesitate to contact me at (410) 260-3460.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

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August 21, 2001

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

Re: Larry & Grace Haskins
Special Exception #1195

Dear Ms. Verdery:

Thank you for forwarding the above-referenced special exception request for review. The applicant proposes to construct a 253' by 6' timber pier with a 7' x 23' "L" head, three mooring piles, two boatlifts, and a 12' finger pier. The proposed pier extension will encroach 260' 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 Miles 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,

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

Lisa A. Hoerger
Natural Resources Planner

cc: TC 473-01

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August 10, 2001

Mr. Alan R. Kampmeyer
Maryland Department of the Environment
Nontidal Wetlands and Waterways Division
201 Baptist Street
Salisbury, Maryland 21801-4979

Re: 00-NT-2233 Avalon Limited Partnership

Dear Mr. Kampmeyer:

Thank you for forwarding the above-referenced request to this office for review and comment. According to our records, the plats you forwarded do not match the maps in our office nor those in the Talbot County Planning and Zoning Office for this subdivision. We are bringing this matter to your attention since there is a discrepancy between the location of the nontidal wetlands on the plans.

If you need additional information from this office, please contact Ms. Regina Esslinger at (410) 260-3479.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: Ms. Mary Kay Verdery, Talbot County Planning and Zoning
Ms. Regina Esslinger, CBCAC

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August 10, 2001

Mr. Joseph A. Stevens
Law Office of Joseph A. Stevens
114 West Water Street
Centreville, Maryland 21617

Re: Summary of Discussion of the Program Subcommittee

Dear Mr. Stevens:

At the request of the Program Subcommittee Chairman of the Chesapeake Bay Critical Area Commission this letter is intended to provide you and your client with a follow up of the discussion of the growth allocation for the Ratcliffe Manor subdivision and the Easton Village Planned Unit Development (PUD).

At their meeting on August 1, 2001, the Program Subcommittee generally supported the configuration of the development envelope for the Ratcliffe Manor subdivision and for the development envelope for the Easton Village PUD. Since the two subdivisions are on separate parcels, there is only one development envelope per parcel, and this is consistent with the Commission's policy on growth allocation when using development envelopes.

In regard to the proposed 100-foot Buffer and 300-foot setback, the Subcommittee was satisfied with the proposed configuration. In the case where the 300-foot setback is provided, and meets the 20 acres minimum requirement, it will not be deducted as part of the development envelope.

In addition to the Buffer requirements, the Subcommittee reviewed the issue of the other Habitat Protection Areas (HPAs) on this site. Commission staff discussed the potential for the Delmarva Fox Squirrel (DFS) on this site. A meeting is scheduled for August 13, 2001 to met with officials from the Department of Natural Resources (DNR) and the U.S. Fish and Wildlife Service to discuss the latest plans showing the required setbacks to the DFS habitat. Once these issues are resolved with these agencies, then the applicant can be assured that the appropriate buffers and setbacks, and any necessary mitigation will be know prior to subdivision.

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Mr. Stevens
Page Two
August 10, 2001

The two endangered plant species noted in the letter from the DNR dated May 17, 1999 are most likely not found on this site according to DNR staff. The habitat found on this site that was observed during multiple site visits will likely not support either species.

According to DNR staff, the known historic waterfowl concentration area noted for this area of the Tred Avon River supports Canadian geese. According to the DNR records, this is the only species observed along this area of the river.

One member of the Program Subcommittee asked whether this area of the river supports Submerged Aquatic Vegetation (SAV). This office has conflicting information regarding the presence or absence of SAV. Please have you client confirm this information.

In summary, the plan shown to the Program Subcommittee at its last meeting appeared to meet the Commission's policy on growth allocation notwithstanding any new information or changes to the plan subsequent to that meeting. As you are aware, the growth allocation request must still be reviewed and approved by the full Critical Area Commission, and the only issues addressed by the Subcommittee are those included in this letter.

Thank you for your cooperation with this project. If staff can provide you with further assistance, please do not hesitate to contact us at (410) 260-3460.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: Mr. Thomas Hamilton, Town of Easton, Planning Officer
Mr. Daniel Cowee, Talbot County, Planning Officer
Program Subcommittee Members



Judge John C. North, II
Chairman

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August 10, 2001

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

Re: Easton Village on the Tred Avon River - PUD

Dear Mr. Hamilton:

Thank you for forwarding the latest plan to this office for review and comment. This letter will provide you with Commission staff comments concerning the proposed development envelope and as a follow-up to issues I addressed in my letter to you dated February 28, 2001.

1. Please ensure the Planning Commission is aware that reestablishing the 100-foot Buffer in native vegetation must occur since the use of the site will convert from an agricultural use to a residential use. Reestablishing the Buffer entails planting trees, shrubs, and herbaceous cover. Planting of the Buffer should be addressed on the site plan, and on an overall development plan if required by the Planning Commission or Town Commissioners. Critical Area staff is available to provide assistance to the Town with this plan. The Critical Area Commission may require the submittal of a Buffer Management Plan in order to ensure that this requirement is addressed.
2. The applicant is proposing a 300-foot setback from the Tred Avon River. In those areas proposed to remain as a Resource Conservation Area (RCA), and within the 300-foot setback, growth allocation is not necessary; therefore the applicant has not proposed to deduct much of this area. In that regard, all new development activities must be located outside of the 300-foot setback and/or area proposed to remain as RCA. Presently, there are at least three stormwater management devices located in the area proposed to remain as RCA that must be relocated.
3. The proposed secondary entrance road must be described in greater detail if it is located in an area that will remain as RCA. Generally, the Commission's policy on growth allocation deduction requires that all new development activities, including new roads serving new development, be deducted as part of the development envelope. The information we are interested in obtaining includes the width and purpose of the road.

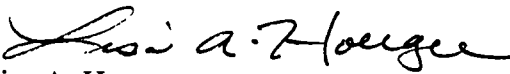
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Mr. Hamilton
Page Two
August 10, 2001

4. Please have the applicant explain in further detail the proposed trail system. We are interested in knowing the reasoning behind the area where the trail appears to loop around in the RCA. This loop is located near the existing right-of-way.
5. Since the writing of my last letter to you, I was able to discuss the issue of historic waterfowl concentration areas near this site with Mr. Larry Hindman of the Department of Natural Resources (DNR). The only species recorded using the Tred Avon River in this area is the Canada goose.
6. As you are aware, our staff assisted your staff in identifying the streams on the parcel to ensure that the 100-foot Buffer would be properly delineated on the site plan. It appears all streams identified with Town staff are included on the current plans with the appropriate 100-foot Buffer and 300-foot setback.
7. The issue of Delmarva Fox Squirrels is still being discussed with Mr. Scott Smith of the DNR and several staff of the U.S. Fish and Wildlife Service. In fact, a meeting is scheduled for Monday, August 13, 2001 to discuss this latest plan. As soon as we have the latest information from these agencies concerning this plan, I will contact you. Presently, Commission staff is concerned about certain development activities proposed inside the 150-foot buffer for the DFS habitat. We will seek answers to these questions at the meeting next week.
8. I have discussed the issues of the two endangered plant species with Mr. Scott Smith of DNR, and he has indicated that the existing habitat is unlikely to support these two species; therefore, this issue is resolved.
9. The applicant stated that a community pier and possibly a pedestrian bridge are proposed for this project. While the Commission does not oppose either concept, the applicant will be required to obtain all necessary permits for these activities. We have conflicting information regarding the issue of whether the Tred Avon supports submerged aquatic vegetation and anadromous fish spawning habitat. The applicant should be required to report to the Town and the Commission on these issues.

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
Mr. Scott Smith, DNR



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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August 9, 2001

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

Re: James Simmons
S-934

Dear Ms. Verdery:

Thank you for forwarding the above-referenced subdivision request to this office for review and comment. The applicant proposes to create one lot from a residue parcel of a subdivision that was created in 1993. I have outlined our comments below.

1. From the information provided it appears the lot will be of sufficient size to meet the impervious surface limitations.

I cannot determine from the plans provided whether any Habitat Protection Areas (HPAs) are on this site. Based on the maps available to me at this office, it appears no wetlands, streams or other HPAs are on the site of proposed lot 2. Provided no variances will be required to impact any HPAs this office has no objection to the requested subdivision.

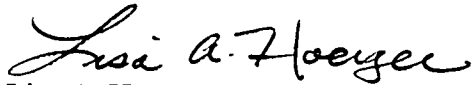
2. The County shall ensure that proper stormwater management and sediment and erosion control devices are used when development of this lot occurs.
3. Provided access to the proposed lot will be along Station Road, the proposed area for afforestation suitable. If access will be from Maryland Route 329 we recommend the afforestation be planted adjacent to the existing woodlands.
4. The area should be planted with native species consisting of a mix of hardwoods and pines, and a mix of canopy, understory and a herbaceous layer species.
5. The area proposed for afforestation should be put in a perpetual easement and there should be a note on the plat indicating the easement.

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

Ms. Verdery
Page Two
August 9, 2001

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 455-01



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 6, 2001

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

Re: Coxby's Estates, Section III, Reserved Parcel
S 95-030, P 00-126

Dear Ms. Chalkley:

The applicant has sent this office the revised plans for the above-referenced project. It appears that all issues of my July 6, 2001 were adequately addressed.

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: Ms. Claudia Jones, Science Advisor, CAC
AA 143-01

Branch 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 3, 2001

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

Re: Casper's Cove
S 00-042, P 01-174

Dear Mr. Soldano:

Thank you for forwarding the above-referenced subdivision request to this office for review and comment. The applicant proposes to create four lots and one residue area from 3.52 acres in the Limited Development Area (LDA). I have outlined our comments below.

1. It appears no Habitat Protection Areas will be impacted by the proposed development of the four lots and the resulting residue parcel. If the plans should change, please forward them to this office.
2. Although the current site plan does not depict the need for any variances to the Critical Area provisions of the County's ordinance, this office will not support variances for new lots. It appears the current plan will not require any variances.
3. The table describing the impervious surfaces limitations is not correct. It allows for a maximum impervious area greater than what is allowed for newly created lots. Since these lots are not grandfathered and are considered new lots, they may not exceed 25% impervious surface on each lot.
4. The area proposed for afforestation is acceptable. The applicant should plant native species on this site.

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

Mr. Soldano
Page Two
August 3, 2001

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 437-01

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, 2001

Mr. Ray C. Dintaman, Jr., Director
Environmental Review Unit
Department of Natural Resources
580 Taylor Avenue, B-3
Annapolis, Maryland 21401

Re: PN CENAB-OP-TN-01-08 USACOE Proposed Maintenance Dredging
Herring Bay & Rockhold Creek, Anne Arundel County

Dear Mr. Dintaman:

Thank you for forwarding the above-referenced project to this office for review and comment. Since the project is for maintenance this office has no objection. However, the placement of the dredge material should not occur in the 100-foot Buffer, any other Habitat Protection Areas, and should not involve clearing.

If you have any questions, 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

Branch 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 2, 2001

Mr. Jim Morrison, President
Friends of Hancocks Resolution
P.O. Box 233
Gibson Island, Maryland 21056

Dear Mr. Morrison:

This morning I spoke with Delegate John Leopold over the telephone concerning the Hancocks Resolution Historic Property. Delegate Leopold informed me that your organization is interested in creating a visual path to the water on this property. Our office is available to meet with you on site to discuss the options available.

As you may be aware, all clearing within the Chesapeake Bay Critical Area requires replacement. In that regard I have already contacted Mr. Rodney Banks, the County Forester, about this proposal and he is also interested in visiting the site to discuss your plans. Incidentally, your organization will be required by the Anne Arundel County Department of Planning and Zoning to complete a Buffer Management Plan which is an agreement between a landowner and the County that specifies the type of work to be done and the proposed mitigation. This can be arranged through Mr. Banks. By copy of this letter, I am also notifying Ms. Donna Ware, the County Historic Sites Planner of this proposal.

Please contact me at your earliest convenience to arrange a site visit to the property. I can be reached by telephone at (410) 260-3478 or by email at lhoerger@dnr.state.md.us.

Sincerely,

Lisa Hoerger
Natural Resources Planner

cc: The Honorable John R. Leopold, Delegate for District 31
Mr. Rodney Banks, County Forester
Ms. Donna Ware, County Historic Sites 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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August 2, 2001

Mr. Denis D. Canavan
Planning and Zoning Officer
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS 6401
Annapolis, Maryland 21401

Re: Anne Arundel County Council Bill # 49-01

Dear Mr. Canavan:

At its meeting on August 1, 2001, the Chesapeake Bay Critical Area Commission unanimously approved Bill # 49-01 which creates Buffer Exemption Area criteria for government reuse facilities. Section 8-1809 (p) (4) of the Natural Resources Article requires the County to incorporate this change into its Critical Area Program within 120 days of the date of this letter. Please forward a copy of the revisions to this office.

The Commission and Commission staff appreciate the willingness and time spent on the part of County staff to resolve the outstanding issues from the previous bill. Thank you and your staff for your cooperation. If you have any questions, please call me at (410) 260-3478.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: Ms. Betty Dixon, Land Use and Environmental Programs Manager
Ms. Elinor Gawel, Environmental Planner

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

August 2, 2001

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

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

Re: Woodrow Wilson Bridge
Construction Staging Area - Maryland

Dear Sirs:

At the August 2, 2001 meeting of the Chesapeake Bay Critical Area Commission, staff informed the Commission of the changes to the alignment of the concrete conveyor within the 100-foot Buffer at the construction staging area. This change did not require a formal vote since the Buffer is already considered disturbed by the proposed construction staging area activities, and the State Highway Administration is required to provide 3:1 mitigation for all disturbance to the 100-foot Buffer.

As you may recall at the June 6, 2001 meeting, the Commission approved the proposed layout of the construction staging area. That approval included several conditions including that the State Highway Administration shall report to Commission staff every 30 days. Please provide this office with a report for July and August.

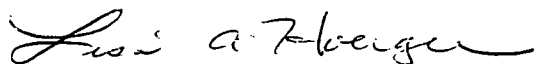
Branch Office: 31 Creamery Lane, Easton, MD 21601
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TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450

Finally, at our site visit last week, staff observed several items inside the 100-foot Buffer that should be located outside the Buffer. It is our understanding that this area will have a gravel base and will be used as a laydown area for the temporary storage of bridge materials and for the concrete conveyor. In that regard, kindly remove the dumpster at the south end of the site.

Thank you for your cooperation. If you have any questions, please contact me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: Tom Heil, PCC
Susan Jacobs, SHA
Samuel E. Wynkoop, Jr., Prince George's Co. DER
Ren Serey, CBCAC

Chesapeake Bay Critical Area Commission

STAFF REPORT

August 1, 2001

APPLICANT: Anne Arundel County

PROPOSAL: Amendment – County Council Bill # 49-01
Government Reuse Facilities in Buffer Exemption Areas

COMMISSION ACTION: Vote

PANEL RECOMMENDATION: Pending Final Panel Discussion

STAFF: Lisa Hoerger

**APPLICABLE LAW/
REGULATIONS:** Natural Resources Article §8-1809(h)

DISCUSSION:

At the Commission meeting of April 7, 2001, Anne Arundel County requested the Commission approve County Council Bill #78-00. This Bill set standards for Government Reuse Facilities in Buffer Exemption Areas (BEAs). A public hearing was held in March and there was public opposition to the Bill for a variety of reasons. With regard to the Critical Area, it appeared that the Bill did not adequately cover the standards for development and redevelopment outlined in the Commission's policy on BEAs.

At the afternoon meeting of the full Commission, Panel Chairman Dr. James Foor reported that the County requested the matter be tabled, and that work would continue between the County staff and Commission staff to further refine the Bill.

Over the past two months the Panel and Commission staff met with County staff, and an amended version of Bill #78-01 was drafted. The amended version is Bill # 49-01 and is attached for your review. This version of the Bill addresses those issues identified in the April 4, 2001 staff report. Below, I have outlined the deficiencies of Bill #78-01 along with the provisions addressing those issues in Bill #49-01.

Bill #78-00

Bill #49-01

<p>Did not include language to suggest the County should consider whether feasible alternatives exist and whether the impacts to the Buffer have been minimized. This language is found in the Commission's policy on page two, item "C. Standards".</p>	<p><i>See 1A-109 (d)(1) The County included language that amended the Bill to include "minimize impact to the Buffer".</i></p>
<p>Did not include language stating that development and redevelopment activities may not impact any Habitat Protection Areas other than the Buffer, including nontidal wetlands. See Commission's policy, page four, item #4.</p>	<p><i>The County's Critical Area Program provides for protection of Habitat Protection Areas, including nontidal wetlands which applies in BEAs.</i></p>
<p>Did not include language that no natural vegetation may be removed in the Buffer, and that existing natural vegetation in the Buffer must be maintained. See Commission's policy, page four, item #5.</p>	<p><i>Section 1A-109(d)(6) The amended version states, "Existing native vegetation may not be removed from the 100-foot Buffer except in accordance with an approved Buffer Management Plan designed to enhance the Buffer; and..."</i></p>
<p>Did not include language that BEA designation shall not be used to facilitate the filing of tidal wetlands that are contiguous to the Buffer to create additional buildable land. See Commission's policy, page four, item #6.</p>	<p><i>The definition of Habitat Protection Area (HPA) in the County's Zoning Ordinance includes wetlands as an HPA, and the Ordinance provides for preservation of HPAs.</i></p>
<p>There was no clear indication as to how subdivision will be handled on areas mapped as Buffer Exemption Areas. The panel believed that there should be at a minimum, a generic statement about subdivision and that any subdivisions would require approval of the Commission in order to retain BEA status.</p>	<p><i>See Section 1A-109(e) which includes provisions that could permit subdivision, but only if the subdivision were implemented in accordance with other requirements in the County Code pertaining to an overall development plan for a government re-use facility.</i></p>
<p>If subdivision is proposed there should be language indicating that the applicant must show there will be some net environmental benefit as a result of the subdivision (i.e. reduction of impervious surface in the Buffer).</p>	<p><i>See Section 1A-109(d) This section requires an applicant to demonstrate a net environmental benefit. They include a net reduction in impervious surface, and a vegetated buffer of no less than 25% of the total area within the Buffer.</i></p>
<p>There should be some definitions for the terms development and redevelopment since the Commission's policy distinguishes between these terms, and subsequently the setbacks are different. For example new development</p>	<p><i>See Section 1A-109(d)(4) II. The primary reason for requesting the County to distinguish between development and redevelopment was for the purpose of determining which setback to use. In the case of government reuse</i></p>

<p>activities (less than 15% impervious) require a 50-foot setback, whereas redevelopment activities (15% or greater existing impervious) require a 25-foot setback.</p>	<p><i>facilities, the County is allowing existing buildings to remain or new buildings to be constructed no closer than 25 feet from the water.</i></p>
<p>The County's Bill should recognize that all development activities, whether they are new development or redevelopment, require 2:1 mitigation.</p>	<p><i>See Section 1A-109(d)(5)(I) which references Section (C)(5) of the existing ordinance which includes language for 2:1 mitigation.</i></p>
<p>There should be some clarification regarding the definition of the Buffer versus how a Buffer functions. For example, in the County's Program the Buffer is defined as an existing naturally vegetated area or an area established in vegetation; however, in our discussions with the County their interpretation is that the Buffer cannot properly function if portions of that 100-foot area, while they may be vegetated, are behind buildings or other impervious areas, therefore the County is not giving Buffer mitigation credit for any vegetated areas behind buildings.</p>	<p><i>The County included the 2:1 mitigation and requires 25% of the Buffer to be vegetated. Commission staff believe this addresses our previous concerns about the need to provide sufficient mitigation and re-establish some functions of the Buffer.</i></p>
<p>There needs to be some clarification regarding how mitigation is required. The bill discusses that 25% of the Buffer shall be vegetated; however, it does not address the 25-foot bufferyard in the Commission's policy. The idea behind the bufferyard concept was to make an effort to create a vegetated strip between the development and the shoreline.</p>	<p><i>The County agreed that 25 % of the Buffer would be vegetated and that 2:1 mitigation would be provided for all new impervious area in the Buffer.</i></p>

Staff have reviewed the amended bill and believe it provides the necessary mechanisms to ensure that Government Reuse Facilities in BEAs will meet or exceed those provisions for BEAs outlined in the Commission's BEA policy for Commercial, Industrial, Institutional, Recreational and Multi-Family Residential BEAs.

The Panel will meet on the morning of the Commission meeting and formulate its final recommendation for the full Commission.

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2001, Legislative Day No. 31

Bill No. 49-01

Introduced by Mrs. Murphy, Chairman
(by request of the County Executive)

By the County Council, June 4, 2001

Introduced and first read on June 4, 2001
Public Hearing set for and held on July 2, 2001

By Order: Judy C. Holmes, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: The Chesapeake Bay Critical Area - Buffer Exemption
2 Program

3
4 FOR the purpose of setting certain standards for government reuse facilities in the critical
5 area buffer; providing for mitigation for certain development within the buffer;
6 prohibiting the removal of certain vegetation in the buffer; and clarifying certain
7 situations in which certain buffer exemption standards will not apply.

8
9 BY repealing and reenacting, with amendments: Article 28, §1A-109(d) (as amended by
10 Bill No. 77-00 and Bill No. 78-00)
11 Anne Arundel County Code (1985, as amended)

12
13 BY renumbering: Article 28, §1A-109(e), (f) and (g) (as amended by Bill No. 78-00) to be
14 Article 28, §1A-109(f), (g) and (h) respectively
15 Anne Arundel County Code (1985, as amended)

16
17 BY adding: Article 28, §1A-109(e)
18 Anne Arundel County Code (1985, as amended)

19
20 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
21 *That Article 28, §1A-109(e), (f), and (g) of the Anne Arundel County Code (1985, as*
22 *amended) (as amended by Bill No. 78-00) is hereby renumbered to be Article 28,*
23 *§1A-109(f), (g), and (h), respectively.*

24
25 SECTION 2. *And be it further enacted,* That Section(s) of the Anne Arundel County
26 Code (1985, as amended) read as follows:

ARTICLE 28 ZONING Title 1A. Critical Area

27
28
29
30
31 1A-109. Buffer exemption and enhancement program.

32
33 (d) Within a government reuse facility, the overall development plan shall comply with
34 the following buffer exemption area criteria:

EXPLANATION: CAPITALS indicate new matter added to existing law.
[Brackets] indicate matter stricken from existing law.

1 (1) ANY DEVELOPMENT ACTIVITY WITHIN THE 100-FOOT BUFFER SHALL MINIMIZE
2 IMPACT TO THE BUFFER;

3
4 [(1)](2) a vegetated buffer shall cover no less than 25% of the total area within the
5 100-foot buffer, provided that vegetated areas of less than 10 feet in width may not be
6 counted toward the 25% minimum;

7
8 [(2)](3) the vegetated buffer may vary in width;

9
10 [(3)](4) existing building footprints and other impervious surfaces may be relocated,
11 provided that such relocation:

12
13 (I) results in a net reduction in total impervious surface within the 100-foot
14 buffer; and

15
16 (II) DOES NOT LOCATE ANY BUILDING CLOSER TO THE WATER THAN EXISTING
17 BUILDINGS, 25 FEET FROM THE LANDWARD EDGE OF A WATERFRONT REVETMENT, OR
18 25 FEET, WHICHEVER IS GREATER;

19
20 (5) MITIGATION FOR ALL DEVELOPMENT ACTIVITY WITHIN THE 100-FOOT BUFFER
21 SHALL BE REQUIRED AND MAY BE ACCOMPLISHED BY:

22
23 (I) COMPLYING WITH THE PROVISIONS FOR NEWLY DEVELOPED IMPERVIOUS
24 SURFACE AS SET FORTH IN SUBSECTION (C)(5) OF THIS SECTION;

25
26 (II) REMOVING IMPERVIOUS SURFACE IN AN AMOUNT EQUAL TO THE
27 IMPERVIOUS SURFACE ADDED, REPLACED, OR OTHERWISE DISTURBED; OR

28
29 (III) A COMBINATION OF (I) AND (II) ABOVE;

30
31 (6) EXISTING NATIVE VEGETATION MAY NOT BE REMOVED FROM THE 100-FOOT
32 BUFFER EXCEPT IN ACCORDANCE WITH AN APPROVED BUFFER MANAGEMENT PLAN
33 DESIGNED TO ENHANCE THE BUFFER; AND

34
35 [(4)](7) there shall be a net decrease [in] OF AT LEAST 10% OF THE total impervious
36 surface within the 100-foot buffer.

37
38 (E) THE BUFFER EXEMPTION CRITERIA DESCRIBED IN SUBSECTION (D) OF THIS
39 SECTION DO NOT APPLY TO A SITE OR ANY PART OF A SITE THAT:

40
41 (1) NO LONGER MEETS THE DEFINITION OF A GOVERNMENT REUSE FACILITY
42 UNDER ARTICLE 28, §1-101 OF THIS CODE;

43
44 (2) IS NOT DEVELOPED IN ACCORDANCE WITH AN OVERALL DEVELOPMENT PLAN
45 THAT SATISFIES THE REQUIREMENTS OF §2-302(B)(5A)(VI) OF THIS ARTICLE; OR

46
47 (3) IS ADMINISTRATIVELY OR LEGISLATIVELY REZONED TO A DIFFERENT ZONING
48 CLASSIFICATION THAT DOES NOT INCLUDE THE REQUIREMENTS FOR A GOVERNMENT
49 REUSE FACILITY DESCRIBED IN §§1-101 AND 2-302(B)(5A)(VI) OF THIS ARTICLE.

50
51 SECTION 3. *And be it further enacted*, That this Ordinance shall take effect 45 days
52 from the date it becomes law and upon the approval by the Chesapeake Bay Critical Area
53 Commission and, if disapproved by the Commission, shall become null and void without
54 the necessity of further action by the County Council.

CHESAPEAKE BAY CRITICAL AREA COMMISSION
1804 West Street, Suite 100
Annapolis, Maryland 21401

MEMORANDUM

To: Program Subcommittee

From: Mary Owens, Lisa Hoerger

Date: July 16, 2001

Subject: Easton Village on the Tred Avon River PUD

This project is located south of Maryland Route 33, west of the Tred Avon River and north of the Ratcliffe Manor subdivision. You may recall reviewing the Ratcliffe Manor subdivision proposal last year. That subdivision proposal was for sixteen lots. On the attached map, this subdivision is on the left hand side of the map. It has one development envelope. The requested growth allocation is for 58.80 acres to be changed from RCA to LDA. There is greater than twenty acres set aside on the remainder of the parcel to support the remaining RCA. A 100-foot Buffer is provided.

On the parcel to the north (on the right hand side of the map) is the Easton Village PUD. This proposal will require growth allocation to change the critical area designation from RCA to IDA. At the present time, the proposal is to request 106.94 acres of growth allocation and to use the development envelope approach. Areas outside of the development envelope include a 300-foot setback and adjacent habitat for Delmarva Fox Squirrel.

The project will provide for a 300-foot setback except for one portion of the shoreline where the applicant proposes to provide for a 100-foot Buffer. This total area in the 100-foot Buffer and the 300-foot setback is approximately 66.87 acres. The site supports Delmarva Fox Squirrel (DFS) habitat and may also support two endangered plant species. The Heritage Division of the Department of Natural Resources and the U.S. Fish and Wildlife Service has reviewed the plans and revisions have been made to protect and conserve the DFS habitat.

The project proposes 340 residential units. The commercial component originally planned for the site near Maryland Route 33 has been eliminated. There will be approximately five acres of forest clearing, and 27.5 acres will be retained. Those areas of the 100-foot Buffer and 300-foot setback that are not currently forested will be planted in forest vegetation.

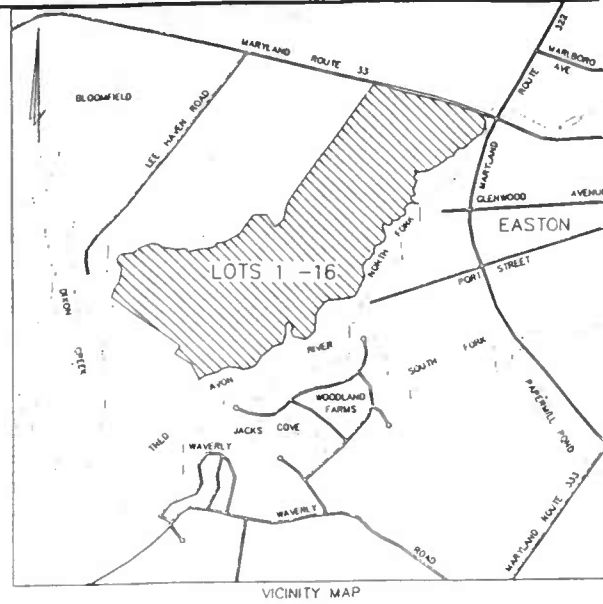
At the August Subcommittee Meeting, the applicant will be present to discuss the proposal before it is presented to the Talbot County Council and the Easton Town Council. You may recall that Talbot County passed a provision in its ordinance last year requiring that all towns who request supplemental growth allocation must hold joint hearings with the County.

The issues for discussion will be the configuration and size of the development envelope and the 300-foot setback. Also, staff will discuss the issue of providing a 100-foot Buffer along one portion of the shoreline at Easton Village.

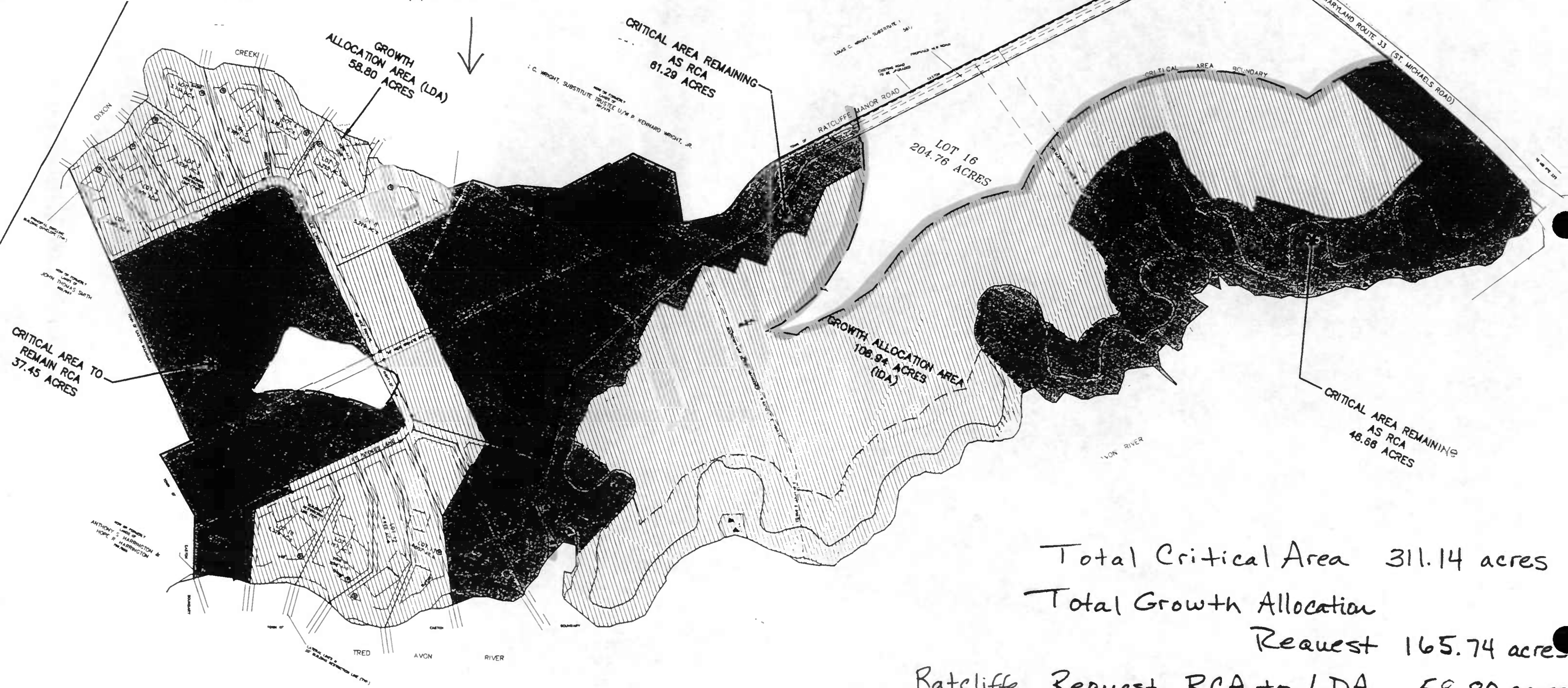
Town Issues:

- Park
- Park
- Pedestrian path

Growth Allocation Plan EASTON VILLAGE PUD



Ratcliffe Manor



Total Critical Area 311.14 acres
Total Growth Allocation Request 165.74 acres

Ratcliffe Request RCA to LDA 58.80 acres
Easton Village Request RCA to IDA 106.94 acres

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, 2001

Mr. Douglas Novocin, P.E.
Engineering Division
Maryland Transportation Authority
303 Authority Drive
Baltimore, Maryland 21222-2200

Re: Planting Agreement/Buffer Planting Plan
Police Memorial Garden

Dear Mr. Novocin:

We have received the above-referenced plan for review. Ms. Claudia Jones has contacted Mr. Larry Okpolor of your office to verify that the plans are acceptable. We would like to be contacted when the plantings and the project are completed so that we can perform a site visit. Subsequent to that time, we plan to schedule this project as an informational item for the Project Subcommittee.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: Larry Okpolor, MDTA
J. Kenneth Schmidt, Jr., Mahan Rykiel
Claudia Jones, CBCAC

Branch 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, 2001

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

Re: Jeffrey & Mary Ayers – Amended Request
Special Exception/Appeal #1191

Dear Ms. Verdery:

Thank you for forwarding the amended request for the above-referenced special exception. The applicant now proposes to remove an existing pier and replace it with a 260' by 5' timber pier with a 10' by 20' "L" head, including two mooring piles, a finger pier and a boatlift. The proposed pier will encroach 270' into the channel. This request appears to have less encroachment; therefore, this office has no comment regarding the encroachment issue.

As stated in the previous letter dated July 17, 2001, we have no objection to the requested pier provided the pier will not impact any Habitat Protection Areas (HPAs) in Dun Cove or Harris Creek.

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 418-01

Branch 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 23, 2001

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

Re: Sonneborne Land
S 01-038, P 01-121

Dear Ms. Allen:

This letter serves to amend the comments of my previous letter dated June 25, 2001, concerning this subdivision. In that letter, I erroneously stated that putting an easement on the remaining lands in the Critical Area would satisfy the 15% impervious surface requirement for the overall subdivision; however, I failed to inform the County that State law requires that the individual lots may not exceed 25% impervious coverage. The applicant must adjust the lot size or the proposed impervious area on each lot to satisfy this requirement.

I apologize for any inconvenience this may have caused in processing this request. If you have any questions, 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: AA 347-01

Branch 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 23, 2001

Mr. Scott Burroughs
Potomac Crossing Consultants
1800 Duke Street, Suite 200
Alexandria, VA 22314

Re: Woodrow Wilson Bridge Project
Geotechnical Investigations – Assignment 9

Dear Mr. Burroughs:

I have received the letter from Mr. Charlie Adams of the State Highway Administration indicating that geotechnical investigations are continuing for the Woodrow Wilson Bridge project. It appears that while there is no proposed forest clearing, there will be some minor tree felling associated with Assignment 9. These individual trees must be included in the reforestation package, unless they are already considered counted because they are within the project's limits of disturbance. In that regard all clearing associated with Assignment 4 also require replanting.

If you have further questions, please do not hesitate to contact me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: Mr. Charlie Adams, SHA
Ms. Regina Esslinger, CBCAC

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



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July 18, 2001

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

Re: Harris G. Prival & Evelyn L. Prival - L-859

Dear Ms. Verdery:

Thank you for forwarding the above-referenced lot line revision to this office for review and comment. This office does not oppose the requested subdivision provided it is noted on the plat that no development is permitted in the Resource Conservation Area portion of the lot, and that no structures, including piers, are permitted for this lot. In addition, the County should verify the following items.

1. The site plan submitted does not delineate the extent of the 100-foot Buffer on the property, nor does it delineate any other required Buffers for tidal or nontidal wetlands, or for intermittent or perennial streams. These features should be shown to ensure variances will not be required.
2. The notes indicate no wetlands have been identified. Has this been field verified?
3. The County should verify that reconfiguring these two lots will not create nonconforming lots with respect to the other Critical Area provisions in the County's Ordinance such as clearing and impervious surface limitations.

The resulting lot configuration should not require any Critical Area variances or make either lot nonconforming. 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 412-01

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



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July 18, 2001

Mr. Michael Murray
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS 6302
Annapolis, Maryland 21401

Re: Wigley Property- MS# 01-052

Dear Mr. Murray:

Thank you for forwarding the above-referenced project to this office for review and comment. The applicant proposes an intra-family transfer to create a total of four lots, with one lot inside the Critical Area. I have outlined our comments below.

It appears the only access to the lot inside the Critical Area is through steep slopes. According to the consultant's report, there is an old road that could be used to access this lot. We recommend the applicant utilize this existing road. If a new road is proposed when one already exists, this office will not support a variance.

The County should ensure that no other variances will be required to develop the lot inside the Critical Area. Based on the site plan submitted, it appears there is sufficient room to accommodate the new development.

The consultant's report suggests the stream channel running through the property is an ephemeral channel. The County should verify this to determine whether a 100-foot Buffer is required on this site. Commission staff are available to assist with this matter.

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

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: AA 394-01

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

July 18, 2001

Mr. Michael Murray
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS 6302
Annapolis, Maryland 21401

Re: BWI Technology Park
S# 01-042, P# 01-134

Dear Mr. Murray:

Thank you for forwarding the above-referenced request to this office for review and comment. The applicant proposes to develop an industrial park outside of the Critical Area portion of this parcel. However, it appears there will be impacts to forested areas and an increase in impervious surface due to associated road improvements. I have outlined our comments below.

1. From the information provided, it appears that no subdivision will take place inside the Critical Area. Please verify this item.
2. Today, Ms. Claudia Jones, Science Advisor to the Commission, and myself drove past the site and the general vicinity of the project. It was her opinion that the site does not support Forest Interior Dwelling Bird habitat. While it may have at one time, the extensive clearing on the non-Critical Area portion of the parcel and clearing on adjoining parcels precludes this site as FID habitat.
3. The total proposed impervious surface equals 19%. As you know the impervious surface limitations are 15%. Will the County require a variance?
4. The total proposed clearing equals 32%. Will the County require a variance for the clearing over 30%?

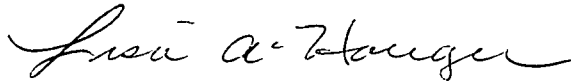
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Mr. Murray
Page Two
July 18, 2001

5. For the clearing up to 30%, 3:1 mitigation is required. Since there is 4.49 acres of existing forest, 1.35 acres is 30%. That would mean that 4.05 acres would need to be provided for the clearing up to 30%. The proposed reforestation is 3.34 acres; therefore, .71 acres are still required to satisfy the reforestation requirement. Will the applicant be paying a fee-in-lieu of for this required reforestation?
6. Is there additional room adjacent to the Critical Area portion of the site that could accommodate the remaining reforestation?
7. There is a "Retention Area E" that appears to be in the RCA of the Critical Area. All stormwater management facilities must be located outside the Critical Area for development that is occurring outside the Critical Area.

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

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: AA 348-01



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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July 18, 2001

Mr. Michael Murray
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS 6302
Annapolis, Maryland 21401

Re: Hyde Property
S #01-050, P #01-145

Dear Mr. Murray:

Thank you for forwarding the above-referenced subdivision request to this office for review and comment. The applicant prose to create one new lot outside of the Critical Area; therefore, this office has no comment regarding the proposed subdivision.

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

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: AA393-01

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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July 17, 2001

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

Re: Jeffrey & Mary Ayers
Special Exception/Appeal #1191

Dear Ms. Verdery:

Thank you for forwarding the above-referenced special exception request for review. The applicant proposes to remove an existing pier and replace it with a 285' by 5' timber pier with a 10' by 20' "L" head, including two mooring piles, a finger pier and a boatlift. The proposed pier will encroach 295' 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 Dun Cove or Harris Creek. 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. From the information provided, it appears nearby areas of Submerged Aquatic Vegetation will not be impacted.

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 418-01

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



Judge John C. North, II
Chairman

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Executive Director

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July 16, 2001

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

Re: Passyn & Passyn
L-861

Dear Ms. Verdery:

Thank you for forwarding the above-referenced lot line revision to this office for review and comment. Provided the lot line revision will not result in any need for variances to accommodate future development, this office has no comment.

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 414-01

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



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July 16, 2001

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

Re: Charles Briddell
L-860

Dear Ms. Verdery:

Thank you for forwarding the above-referenced lot line revision to this office for review and comment. Provided the lot line revision will not result in any need for variances to accommodate future development, this office has no comment.

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 413-01

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



Judge John C. North, II
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Executive Director

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July 16, 2001

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

Re: Doris Price
Special Exception/Appeal #1190

Dear Ms. Verdery:

Thank you for forwarding the above-referenced special exception request for review. The applicant proposes to construct a 240' by 5' timber pier with a 10' by 20' "L" head, including four mooring piles. The proposed pier will encroach 260' 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 Dun Cove or Harris Creek. 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. From the information provided, it appears nearby areas of Submerged Aquatic Vegetation will not be impacted.

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 411-01

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



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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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

July 12, 2001

Ms. Cynthia D. Simpson
Deputy Director
Office of Planning and Preliminary Engineering
Mailstop C-301
Maryland State Highway Administration
707 North Calvert Street
Baltimore, Maryland 21202

Re: Project N. PG 221A11
MD 210 Multi-Modal Study, I-95/I-495 to MD 228
Prince George's County, Maryland

Dear Ms. Simpson:

Thank you for forwarding the above-referenced project to this office for review and comment. I have reviewed the proposed alternatives for the MD 210 project. According to the information provided, it appears that the options associated with alternatives 5B and 5C will have a total of 7.3 acres of impact to the Chesapeake Bay Critical Area.

It also appears that the 100-foot Buffer to a tributary stream will be impacted. Since the Buffer is considered a Habitat Protection Area (HPA) under the Critical Area Criteria, the selection of alternative 5B and 5C will require approval by the Chesapeake Bay Critical Area Commission. The report also references potential disturbance to Forest Interior Dwelling Bird (FID) habitat. This disturbance would also require Commission approval.

Regardless of the selected alternative, the State Highway Administration is required to forward all projects in the Critical Area to this office for staff review and comment. This project will likely require some form of forest, FID, and /or Buffer mitigation depending on the selected alternative. The mitigation ratios are dependent on the amount and type of disturbance. We will be happy to provide more detailed information once the alternative is selected.

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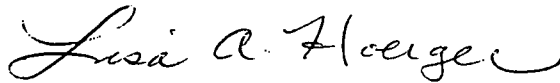
Ms. Simpson
Page Two
July 12, 2001

In general, any disturbance to FID habitat requires a minimum 1:1 mitigation ratio and that mitigation must be creating new FID habitat. Therefore, the proposed planting area must be adjacent to an existing FID forest. Buffer disturbance generally requires a 3:1 mitigation ratio and that mitigation must occur in back in the 100-foot Buffer. The order of preference is in the Buffer on-site or at a nearby off-site location.

We will also be interested in the proposed sediment and erosion control measures and the proposed stormwater management technique used for the project. If the project will require Commission approval, all necessary State, local and federal permits that are required should be obtained prior to Commission approval. All stormwater management facilities shall be located outside of any designated HPAs.

If I can provide you with further assistance, please do not hesitate to contact me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: Ms. Regina Esslinger, Chief, Project 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 12, 2001

Ms. Michele Bistany
U. S. Army Corps of Engineers, Baltimore District
ATTN: CENAB-PL-P
P.O. Box 1715
Baltimore, Maryland 21203-1715

Re: Western Branch, Patuxent River
Draft Integrated Detailed Project Report and Environmental Assessment

Dear Ms. Bistany:

Thank you for forwarding the above-referenced document to this office for review. It appears the proposed projects will not be inside the Chesapeake Bay Critical Area based on the maps contained in the document. Therefore, the proposal will not require approval by the Chesapeake Bay Critical Area Commission.

In general, we support the efforts of your agency in pursuing these projects in the watershed, as it will likely have positive impacts on the downstream areas and the Patuxent River.

Again, thank you for the opportunity to comment. If you have any questions about the Chesapeake Bay Critical Area, 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. Regina Esslinger, Chief, Project Evaluation

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

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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 12, 2001

Mr. Chris Colvin
MNCPPC
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 Reforestation Plan

Dear Mr. Colvin:

This letter serves to correct my last letter to you dated June 11, 2001 for the above-referenced project. Instead of planting the required reforestation requirement, your agency plans to use existing lands on property owned by MNCPPC as a site for natural regeneration. This method of reforestation is acceptable to Commission staff. An amended Plantings Agreement Form is no longer necessary.

The change of species from red maple to pin oak for the bioretention area is also acceptable. I will make a note on the plan in my file of the species change. Please notify me when the planting of the bioretention area is completed.

I apologize for the confusion regarding the reforestation plan. As always, thank you for your cooperation. If you have any questions, 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: Regina Esslinger, Chief, Project Evaluation

Branch Office: 31 Creamery Lane, Easton, MD 21601
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Executive Director

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July 6, 2001

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

Re: Coxby's Estates, Section III, Reserved Parcel
S 95-030, P 00-126

Dear Ms. Chalkley:

We have received the point-by-point response from the applicant concerning our comments from our last letter dated March 22, 2001 for Coxby's Estates, Section III. It appears the applicant is aware and plans to provide mitigation at a 1:1 ratio for the clearing proposed, and that the mitigation must create new Forest Interior Dwelling Bird (FID) habitat since the parcel contains FID habitat. I have outlined below the remaining comments/issues that require clarification before final approval is issued by the County.

1. Based on a telephone conversation with Mr. Husted of Sigma Engineering, it is my understanding that the entire area inside the Critical Area will be placed in a conservation easement with the exception of the limits of disturbance for the two house site locations and the driveways serving each dwelling. In any case, the notations on the plan should be acceptable to the County, and it is understood that the conservation easement covers all areas outside the LOD before final approval.
2. There should be a note on the plat that indicates there shall be no further clearing, including understory, on lots 22 and 23 outside the LOD.
3. We are confused over the ownership of the access easement. Is it for the community outside the Critical Area, or for the lot owners in the Critical Area? In any case, it should not be 40 feet. The way the language is worded it seems that property owners may be led to think that they should maintain a 40' swath. This is not consistent with FID habitat protections. No clearing should be necessary for this easement. All access through the easement should be accommodated without the need for clearing.

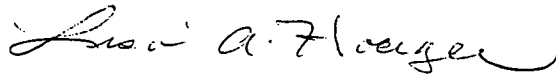
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Ms. Chalkley
Page Two
July 6, 2001

4. The plans label the existing trail as a "motorcycle" trail. We understand this was labeled this way because it currently is used by motorcyclists; however, we request this label be removed from the plans to avoid any misconceptions regarding its appropriate use in FID habitat.

Thank you for the opportunity to comment. Please telephone me if you have any questions, or if I can provide additional assistance.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: Ms. Claudia Jones, Science Advisor, CAC
AA 143-01



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

June 28, 2001

Mr. Dan Cowee
Talbot County Office of Planning
& Zoning
Courthouse
Easton, Maryland 21601-3178

Re: Tilghman Island Site Visit
Potential Mapping Mistake

Dear Mr. Cowee:

Thank you for meeting Ms. Amber Widmayer and myself on Friday, June 22, 2001 to tour various parcels on Tilghman Island. It is my understanding that your office intends to pursue a mapping mistake for an area in close proximity to the Tilghman Island Bridge. I also understand that you are checking both aerial photographs and tax map information to verify the uses that existed in this area as of December 1, 1985 and the size of the parcels.

Based on our telephone conversation yesterday, you indicated that approximately 27 acres could potentially be subject to the mapping mistake request. Our office would like to schedule a meeting with you prior to submission to your Planning Commission to discuss the mapping mistake issue. In particular, we would like to discuss how the County intends to apply IDA standards in a VC zone.

Please contact us with your availability. We look forward to meeting with you to get this matter resolved.

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: Mr. Ren Serey
Ms. 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

June 26, 2001

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

Re: Phelps Property - P # 98-165, S # 98-073

Dear Ms. Allen:

Thank you for forwarding the revised sketch plan to this office. I have outlined our comments and concerns below.

- 1) While the applicant has provided more detailed plans there are still some issues that remain unclear. The plans indicate the approximate edge of tidal wetlands. Will the County require that a JD be performed for the tidal areas as was done for the nontidal wetlands?
- 2) On sheet 2 of 4 there is a proposed extension of Dixon Drive and two lots that will impact the nontidal wetland and its associated 25-foot buffer. These impacts will require a variance and this office will not support variances for newly created lots. Therefore, the configuration of the Dixon Drive extension and the lots must be changed to avoid all impacts to the nontidal wetland and its buffer.
- 3) On sheet 2 of 4 there is an area labeled as "SWM" at the end of Dixon Drive. It is unclear whether this will be a pond or a bioretention area based on the current drawing. In any case, whichever stormwater management treatment is selected it should not be within the buffer to the nontidal wetlands or the nontidal wetlands.
- 4) On sheet 3 of 4 there is a bioretention area inside the 100-foot Buffer to tidal wetlands. Again, all stormwater management measures should be located outside of the Buffer. As stated earlier, this office will not support variances for new development activities.
- 5) On sheet 2 of 4 there is a public stormwater basin that is partially inside the Critical Area. It appears to be serving development outside the Critical Area and may be impacting steep slopes. It also appears to require clearing inside the Critical Area. We will not support a variance to disturb steep slopes in the Critical Area for an outfall structure serving new development outside the Critical Area.

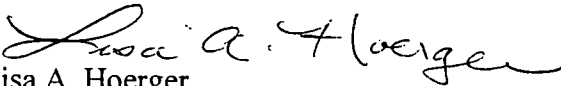
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Ms. Allen
Page Two
June 26, 2001

- 6) There are symbols on the map key for a perennial stream. I could not find the location of the stream(s) due to the symbol used since the symbol for the stream and its associated buffer are the same. Please have the applicant clarify the location of the stream(s). Perennial and intermittent streams in the Critical Area require a minimum 100-foot Buffer.
- 7) We recommend a note be added to the plat and community covenants alerting future homeowners of the 15% impervious surface limitations and clearing limitations.
- 8) Also, all buffers should be clearly shown on all plans and a note should accompany them indicating no disturbance to these areas is permitted. Disturbance includes grading and clearing.
- 9) The County should ensure that all references to recreation areas be labeled as passive when they occur in the Critical Area in the Resource Conservation Area.
- 10) On sheet 4 of 4 there is one lot proposed within the Critical Area. It appears no buffers will be impacted. Please confirm.
- 11) Also, for proposed lot 25, how will stormwater management be handled? Will it be directed to the public bioretention area that is outside the Critical Area?
- 12) We understand the letters from the Department of Natural Resources, Heritage and Biodiversity Division do not indicate that this parcel is Forest Interior Dwelling Bird (FID) Habitat. Provided the parcel and adjoining forested areas are less than 50 acres, it is unlikely the area supports FIDs. If the area is 50 or more contiguous acres, a more careful review is necessary.
- 13) Two years ago, when this subdivision was first submitted, I was contacted by a local citizen who claimed the parcel may support some rare plants. Has this been verified by either the County or DNR? If not, we suggest the applicant allow DNR to survey the site.

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

Sincerely,


Lisa A. Hoerger
Natural Resources Planner

cc: The Honorable Philip C. Jimeno
Mr. Frederick W. Hager, Citizen
Ms. Katherine McCarthy, DNR
AA 394-98



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

June 26, 2001

Jim Stasz
Environmental Resources Division
The Maryland-National Capital Park and Planning Commission
14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772

Re: Harry L. Lee, II
CP-01007

Dear Mr. Stasz:

Thank you for forwarding the above-referenced variance request to this office for review and comment. The applicant proposes to construct a single family dwelling that would disturb steep slopes in the County's Chesapeake Bay Critical Area. Provided this lot is properly grandfathered (i.e. a legally, buildable, recorded lot as of December 1, 1985), this office has no objection to building a dwelling on this lot. However, disturbance to steep slopes should be the minimum necessary.

In order to demonstrate that the minimum necessary disturbance is proposed, the applicant should consider minimizing the length of the driveway, and building on the most level portion of the lot. Mitigation for all new disturbance to the steep slopes should occur at a 3:1 ratio with native species. New disturbance includes grading, footprint and clearing.

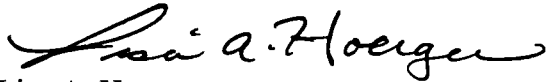
Absent acreage figures for adjoining properties, it appears the site may be part of a larger contiguous tract of forest that may support Forest Interior Dwelling Bird (FID) species. When FID habitat is present, the Commission refers to its updated guidance document dated June 2000 regarding the conservation and protection of FID habitat. For single lot, residential development, if the limits of disturbance are within 300 feet or less of the existing edge of forest, then the applicant has minimized disturbance and mitigation should be performed at a 1:1 ratio. This forest mitigation for FID habitat can be used in conjunction with any reforestation that is required, however, it must create new FID habitat.

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

Mr. Stasz
Page Two
June 25, 2001

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: Mr. Richard Thompson, PG Co. DER
PG 388-01

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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June 25, 2001

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

Re: Golf Courses in the RCA

Dear Mr. Cowee:

In response to your request, this letter outlines the Chesapeake Bay Critical Area Commission's position regarding new golf courses in the Resource Conservation Area (RCA). In general, the uses associated with the operation and maintenance of the golf course like the club house, maintenance facilities, and parking areas, should be located outside of the RCA portion of the site, absent a growth allocation request. The course, including the fairways and greens, can be located inside the RCA. This position is notwithstanding any other required County regulations.

The exception to this is when a golf course (i.e. the greens and fairways) are mixed with residential development. In these cases, the golf course will require a growth allocation.

If you have further questions, please do not hesitate to contact me at (410) 260-3478.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: Ms. Mary Kay Verdery, Zoning Administrator
Ms. Mary Owens, Chief, Program Implementation
Ms. Regina Esslinger, Chief, Project Evaluation

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June 25, 2001

Mr. Larry Lubbers
Watershed Restoration Division
Department of Natural Resources
Tawes State Office Building, E-2
580 Taylor Avenue
Annapolis, Maryland 21401

Re: NEPA Review Harundale Stream Restoration

Dear Mr. Lubbers:

Thank you for forwarding the above-referenced stream restoration project to this office for review and comment. Since a portion of the proposed work is within the Chesapeake Bay Critical Area and the applicants are local and State government entities, the project may require a formal approval by the Chesapeake Bay Critical Area Commission. In that regard, the Commission meets the first Wednesday of each month, and all necessary project information must be submitted to Commission staff at a minimum two weeks prior to the scheduled meeting date. I have enclosed a copy of our project checklist for your use.

From the information provided, it is my understanding that the proposed disturbance in the Critical Area will consist of one 8-foot long rock vane at the downstream end of the channel. It is anticipated this work will involve some clearing of vegetation, in addition to disturbance to the stream buffer, which measures 100-feet from the edge of each stream bank. The total proposed clearing and disturbance to the stream channel and Buffer should be quantified. Also, we need clarification as to whether this is locally owned land, State-owned lands or private lands.

The information from the Heritage and Biodiversity Division will be necessary before any work commences. As you know, this information will determine whether special protection measures will be necessary for the protection and conservation of any rare, threatened or endangered species that may use the site for habitat.

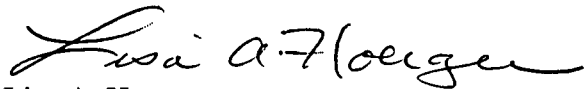
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Mr. Lubbers
Page Two
June 25, 2001

Any other State or local approvals should be completed or near completion prior to Commission approval.

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

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

Enclosure

cc: Ms. Regina Esslinger, Project Chief, CBCAC



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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June 25, 2001

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

Re: Bay Vista Single Lot Subdivision, L 933

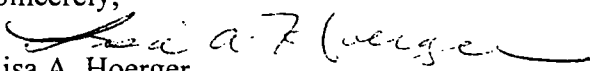
Dear Ms. Verdery:

Thank you for forwarding the Bay Vista subdivision request. I have outlined our comments and concerns below.

1. Based on a prior submittal to this office for the adjacent parcel, it was the understanding of this office that this parcel already contained platted lots. Now it appears no subdivision occurred on this parcel. Please clarify this issue. The subdivision we reviewed and provided comments on was for the parcel that is south of Sinclair Lane (M-392).
2. I understand the County does not require an environmental assessment for single lot subdivisions. However, I cannot provide substantive comments absent a report; therefore, I am relying on information submitted with the previous request.
3. The narrative in the environmental report indicates the presence of a palustrine pond. This requires a minimum 25-foot buffer. Any disturbance to the buffer or nontidal wetland itself will require approval by the Department of the Environment, Nontidal Wetlands Division.
4. The County should ensure that the creation of this lot will not create the need for variances to its Critical Area program.
5. What are the forest acreage figures? Does the lot support a minimum 15% forest cover?

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

Sincerely,


Lisa A. Hoerger
Natural Resources Planner

cc: TC 386-01

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June 25, 2001

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

Re: Sonneborne Land
S 01-038, P 01-121

Dear Ms. Allen:

Thank you for forwarding the above-referenced subdivision request to this office for review and comment. While the majority of this subdivision is outside of the Chesapeake Bay Critical Area, we have the following comments and concerns:

1. The Critical Area portion of the subdivision is split by Manhattan Beach Road. Therefore, I assume the County regards these two pieces of land as separate parcels; however, it appears the applicant is using the net acreage of these two parcels when calculating his allowable impervious surface and clearing limitations. Provided the parcel that supports the nontidal wetlands is held in an easement, this office has no objection.
2. The reason for putting an easement on the other parcel within the Critical Area is because the impervious surface limits on the newly created lots appear to exceed the allowable 15% limit when one only calculates the lot area versus the area of proposed impervious surface. If the remaining lands in the Critical Area are under easement, this will ensure this area of the Critical Area does not exceed the 15% impervious surface limitations.
3. A note should be added to the plat and community covenants indicating the maximum allowable impervious area for each lot in the Critical Area.

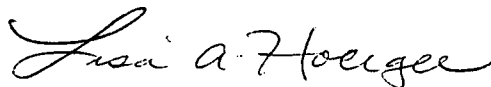
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Ms. Allen
Page Two
June 25, 2001

4. The forest clearing calculations provide another reason for the easement. It appears the applicant is using both parcels in the Critical Area to claim only 10% clearing will occur.
5. Again a note should be added to the plat and community covenants regarding the allowable clearing for each lot in the Critical Area.
6. The method proposed for stormwater management both inside and outside the Critical Area is important considering there is a Wetland of Special State Concern one-half mile from the project site.
7. Please forward the letter from the Department of Natural Resources, Heritage and Biodiversity Division concerning any rare, threatened or endangered species habitat when it becomes available.

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 347-01



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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Fax: (410) 974-5338

June 19, 2001

Mr. Roby Hurley
Critical Area Circuit Rider for Town of St. Michaels
Lower Eastern Shore Regional Office
Salisbury District Court/Multi-Service Center
201 Baptist Street, Suite 24
Salisbury, Maryland 21801-4974

Re: Chesapeake Bay Maritime Museum
Parking Lot Project

Dear Mr. Hurley:

Thank you for forwarding the above-referenced project to this office for review and comment. Based on our meeting on June 7, 2001 with you, Carl Titcomb and Jean Weisman, and our review of the latest plans that were submitted to the Town, this office concurs that the project meets the Critical Area requirements of the Town of St. Michaels Ordinance.

Thank you for the opportunity to comment. Please telephone me if I can provide yourself or the Town of St. Michaels with additional assistance.

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: Mr. Carl Titcomb, Zoning Inspector
Ms. Jean Weisman, Assistant Town Manager

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June 19, 2001

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

Re: William Hall
L-857

Dear Ms. Verdery:

Thank you for forwarding the above-referenced lot line revision to this office for review and comment. Provided the lot line revision will not result in any need for variances to accommodate future development, this office has no comment.

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 374-01

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

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Ren Serey
Executive Director

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June 19, 2001

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

Re: David and Susan Pyles
L-856

Dear Ms. Verdery:

Thank you for forwarding the above-referenced lot line revision to this office for review and comment. Provided the lot line revision will not result in any need for variances to accommodate future development, this office has no comment.

Thank you for the opportunity to comment. Please contact me if you need additional information or assistance from this office.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: TC 373-01

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



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June 19, 2001

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

Re: Robert Orkin
L-858

Dear Ms. Verdery:

Thank you for forwarding the above-referenced lot line revision to this office for review and comment. Provided the lot line revision will not result in any need for variances to accommodate future development, this office has no comment.

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 376-01

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



Judge John C. North, II
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Ren Serey
Executive Director

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June 19, 2001

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

Re: Rogelio Novey
L-854

Dear Ms. Verdery:

Thank you for forwarding the above-referenced lot line revision to this office for review and comment. Provided the lot line revision will not result in any need for variances to accommodate future development, this office has no comment.

In regard to the impervious area calculations, it appears the plan is incorrect. The plan indicates that lot 8 is allowed 25% and that lot 9 is allowed lot 15% impervious coverage. Based on the square footage of each of these lots, the allowable impervious surface limitation for grandfathered lots is up to 31.25%. If the County determines these lots are not grandfathered than they are limited to 25% impervious coverage.

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 375-01

Branch Office: 31 Creamery Lane, Easton, MD 21601
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Judge John C. North, II
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June 19, 2001

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

Re: Westland Farms, Inc.
L-855

Dear Ms. Verdery:

Thank you for forwarding the above-referenced lot line revision to this office for review and comment. Provided the lot line revision will not result in any need for variances to accommodate future development, this office has no comment.

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 372-01

Branch 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
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June 18, 2001

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

Re: Garrigus Property
S 97-028, P 97-061

Dear Ms. Chalkley:

Thank you for forwarding the final plans for the Garrigus Property. It appears the applicant has addressed our last comments concerning stormwater management, and has added plat notes concerning clearing and impervious surface limitations; therefore, we have no further comments on this subdivision request, provided all necessary Critical Area requirements of the County's Critical Area program are met.

Thank you for the opportunity to comment. Please telephone me if you have 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 355-99

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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

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

June 15, 2001

Ms. Kelly Krinetz
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

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

Dear Ms. Krinetz:

Subsequent to our site visit to the above-referenced property I would like to offer the following comments and recommendations.

- 1) After discussions with the engineer and consultant this morning, it appears every effort is being made to minimize impacts to steep slopes, the nontidal wetland buffer and the 100-foot Buffer to an intermittent stream for the access road. Today I received verbal confirmation that alternative access to the site was explored and it was determined it is not feasible due to objections by the adjoining community and site distance issues. Therefore, this office does not object to the proposed location of the access road.
- 2) In my last letter dated May 23, 2001, I requested that a note be added to the plat alerting future homeowners and the homeowners association that no disturbance is permitted in or on steep slopes, that a note be added to the plat indicating the allowable impervious area remaining for each lot, and a note be added to the plat alerting future residents and the homeowners association that clearing is prohibited in the areas that are in an easement. I assume this will be addressed at final.
- 3) Since the configuration of the existing pond is pending comments from MDE, it is unknown at this time whether additional area will be available to do on-site plantings. Please keep us updated as to the status of this pond and the ultimate design of the stormwater management for this subdivision, since it may determine how other requirements of the subdivision will be met.

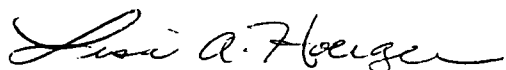
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Ms. Krinetz
Page Two
June 15, 2001

- 4) We walked the driveway of proposed lot 3 today and there is an existing macadam drive over the area of steep slopes. Since this already exists, and provided no further grading will be necessary, we concur with your opinion that a variance for this driveway should not be required. However, if the debris removal will involve equipment, that no grading or clearing of existing trees and vegetation occur to avoid further disturbance to this area.
- 5) Once the issue of lot configuration and the stormwater issues are resolved we should have a better indication of the status of on-site reforestation. Please keep us updated on this issue.

Thank you for the opportunity to comment and for inviting us to meet with you in the field to discuss these issues. Please telephone me if you have any questions at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: AA 415-99

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

June 15, 2001

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
Revised SWM Facility north of Mayo Road

Dear Ms. Mott:

Thank you for forwarding the redline plan showing the revisions to the stormwater management facility north of Mayo Road. It appears no clearing will be necessary; therefore there is no need to revise the Plantings Agreement. Also, since the additional disturbance is for an extension of an outfall, this activity does not require another review and approval by the Critical Area Commission. If any other changes occur, please forward them to me as soon as possible so that I can determine whether Commission approval is necessary.

Thank you for your continued cooperation with this project. If I can be of assistance, please 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: Meg Andrews, DOT Representative
Regina Esslinger, CBCAC

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



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June 13, 2001

Ms. Anne Pearson
2041 Shore Drive
Edgewater, MD 21037

Re: Homeowners Conservation Handbook

Dear Ms. Pearson:

Thank you for sharing you ideas of a Homeowners Conservation Handbook with our office. We support your efforts to create a handbook/guide for property owners who will be living in or near sensitive habitats. One of the components of this handbook is of particular interest to our office. Forest Interior Dwelling Bird habitat is not a common term to the typical homeowner. Education and awareness are the most valuable tools we can use to supplement people's understanding of these fragile ecosystems.

It appears you have contacted several experts in this field. As you continue your progress on this handbook/guide, our office would like to have the opportunity to review any drafts and provide input, especially on the sections that will describe FID habitat.

When we review new subdivision requests in the Critical Area that support FID habitat, we work very hard with the County, developers, and property owners to achieve a balance that will accommodate growth and protect and conserve these sensitive areas. Your efforts to promote a more common awareness and understanding of these habitats will make our job easier in the future.

Thank you again for your efforts.

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



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June 13, 2001

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

Re: Langley Road Investors - S 01-008, P 01-018

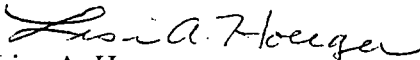
Dear Ms. Allen:

Thank you for forwarding the resubmittal information to this office for review and comment. Based on the revised site plan, I have the following comments:

1. Provided no new development activities are currently proposed for this site, the 10% pollutant reduction calculations are not required at this time; however, at the time of new or redevelopment of this site, these calculations will be required. Therefore, a note should be added to the plat stating that new or redevelopment activities on these lots will require that the 10% pollutant reduction requirement be addressed.
2. While the 100-foot Buffer was added to the plan, it appears to be drawn incorrectly. The 100-foot Buffer is measured from the edge to tidal waters and tidal wetlands. There are instances on the plan where the Buffer appears to be drawn from the edge of tidal waters instead of being drawn from the edge of tidal wetlands. Also, there are instances where it appears the Buffer is not a full 100 feet. Finally, the Buffer must be expanded in the case of steep slopes. Please have the applicant correct the Buffer prior to final recordation.

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: AA 60-01

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-3093

2001 Staff Correspondence Vol. II: McCleary

SI 832-148-3

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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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Fax: (410) 974-5338

December 20, 2001

Mr. Jon Romeo
District Engineer
US Army Corp of Engineers
Baltimore District
P.O. Box 1715
Baltimore, Maryland 21203-1715

RE: CENAB - OP-RMN
(MD MPA\South Locust Point
Fruit Pier\Slip Fill 02-60163-1

Dear Mr. Romeo:

The Chesapeake Bay Critical Area Commission has had an opportunity to review the above proposed project. This office understands that there is a proposal by the Maryland Port Administration (MPA) to fill a 156,250 square feet slip area using approximately 250,000 cubic yards of clean inorganic fill material and to pave the area with Asphalt. According to the public notice, a stone ditch is to be constructed to contain the fill material and provide erosion control. Three outfall pipes are to be extended through the fill area. Also, the area is to be dredged to remove soft sediment.

The purpose of the above project is to provide MPA with additional vehicle, equipment and container storage due to growing operations and tenant demands for space at the South Locust Point Marine Terminal. The proposed development activity will need Critical Area review and Commission approval.

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

Sincerely,

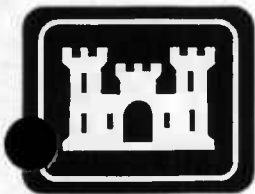
A handwritten signature in cursive script that reads "Dawnn McCleary".

Dawnn McCleary
Natural Resources Planner

cc: Mike Hild
Ren Serey
Regina Esslinger
General File

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

TTY For The Deaf:
Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450



PUBLIC NOTICE

file with letter
RED

US Army
Corps
of Engineers
Baltimore
District

In Reply to Application Number
CENAB-OP-RMN(MD MPA/SOUTH LOCUST
POINT, FRUIT PIER/SLIP FILL)02-60163-1

DEC 7 2001

CHESTER BAY
CRITICAL AREA COMMISSION

Comment Period: December 7, 2001 to December 28, 2001

THE PURPOSE OF THIS PUBLIC NOTICE IS TO SOLICIT COMMENTS FROM THE PUBLIC ABOUT THE WORK DESCRIBED BELOW. AT THIS TIME, NO DECISION HAS BEEN MADE AS TO WHETHER OR NOT A PERMIT WILL BE ISSUED.

The Baltimore District has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act (33 U.S.C. 1344) and State authorization pursuant to the Tidal Wetlands Act and/or Nontidal Wetlands Protection Act, as described below:

APPLICANT: *Maryland Port Administration*
Attn: Michael C. Hild, PE
2310 Broening Highway
Baltimore, MD 21224-6621

LOCATION: *Middle Branch Patapsco River at South Locust Point, Baltimore City, Maryland*

WORK: In accordance with the attached plans, the applicant proposes to fill a 156,250 square foot slip area (approximately 3.6 acres) using approximately 250,000 cubic yards of clean inorganic fill material, and to pave the area with asphalt. A stone dike is to be constructed to contain the fill material and provide erosion control. Three outfall pipes are to be extended through the fill area. Prior to filling, the area is to be mechanically dredged to remove soft sediments that could contribute to significant settlement after placement of the fill material. The approximately 35,000 cubic yards of dredged material is to be deposited at the Hart Miller Island disposal facility. None of the work is to extend more than 750 feet channelward of an existing bulkhead at the landward end of the existing slip. The purpose of the project is to provide the Maryland Port Administration with additional vehicle, equipment, and container storage area due to growing operations and tenant demands for space at the South Locust Point Marine Terminal. As mitigation for this project, the applicant has proposed a program to be conducted in cooperation with the National Aquarium in Baltimore. This program entails rehabilitating, maintaining, and studying the existing wetlands at Fort McHenry.

Essential Fish Habitat (EFH) Assessment: The Magnuson-Stevens Fishery Conservation Act (MSFCMA), as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), requires all Federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency that may adversely affect EFH. The EFH designations within the Northeast Region (Maine to Virginia), dated March 1, 1999 include EFH for a number of species in various life stages. A review of the appropriate literature indicates that this waterway has EFH listed for juvenile and adult windowpane flounder (Scopthalmus aquosus), summer flounder (Paralichthys dentatus), bluefish (Pomatomus saltatrix), and egg, larva, juvenile, and adult life stages of king mackerel (Scomberomorus cavalla), Spanish mackerel (Scomberomorus maculatus), cobia (Rachycentron canadum), and red drum (Sciaenops ocellatus). These are managed species under the MSFCMA. A preliminary assessment indicates that the proposed project may have an adverse effect on EFH based on the filling of a total of approximately 3.6 acres of tidal waters. The aforementioned species are not estuarine resident species but could use the project area as a foraging area and as a nursery area, on a seasonal basis, primarily during the summer. The project has the potential to adversely effect the managed species and/or their EFH quality and/or quantity, and their

prey species. No EFH measures have been developed for this project. However, it is expected that conservation measures may include time of year restrictions on when the proposed work may be performed. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

work is to be completed in accordance with the enclosed plan(s). If you have any questions concerning this matter, please contact Mr. Jon Romeo at (410) 962-6079.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The applicant is required to obtain a water quality certification in accordance with Section 401 of the Clean Water Act from the Maryland Department of the Environment. Any written comments concerning the work described above which relate to water quality certification must be received by the Standards and Certification Division Maryland Department of the Environment, Building 30, First Floor, 2500 Broening Highway, Baltimore, Maryland 21224 within the comment period as specified above to receive consideration. Written comments concerning the work described above related to the factors listed above or other pertinent factors must be received by the District Engineer, US Army Corps of Engineers, Baltimore District, PO Box 1715, Baltimore, Maryland 21203-1715, within the comment period as specified above to receive consideration. The 401 certifying agency has a statutory limit of one year to make its decision.

The applicant has certified in this application that the proposed activity complies with and will be conducted in a manner consistent with the Maryland Coastal Zone Program. This certification statement is available for inspection in the District Office; however, public comments relating to consistency must be received by the Coastal Zone Division, Maryland Department of the Environment, 2500 Broening Highway, Baltimore, Maryland, 21224, within the comment period as specified above. It should be noted that CZ Division has a statutory limit of 6 months in which to make its consistency determination.

The applicant must obtain any State or local government permits which may be required.

Preliminary review of this application indicates that the proposed work will not affect listed species or their critical habitat pursuant to Section 7 of the Endangered Species Act as amended. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

Review of the latest published version of the National Register of Historic Places indicates that no registered properties listed as eligible for inclusion therein are located at the site of the proposed work. Currently unknown archeological, scientific, prehistoric, or historical data may be lost or destroyed by the work to be accomplished under the requested permit.

The evaluation of the impact of the work described above on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 of the Clean Water Act. Any person who has an interest which may be adversely affected by the issuance of this permit may request a public hearing. The request, which must be in writing, must be received by the District Engineer, US Army Corps of Engineers, Baltimore District, PO Box 1715, Baltimore, Maryland 21203-1715, within the comment period as specified above to receive consideration. Also, it must clearly state forth the interest which may be adversely affected by this activity in the manner in which the interest may be adversely affected.

It is requested that you communicate the foregoing information concerning the proposed work to any persons known by you to be interested and not being known to this office, who did not receive a copy of this notice.

X. FRUIT PIER SLIP

ANDRE STREET

WESTBOUND McCOMAS STREET

INTERSTATE

SIGN No. 4A& 4B

POV PARKING AREA

TUNNEL PORTAL

SIGN No. 5

MPA ROADWAY

WEST EMERGENCY STATION I-95

POV PARKING AREA

MPA CONNECTOR ROAD

GATEHOUSE

ADMINISTRATION BUILDING

GEAR SHED

RECEIVING STATION (T.J.R.)

SCALE

5/8" LINE SLOPE

2'-0"±

550'

700'

WEST VENTILATION BUILDING (I-95 TUNNEL)

CONSOLIDATION GENERAL CARGO SHED

OFFICE BUILDING

OFFICE BUILDING

AREA TO BE FILLED

TOE OF SLOPE

RIP-RAP SLOPE PROTECTION

BERTH 10 (920 FL.)

BERTH 11 (1136 FT.)

CONNECTOR BRIDGE TO BE DEMOLISHED.

x35

x29

x15

x25

x25

x29

PATAPSCO RIVER

CHANNEL

EDGE OF

SITE PLAN

SCALE: 1" = 300'

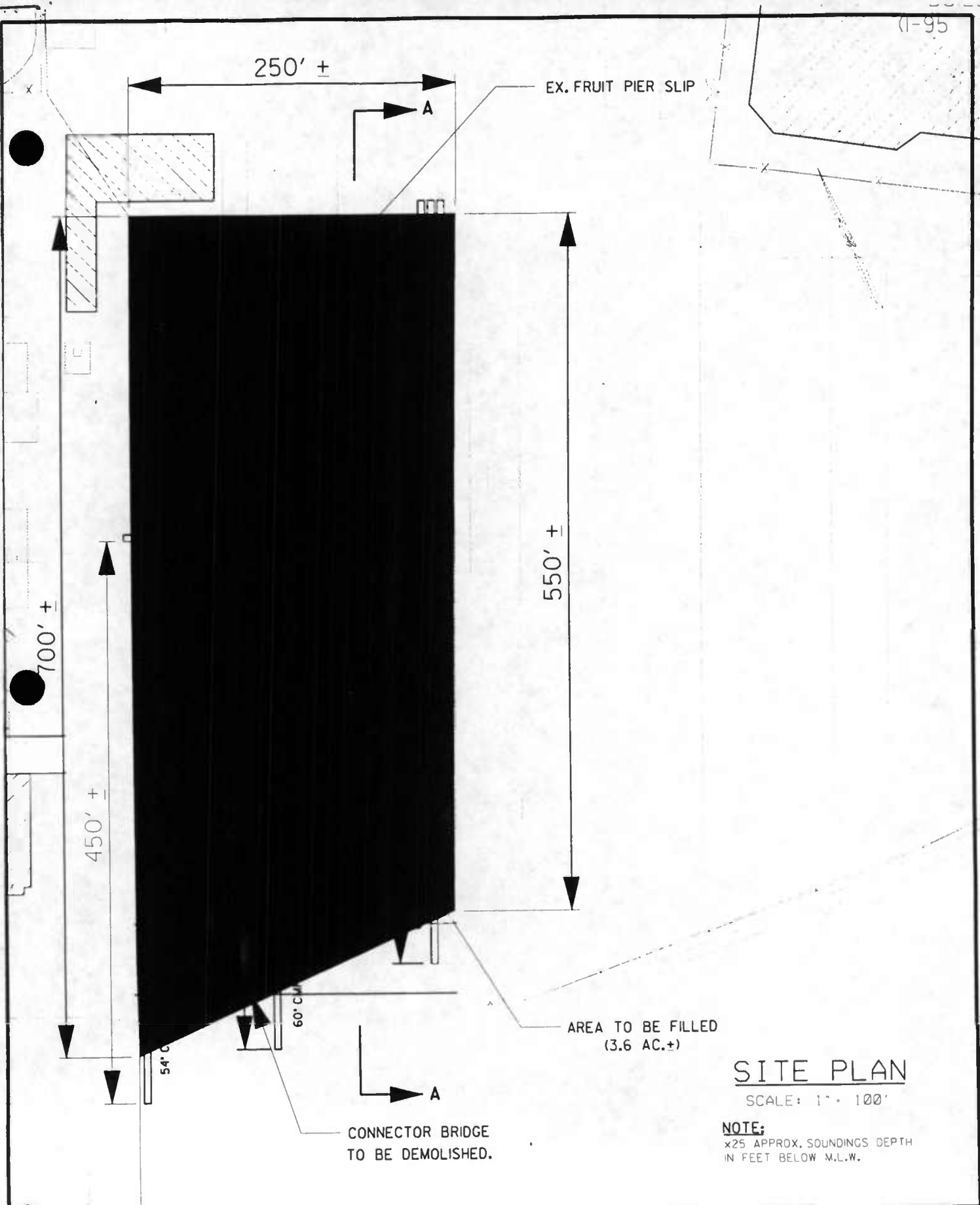
NOTE: x25 APPROX. SOUNDINGS DEPTH IN FEET BELOW M.L.W.

PROPOSED DREDGING AND FILLING FRUIT PIER SLIP

SOUTH LOCUST POINT, BALTIMORE, MD.

APPLICATION BY MARYLAND PORT ADMINISTRATION
WORLD TRADE CENTER-BALTIMORE, BALTIMORE, MARYLAND 21202

SEPTEMBER 2001



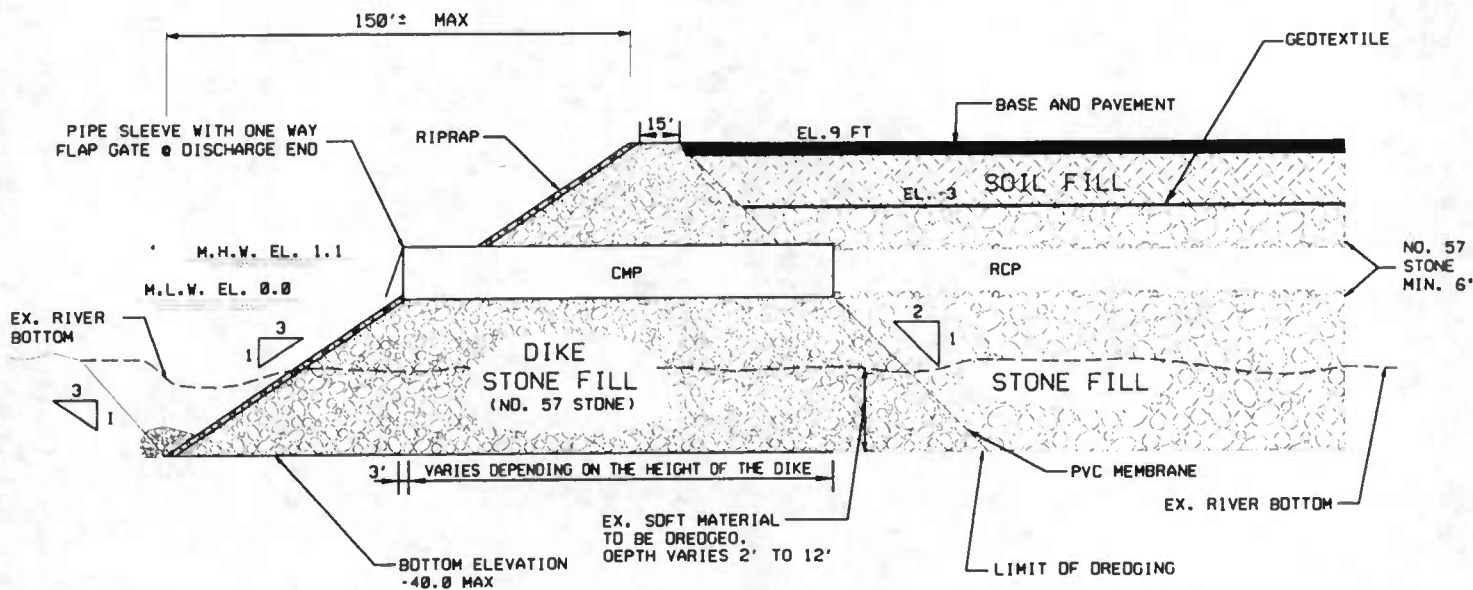
SITE PLAN

SCALE: 1" = 100'

NOTE:
x25 APPROX. SOUNDINGS DEPTH
IN FEET BELOW M.L.W.

PROPOSED DREDGING AND FILLING FRUIT PIER SLIP SOUTH LOCUST POINT, BALTIMORE, MD.

APPLICATION BY MARYLAND PORT ADMINISTRATION
WORLD TRADE CENTER-BALTIMORE, BALTIMORE, MARYLAND 21202
SEPTEMBER 2001



APPROXIMATELY 250,000 CU. YARDS OF CLEAN INORGANIC MATERIAL TO BE PLACED IN AREA TO BE FILLED.

APPROXIMATE QUANTITY OF DREDGING IS 35,000 CU. YARDS.

TOTAL AREA OF SLIP TO BE FILLED IS 3.6 AC..

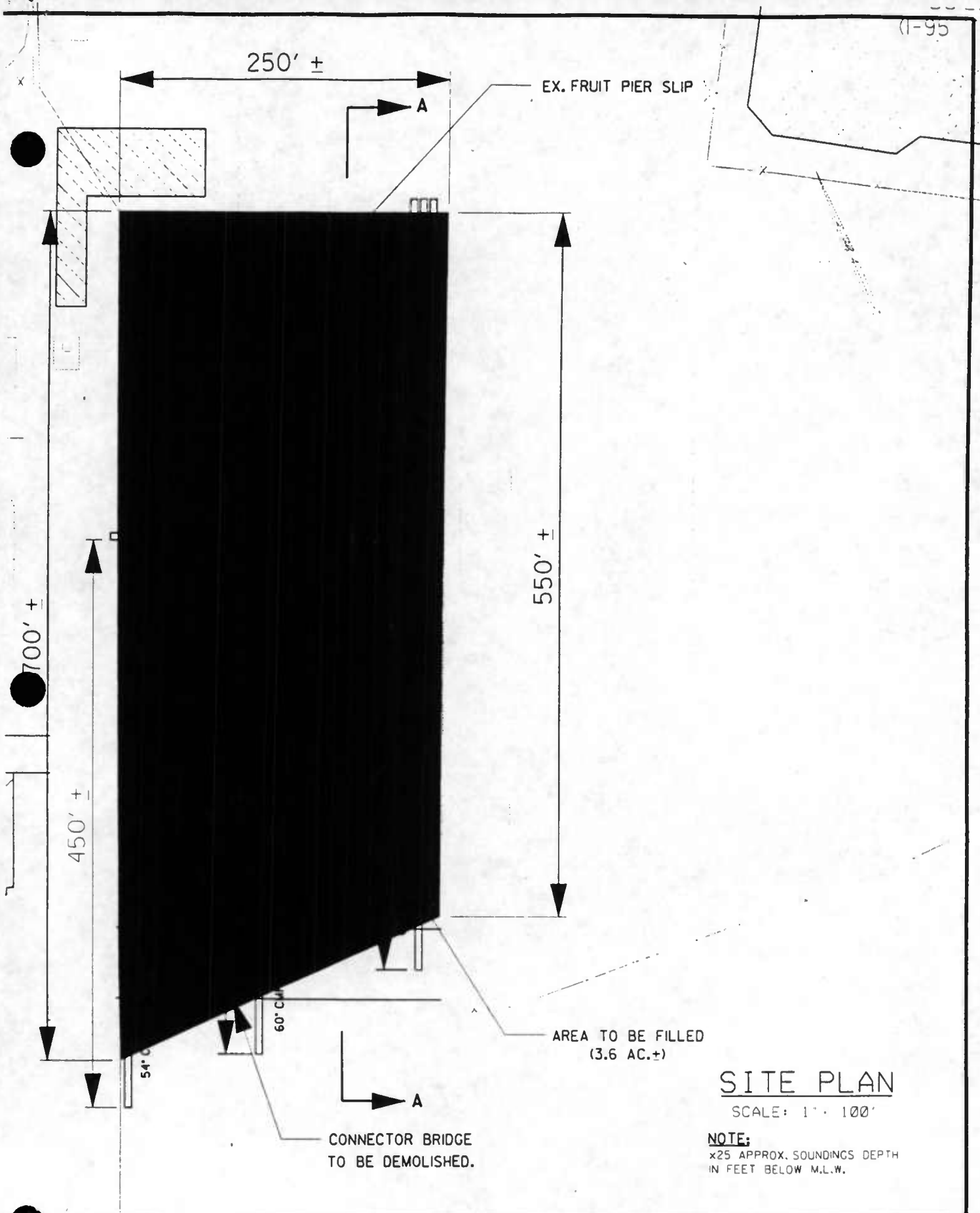
SECTION THROUGH DIKE

SCALE: NONE

PROPOSED DREDGING AND FILLING FRUIT PIER SLIP
SOUTH LOCUST POINT, BALTIMORE, MD.

APPLICATION BY MARYLAND PORT ADMINISTRATION
WORLD TRADE CENTER-BALTIMORE, BALTIMORE, MARYLAND 21202

SEPTEMBER 2001



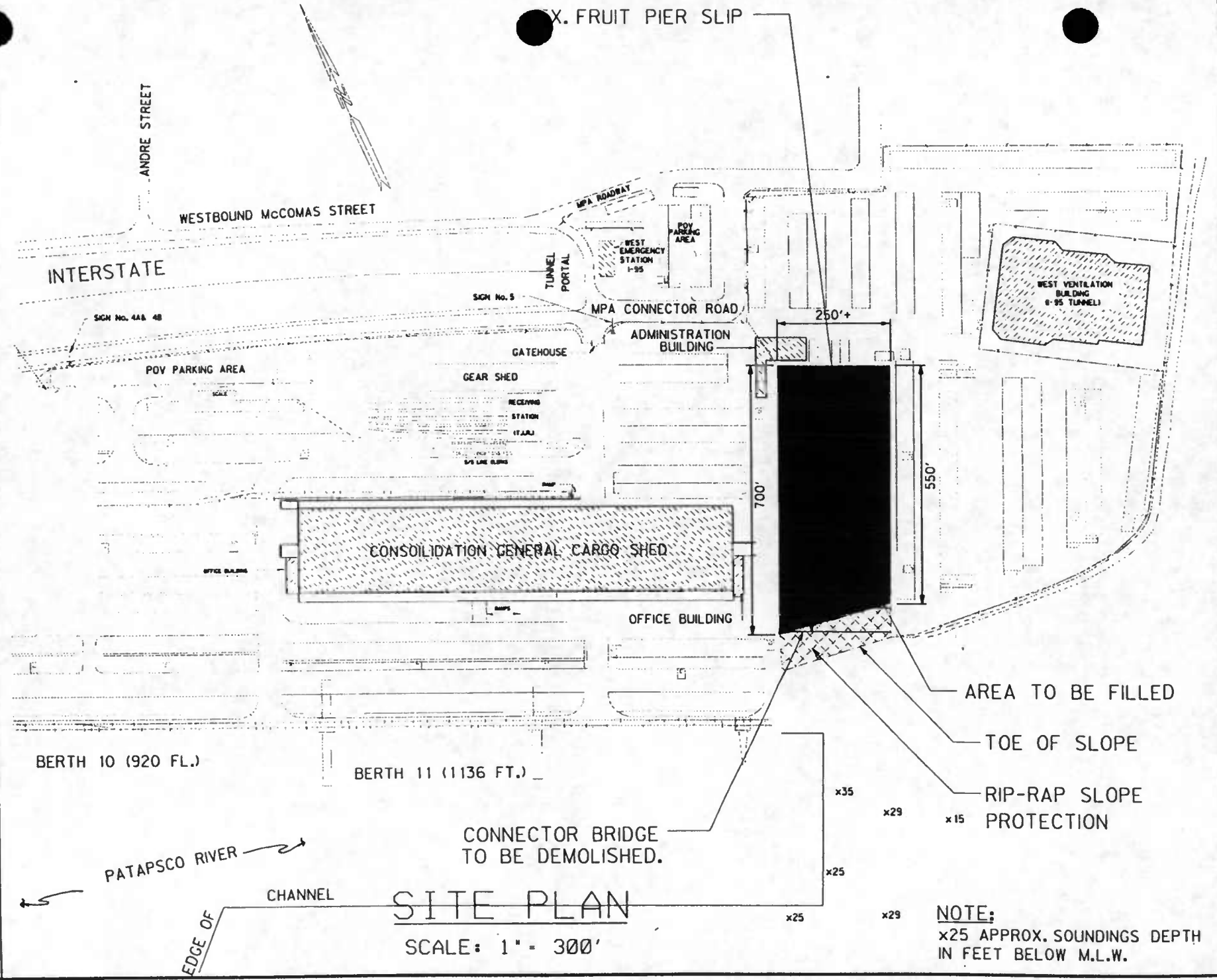
SITE PLAN
SCALE: 1" = 100'

NOTE:
x25 APPROX. SOUNDINGS DEPTH
IN FEET BELOW M.L.W.

**PROPOSED DREDGING AND FILLING FRUIT PIER SLIP
SOUTH LOCUST POINT, BALTIMORE, MD.**

APPLICATION BY MARYLAND PORT ADMINISTRATION
WORLD TRADE CENTER-BALTIMORE, BALTIMORE, MARYLAND 21202
SEPTEMBER 2001

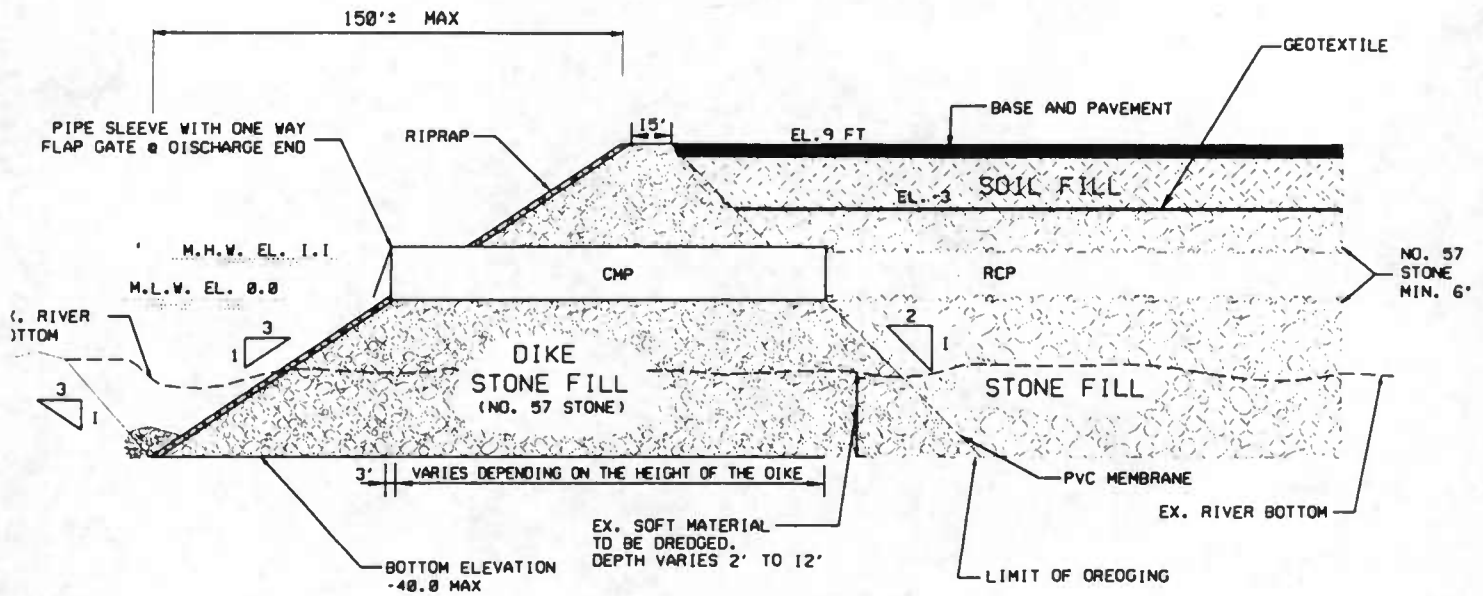
PROPOSED DREDGING AND FILLING FRUIT PIER SLIP
 SOUTH LOCUST POINT, BALTIMORE, MD.
 APPLICATION BY MARYLAND PORT ADMINISTRATION
 WORLD TRADE CENTER-BALTIMORE, BALTIMORE, MARYLAND 21202
 SEPTEMBER 2001



SITE PLAN

SCALE: 1" = 300'

NOTE:
 x25 APPROX. SOUNDINGS DEPTH
 IN FEET BELOW M.L.W.



APPROXIMATELY 250,000 CU. YARDS OF CLEAN INORGANIC MATERIAL TO BE PLACED IN AREA TO BE FILLED.

APPROXIMATE QUANTITY OF DREDGING IS 35,000 CU. YARDS.

TOTAL AREA OF SLIP TO BE FILLED IS 3.6 AC..

SECTION THROUGH DIKE

SCALE: NONE

PROPOSED DREDGING AND FILLING FRUIT PIER SLIP
SOUTH LOCUST POINT, BALTIMORE, MD.

APPLICATION BY MARYLAND PORT ADMINISTRATION
WORLD TRADE CENTER-BALTIMORE, BALTIMORE, MARYLAND 21202

SEPTEMBER 2001

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, 2001

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

RE: Bond Street Townhouse Revision
842 - 850 Bond Street

Dear Mr. Stuart:

This office received the revised 10 % calculations for pollutant reduction requirements along with a letter from the consultant explaining site constraints especially with the issue of the high water table. After reviewing the 10% calculations and letter, this office has determined that the revised calculations are correct and consistent with the local Critical Area Program. 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: Ren Serey
Regina Esslinger
BA 486-01

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

TTY For The Deaf:
Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450

JUDGE JOHN C. NORTH, II
CHAIRMAN
410-822-9047 OR 410-974-2418
410-820-5093 FAX



WESTERN SHORE OFFICE
45 CALVERT ST., 2ND FLOOR
ANNAPOLIS, MARYLAND 21401

SARAH J. TAYLOR, PhD.
EXECUTIVE DIRECTOR
410-974-2418/26
410-974-5338 FAX

EASTERN SHORE OFFICE
31 CREAMERY LANE
EASTON, MARYLAND 21601

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

December 18, 2001

Mr. Ike Okoye
Project Manager
Project Management and Design
Department of General Services
State Office Building
301 West Preston Street, Suite 1405
Baltimore, Maryland 21201

RE: Banneker Douglas Museum-
Pollutant Removal Requirements
DHA Job# 1291

Dear Mr. Okoye:

The purpose of this letter to notify you and the consultant about the use of a "Stormfilter" device as a Best Management Practice (BMP) to satisfy Worksheet A, Step 5 of the 10 % calculations. I received a response from the Maryland Department of the Environment (MDE)\Water Management Administration (WMD) which has approved the use of a "Stormfilter" device as an acceptable BMP.

As you are aware, Stormfitlers are not currently in MDE's 2000 Stormwater Design Manual, but they have been flexible in its use as a BMP. Please inform the consultant that MDE requires, "extra fine leaf compost" filter media with draw down orifices sized for 7.5 gallons per minute. Also, MDE requires that the storage of the water quality volume, (WQv) be calculated in accordance with MDE's 2000 Stormwater Design Manual.

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: Jim Smith
Ren Serey
Regina Esslinger
State Project



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 18, 2001

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

RE: Annapolis Water Reclamation Facility
Edgewood Road

Dear Mr. Arason:

This letter is a follow-up on a site visit in November 2001. This office has reviewed the applicant's proposal to build two emergency holding ponds, several additional chlorine contact tanks, and a berm along the Chesapeake Harbor Drive. This office understands that 3.2 acres of this site is in the Limited Development Area where the proposed second emergency holding pond No.2, part of the chlorine tank No. 3, berm, and restored pavement will go. The proposed chlorine contact tank No.1 is being built in the Intensely Developed Area on 19.3 acres. The total acreage in the Critical Area is 22.5 acres (980,100 square feet).

According to the Critical Area report, this office understands that the existing impervious surface is 139,392 square feet (14.2 %). The applicant is proposing 8,712 square feet (0.88 %) of impervious surface which is 1,089 over the impervious surface limit of 15%. Because the proposed development activity will go over the impervious surface allowed to accommodate potential future expansion of the Water Reclamation Facility, this office recommends that the City investigate whether the site was mistakenly mapped a Limited Development Area. We would be glad to work with the City on this issue.

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: Tom Smith
Dirk Geratz
Ren Serey
Regina Esslinger
AN 569-01

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

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CHAIRMAN
410-822-9047 OR 410-974-2418
410-820-5093 FAX



WESTERN SHORE OFFICE
45 CALVERT ST., 2ND FLOOR
ANNAPOLIS, MARYLAND 21401

SARAH J. TAYLOR, PH.D.
EXECUTIVE DIRECTOR
410-974-2418/26
410-974-5338 FAX

EASTERN SHORE OFFICE
31 CREAMERY LANE
EASTON, MARYLAND 21601

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

December 17, 2001

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


RE: Flag House Museum
844 Pratt Street

Dear Mr. Stuart:

In my December 11, 2001, I mentioned that once I received a response from Maryland Department of the Environment (MDE) about the Stormfilters, I would let you know as soon as possible. I just received a response from MDE\WMA which has approved the use of a "Stormfilter" device as an acceptable Best Management Practice (BMP).

As you are aware, Stormfilters are not currently in MDE's 2000 Stormwater Design Manual, but they have been flexible in its use as a BMP. Please inform the applicant that MDE requires "extra fine leaf compost" filter media with drawdown orifices sized for 7.5 gallons per minute. MDE requires that storage of the water quality volume (WQv) be calculated in accordance with the 2000 MDE's Stormwater Design Manual.

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

Sincerely,

Dawnn McCleary
Natural Resources Planner

cc: Ren Serey
Regina Esslinger
BA 590-01



JUDGE JOHN C. NORTH, II
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EASTERN SHORE OFFICE
31 CREAMERY LANE
EASTON, MARYLAND 21601

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

December 17, 2001

Ms. Marti Sullivan
Program Open Space
Dept. of Natural Resources
Tawes State Office Building, E-4
Annapolis, Maryland 21401

RE: DNR Clearinghouse Review of Local
(#3993-26-140) Baltimore City Consolidated Grant FY 02
Court Resurfacing & Ballfields: Latrobe Park

Dear Ms. Sullivan:

Thank you for the opportunity to review the proposed above project. This office understands that there is a proposal to re-grade a playing field at the Latrobe Park in Baltimore City. This office does not oppose the proposed development activity. However, if the proposed activity takes place in the Critical Area including the 100-foot Buffer, the development activity will need Critical Area review. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

Dawnn McCleary
Dawnn McCleary
Natural Resources Planner

cc: Duncan Stuart
Ren Serey
Regina Esslinger
General File



CLEARINGHOUSE REVIEW

November 20, 2001



RECEIVED

NOV 27 2001

CHESAPEAKE BAY
CRITICAL AREA COMMISSION

TO: Arnold Norden, Greenways and Resources Planning (E-4)
Glenn Therres, 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)
Matthew Fleming, 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: ^{Jul} James W. Price, Director, Program Open Space

SUBJ: DNR Clearinghouse Review of Local POS **Baltimore City Consolidated Grant FY02**
(consisting of nine individual projects): Court Resurfacing and Ballfield Renovation
FY02 - POS #3993-26-140

In order to remain in good playing condition, basketball and tennis courts need periodic resurfacing and playing fields need regrading. The FY02 court resurfacing and ballfield renovation project will improve playing conditions at 3 locations. Two basketball courts at Northwood Recreation Center (24a), Two tennis courts in Gwynns Falls Park, Crimea area (734a) and the soccer field at Latrobe Park (16a).

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.

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

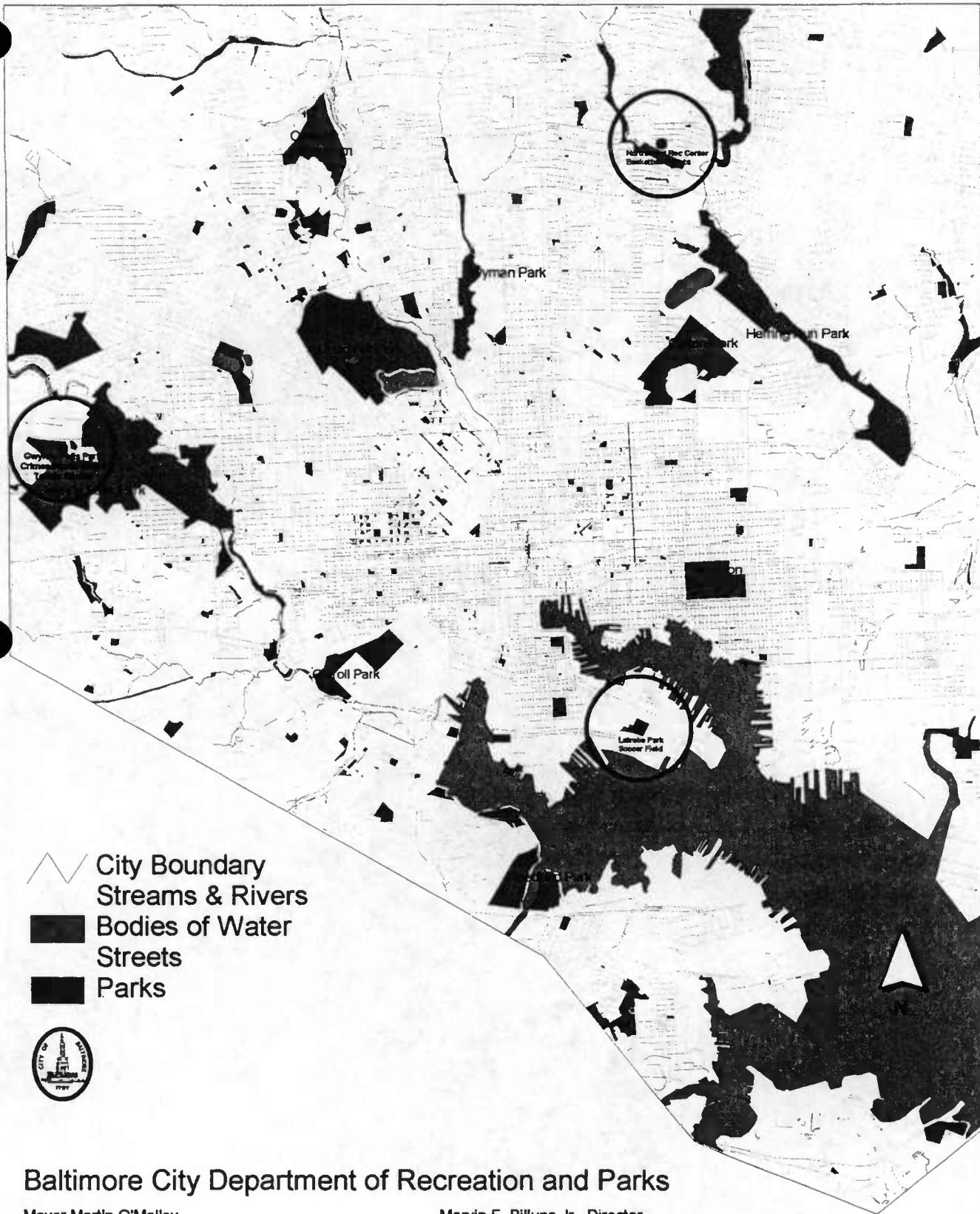
✓

Dm 12/17/01 for Latrobe Park

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

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

Baltimore City Consolidated Annual Program FY02: Court Resurfacing & Ballfields



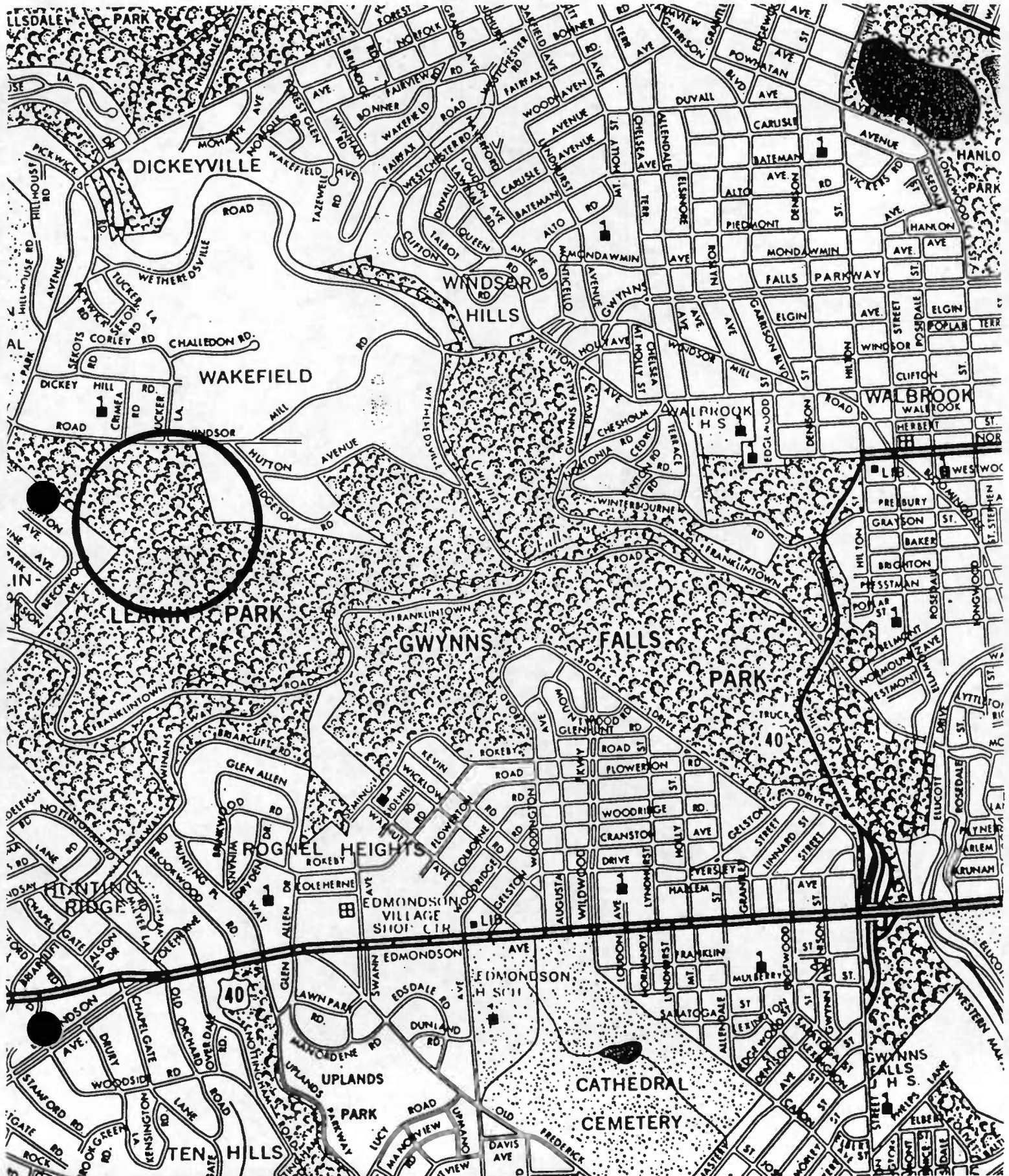
Baltimore City Department of Recreation and Parks

Mayor Martin O'Malley

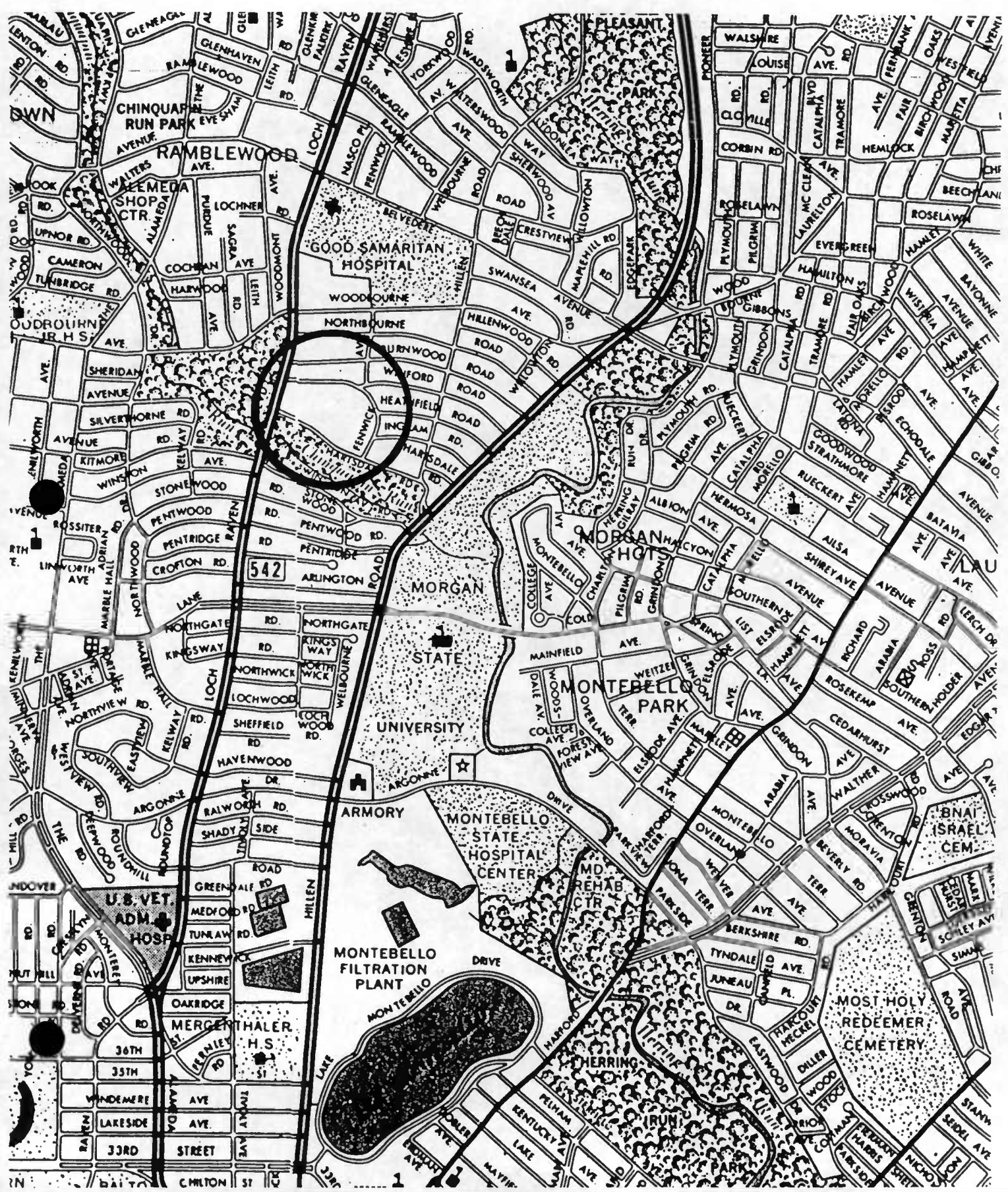
Marvin F. Billups Jr., Director

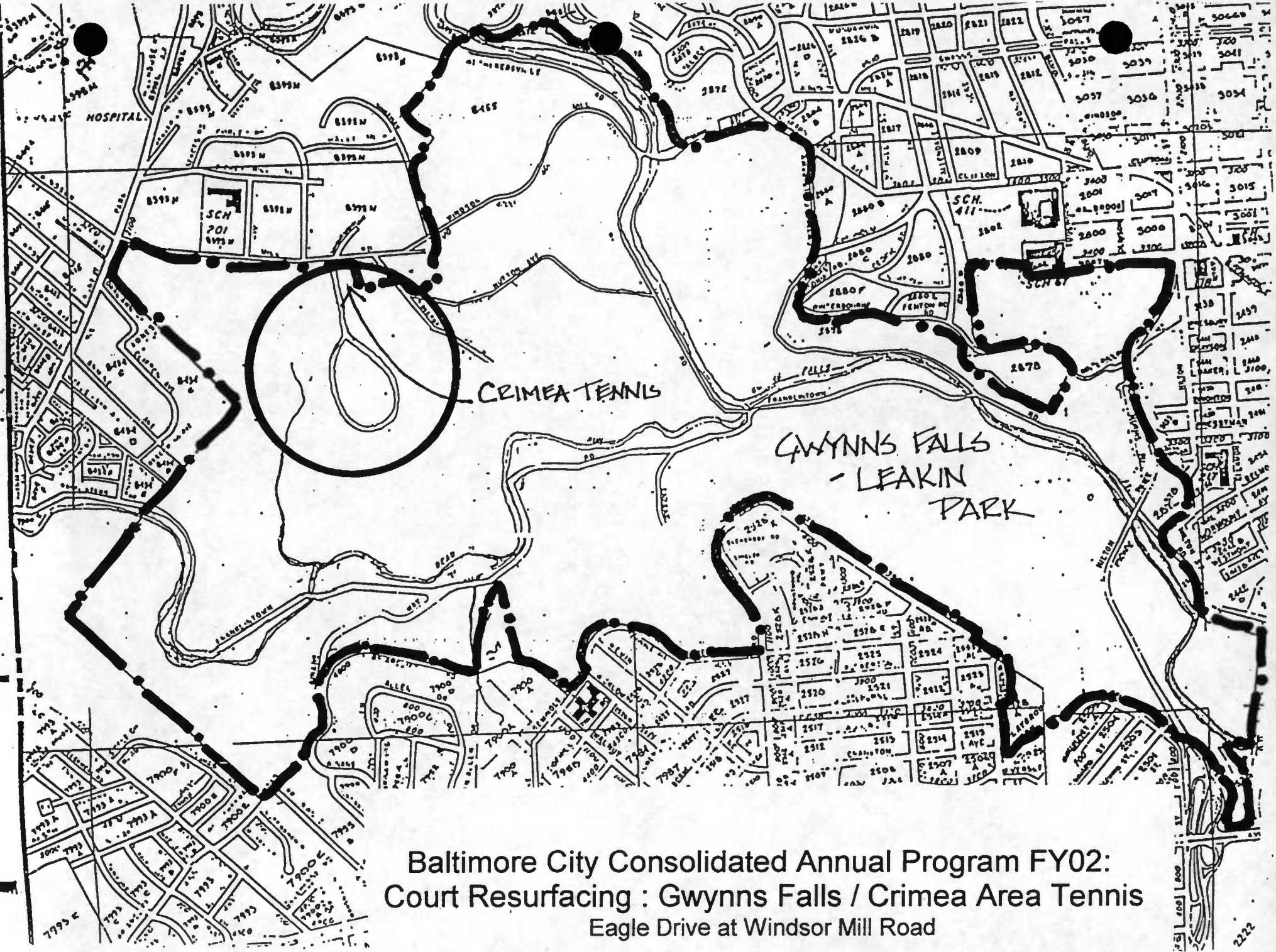
DRAFT: September 2001

Baltimore City Consolidated Annual Program FY02:
Court Resurfacing : Gwynns Falls / Crimea Area Tennis
Eagle Drive at Windsor Mill Road

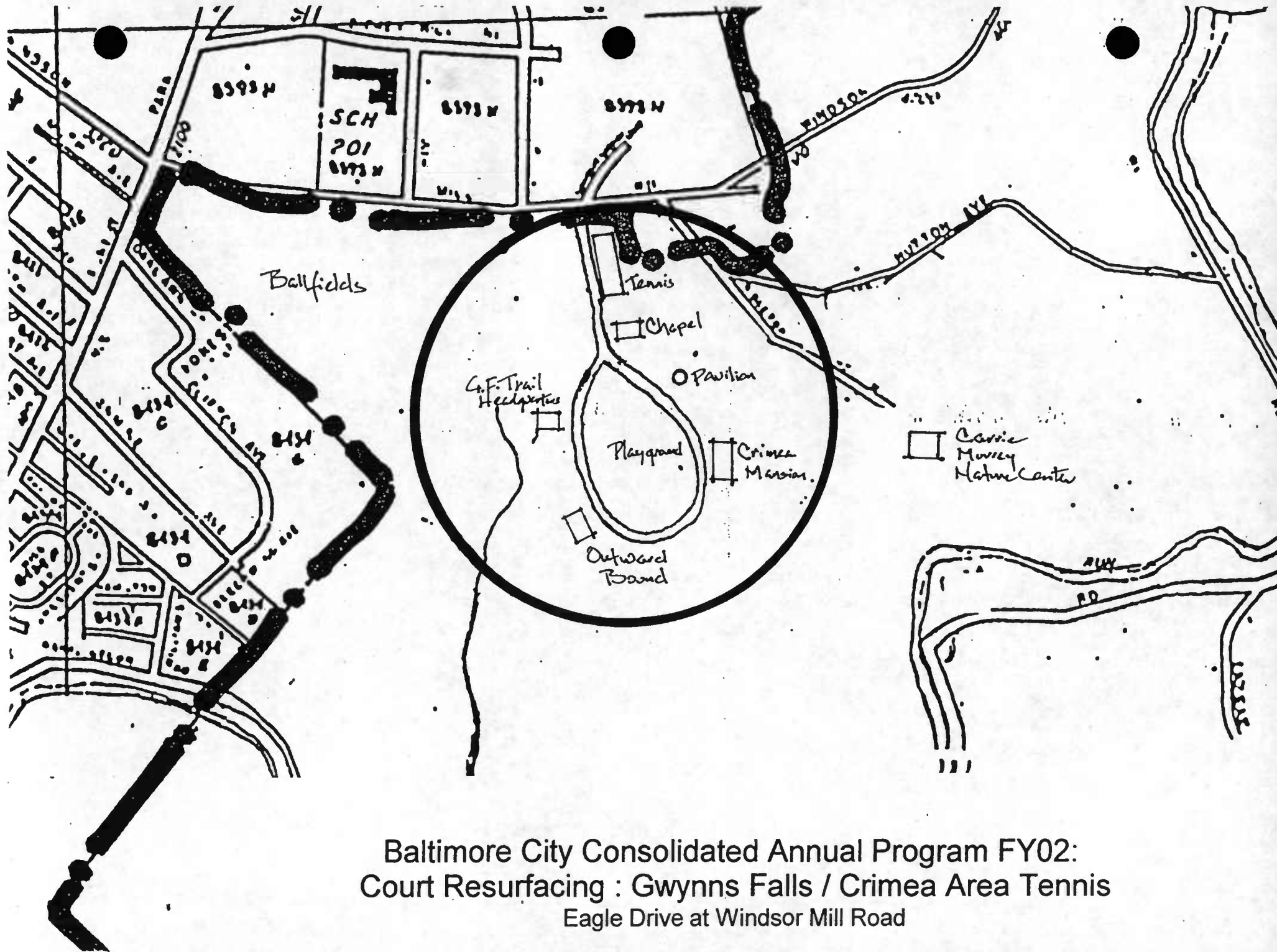


Baltimore City Consolidated Annual Program FY02: Court Resurfacing : Northwood Rec Center Basketball 1517 Winford Rd



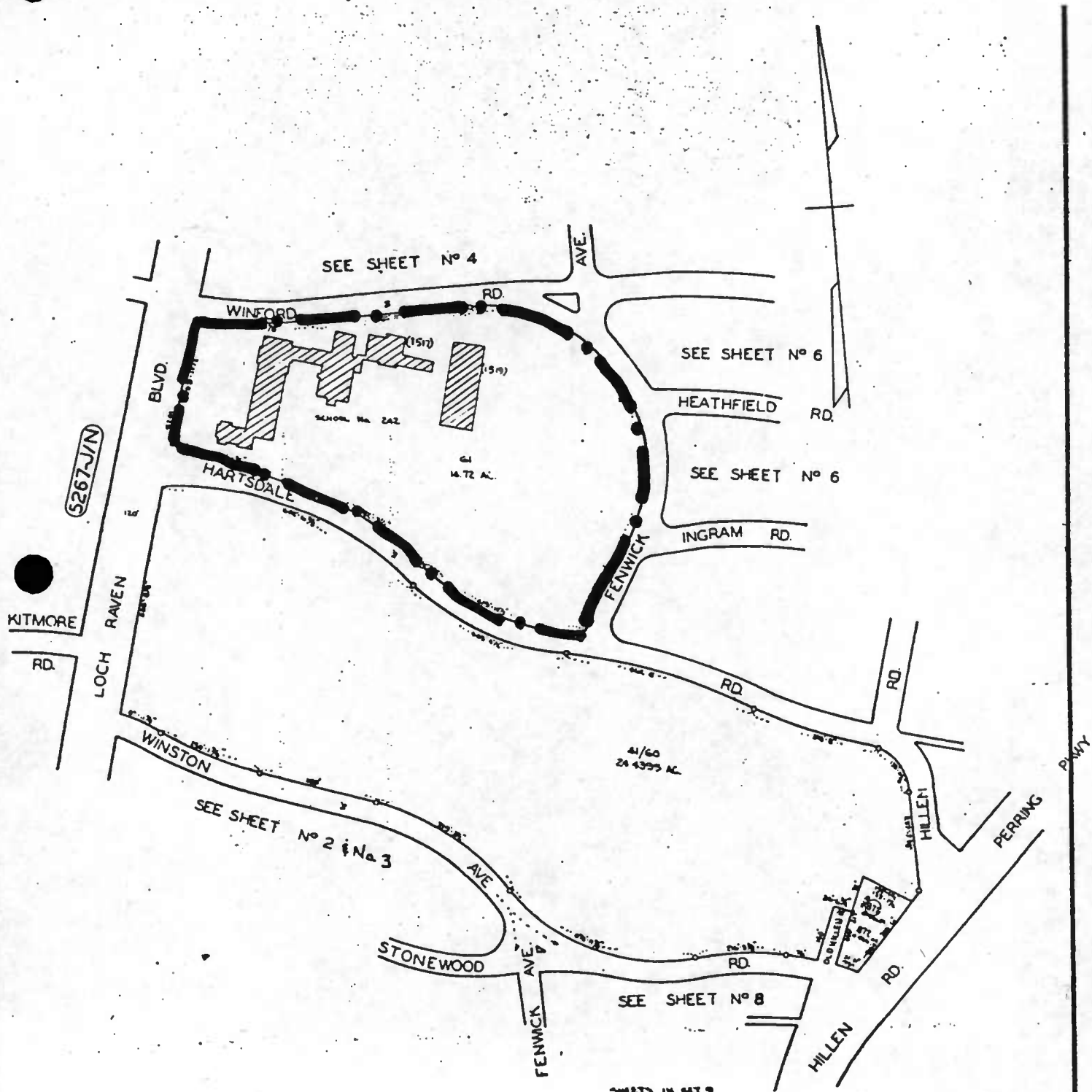


Baltimore City Consolidated Annual Program FY02:
Court Resurfacing : Gwynns Falls / Crimea Area Tennis
Eagle Drive at Windsor Mill Road



Baltimore City Consolidated Annual Program FY02:
Court Resurfacing : Gwynns Falls / Crimea Area Tennis
Eagle Drive at Windsor Mill Road

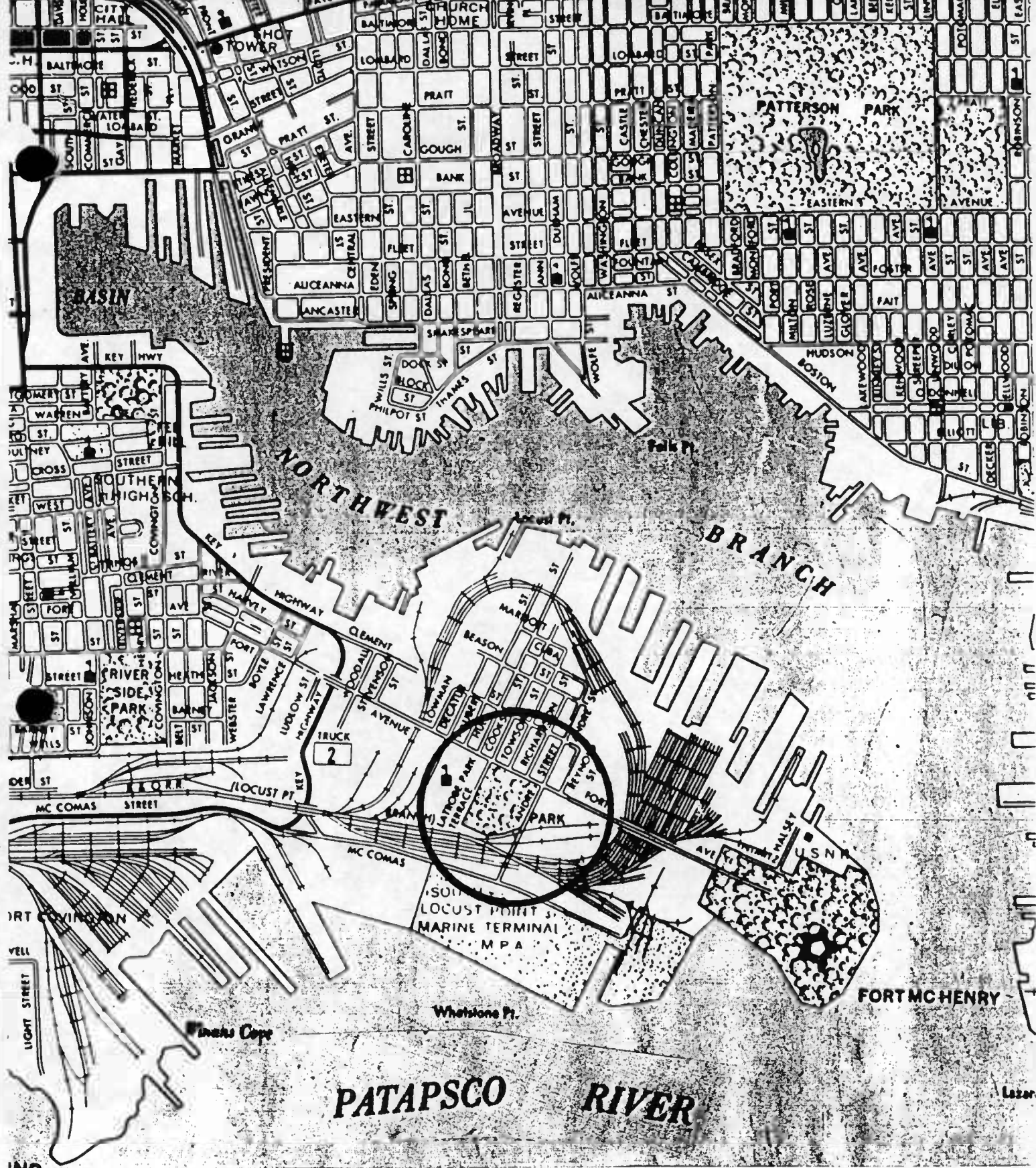
Baltimore City Consolidated Annual Program FY02: Court Resurfacing : Northwood Rec Center Basketball 1517 Winford Rd



TRACED BY: RMP
 LETTERED BY: PMLFORD
 CHECKED BY:

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

CITY OF BALTIMORE
 DEPARTMENT OF PUBLIC WORKS
 PROPERTY LOCATION DIVISION
 WARD 27 SECTION 9
 BLOCK 5267-0
 SCALE 1" = 200' DATE OCT 1978



Baltimore City Consolidated Annual Program FY02:
Court Resurfacing & Ballfields: Latrobe Park
1529 East Fort Ave

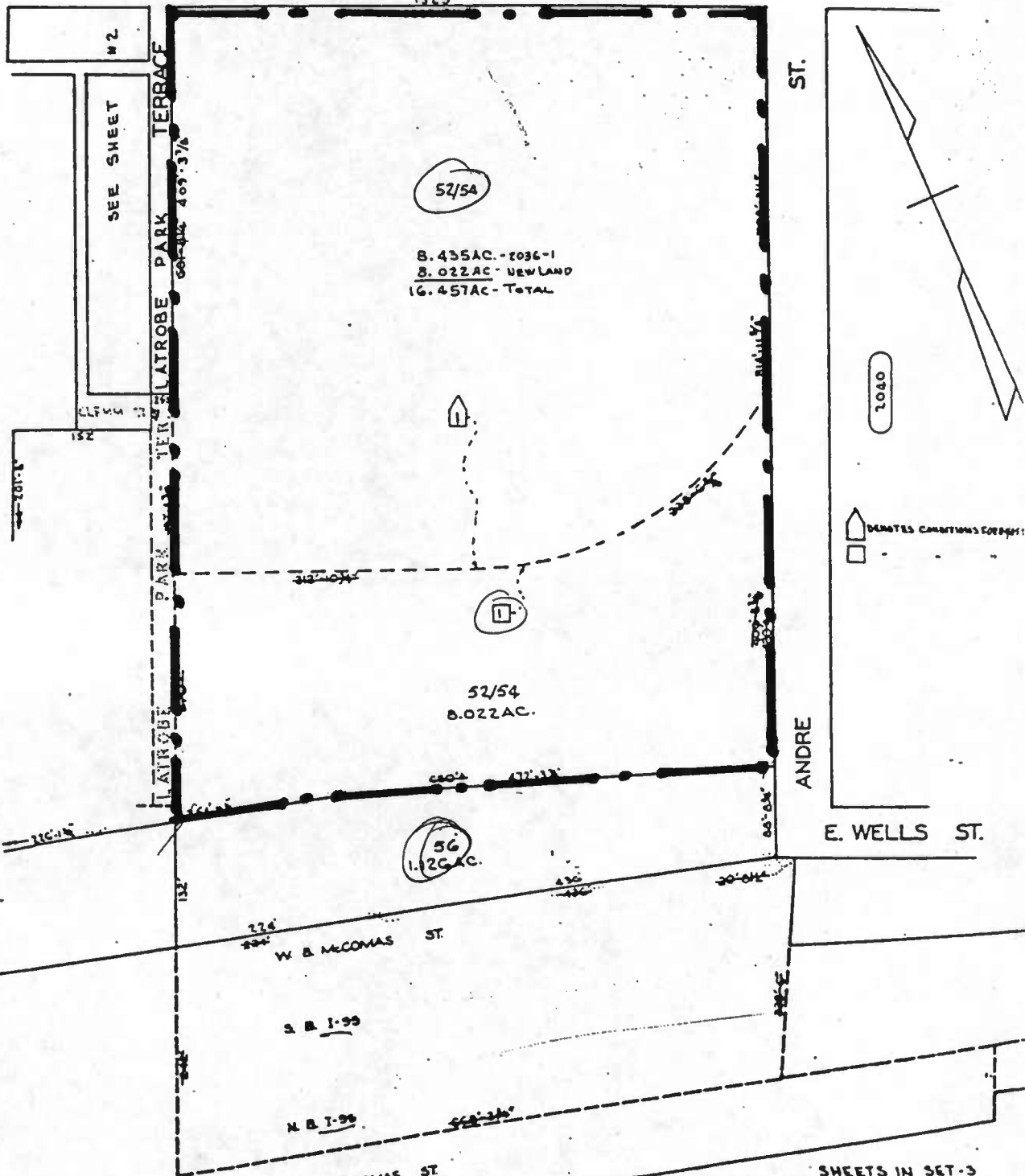
REVISIONS

BLK REVISED PER DEEDS (PLS. CALL 85-095-85-048)

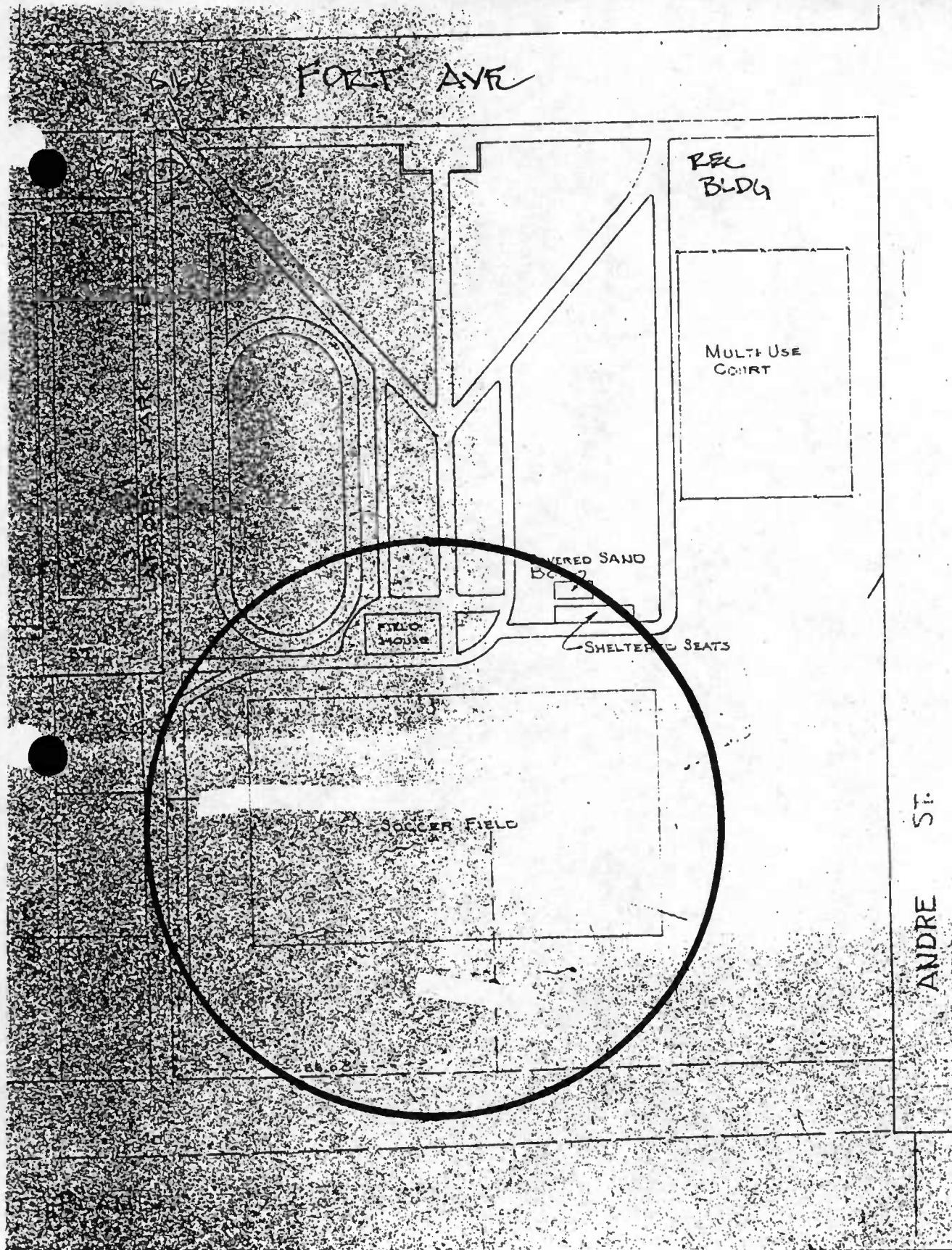
2020

E FORT

AVE.



Baltimore City Consolidated Annual Program FY02:
 Court Resurfacing & Ballfields: Latrobe Park
 1529 East Fort Ave



Baltimore City Consolidated Annual Program FY02:
 Court Resurfacing & Ballfields: Latrobe Park
 1529 East Fort Ave

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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

December 11, 2001

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

RE: Canton Crossing @ Clinton Street
and Boston Street

Dear Mr. Stuart:

This office has reviewed the applicant's proposal to build a new parking lot over an old tank farm site and renovate a large industrial building for offices. The existing site for the proposed development activity totals 18.0 acres with 5.77 acres being redeveloped. The site is designated an Intensely Developed Area. This office understands that the proposed impervious surface will be decreased by 2 % which will be less than the existing impervious surface on site. Also, the applicant will treat 2.51 lbs. of phosphorus by proposing a sandfilter as a Best Management Practice for treatment of the site.

After reviewing the site plan and staff report from the applicant, this office does not oppose the re-development of this site. The proposed re-development and the 10% calculations are correct and consistent with the local Critical Area Program. Please keep us informed when the applicant decides to redevelop the remaining 12.23 acres as well as provide adequate treatment of stormwater by reducing phosphorus. 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: Ren Serey
Regina Esslinger
BA 591-01

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

December 11, 2001

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

RE: Flag House Museum
844 Pratt Street

Dear Mr. Stuart:

This office has reviewed the applicant's proposal to build a 4,000 square feet building onto the existing Flag House Museum. The entire site is approximately 0.443 acres in size with the entire lot in an Intensely Developed Area. After reviewing the site plan, this office does not oppose the project as proposed. It was determined in Worksheet A, Step 4, of the 10 % calculations that 1.60 lbs. of Phosphorus will be treated using a "Stormfilter" device. The applicant has also indicated in a report that the remaining 0.13 lbs of Phosphorus cannot be addressed with a current on-site system, therefore, an offset fee will be paid to Baltimore City for Stormwater.

Critical Area staff is seeking approval from the Maryland Department of the Environment (MDE) for the use of a "Stormfilter" device as an acceptable Best Management Practice (BMP). As you are aware, Stormfilters are not in MDE's 2000 Stormwater Design Manual. Once our office has received input on the Stormfilters as an acceptable BMP, we will let you know as soon as possible. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Ren Serey
Regina Esslinger
BA 590-01

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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

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

December 11, 2001

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

RE: FMC Hazmat Plant
Intersection of Patapsco and Fairfield Road

Dear Mr. Stuart:

This office understands that the applicant is proposing to remove two existing Hazmat storage warehouses and construct a new single Hazmat storage warehouse on the same 2.10 areas of land within the Critical Area. The entire FMC Plant currently sits on 80 acres of land. The majority of the existing site within the Critical Area consists of impervious surfaces such as the parking lot and buildings. This office understands that the proposed warehouse will improve the ability to control contaminants from escaping the site due to discharging the proposed fire suppression system.

According to the report, the preliminary computations for the Critical Area on-site indicates a significant decrease in impervious areas between existing and proposed conditions (0.40 acres). This office also understands that the reduction in pollutant loadings will not require a Best Management Practice.

After reviewing the site plan, this office does not oppose the redevelopment of this site. The proposed development and the 10% calculations are correct and consistent with the local Critical Area Program. This office is pleased that the applicant was able to reduce the impervious surface on site by not only creating pervious areas, but landscaping the new pervious areas with native plan species.

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 641-01

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

CLEARINGHOUSE REVIEW

November 20, 2001

RECEIVED

NOV 27 2001

CHESAPEAKE BAY
CRITICAL AREA COMMISSION

TO: Arnold Norden, Greenways and Resources Planning (E-4)
Glenn Therres, 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)
Matthew Fleming, 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 **Baltimore City Consolidated Grant FY02**
(consisting of nine individual projects): Herring Run Fitness & Boxing Center FY 02 -
POS #3990-26-139

Herring Run Recreation Center (a school wing attached to two public middle schools: Thurgood Marshall & Woodbourne Day) will be renovated to accommodate new demands in recreation programing. The existing multipurpose room floors, walls and lighting will be renovated to create an aerobics/dance room. An unused gymnasium will be converted into a boxing center with a boxing ring and training 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.

if

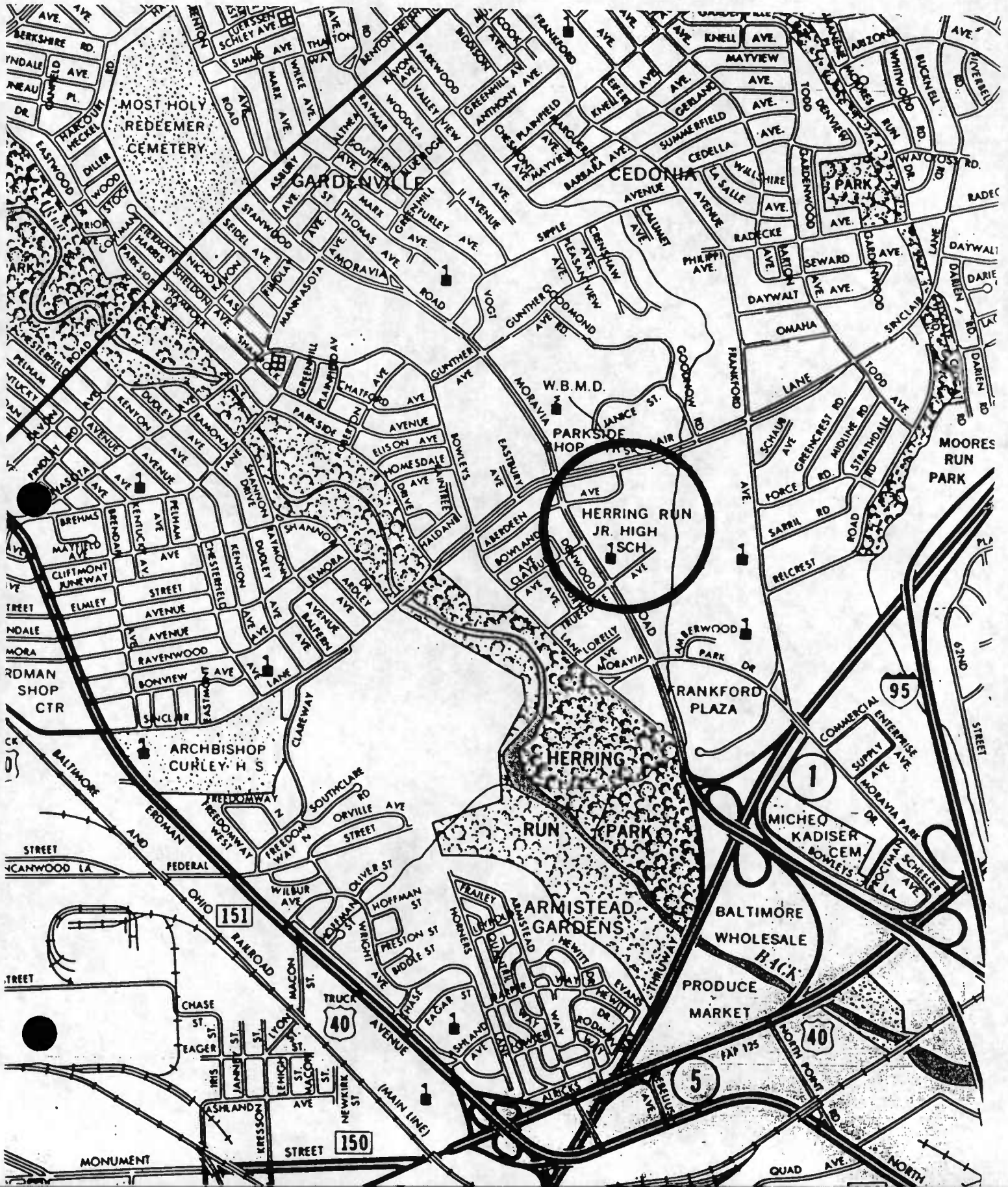
Dm 12/3/01

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

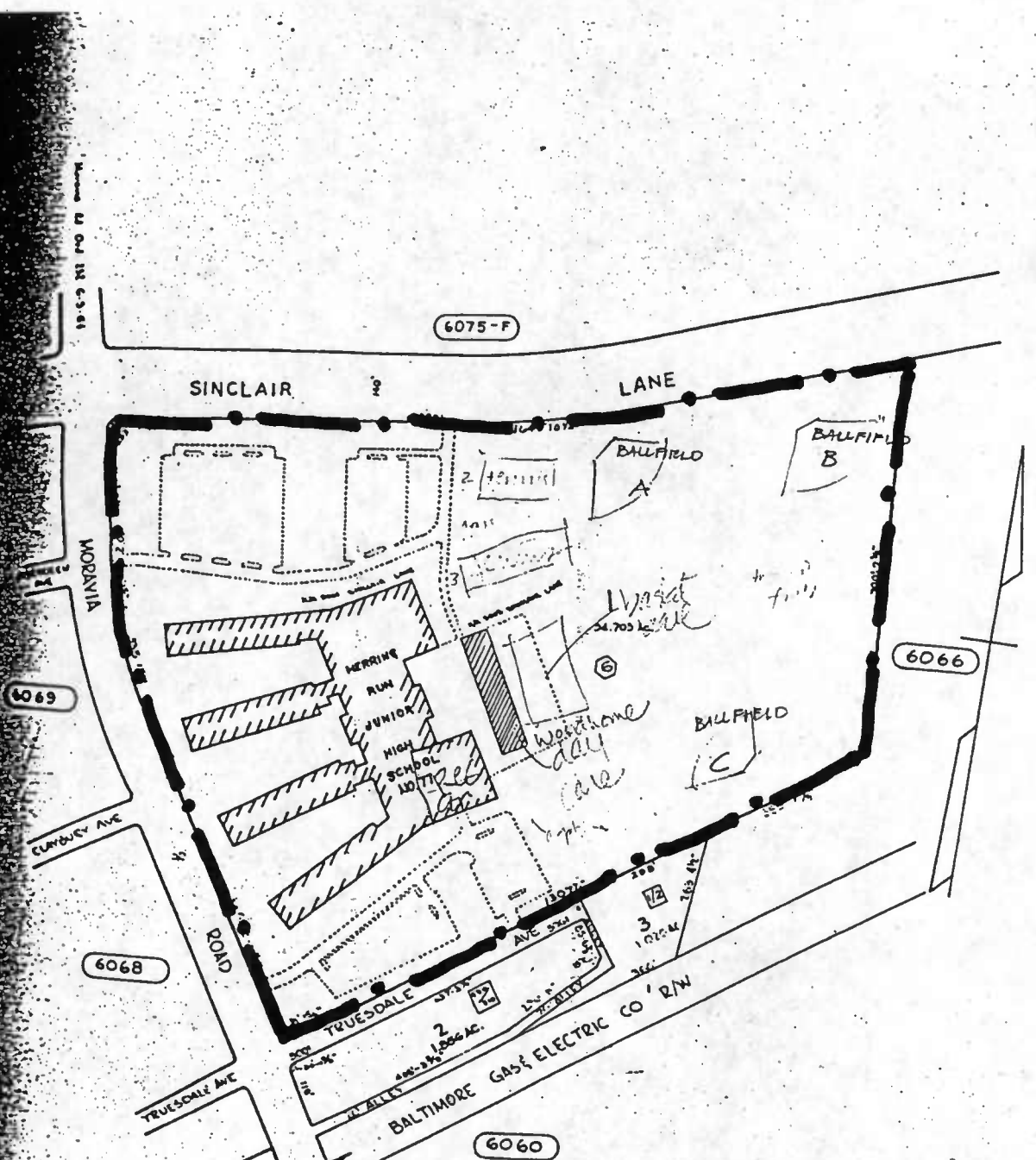
3. The project conflicts with this Agency's plans, programs or objectives for the reasons indicated on the attachment.

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

Baltimore City Consolidated Annual Program FY02:
Herring Run Fitness and Boxing Center
5001 Sinclair Lane



Baltimore City Consolidated Annual Program FY02: Herring Run Fitness and Boxing Center 5001 Sinclair Lane



- denotes conditions for 71/2 block 6075G
- denotes conditions for 71/2 block 6075H

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

CITY OF BALTIMORE
DEPARTMENT OF PUBLIC WORKS
PROPERTY LOCATION DIVISION
WARD 26 SECTION 20
BLOCK 6067
SCALE 1 IN. = 200 FT. DATE OCT. 1971

TRACED B
LETTERED
CHECKED I

CLEARINGHOUSE REVIEW

November 20, 2001

RECEIVED

NOV 27 2001

CHESAPEAKE BAY
CRITICAL AREA COMMISSION

TO: Arnold Norden, Greenways and Resources Planning (E-4)
Glenn Therres, 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)
Matthew Fleming, 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: *JW* James W. Price, Director, Program Open Space

SUBJ: DNR Clearinghouse Review of Local POS **Baltimore City Consolidated Grant FY02**
(consisting of nine individual projects): Clifton Park Pool and Bath House FY 02 -
POS #3989-24-186

Clifton Park is a 267 acre park with playing fields, courts, playgrounds and an 18 hole golf course. The pool in Clifton Park serves many neighborhoods in East Baltimore. The facilities have not been renovated in 30 years. The pool complex renovations will include new decks, gutters, fencing, pumps and plumbing. Improvements to the historic bath house include removal of "non-historic" additions, new restroom, wiring painting and ADA upgrades.

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.

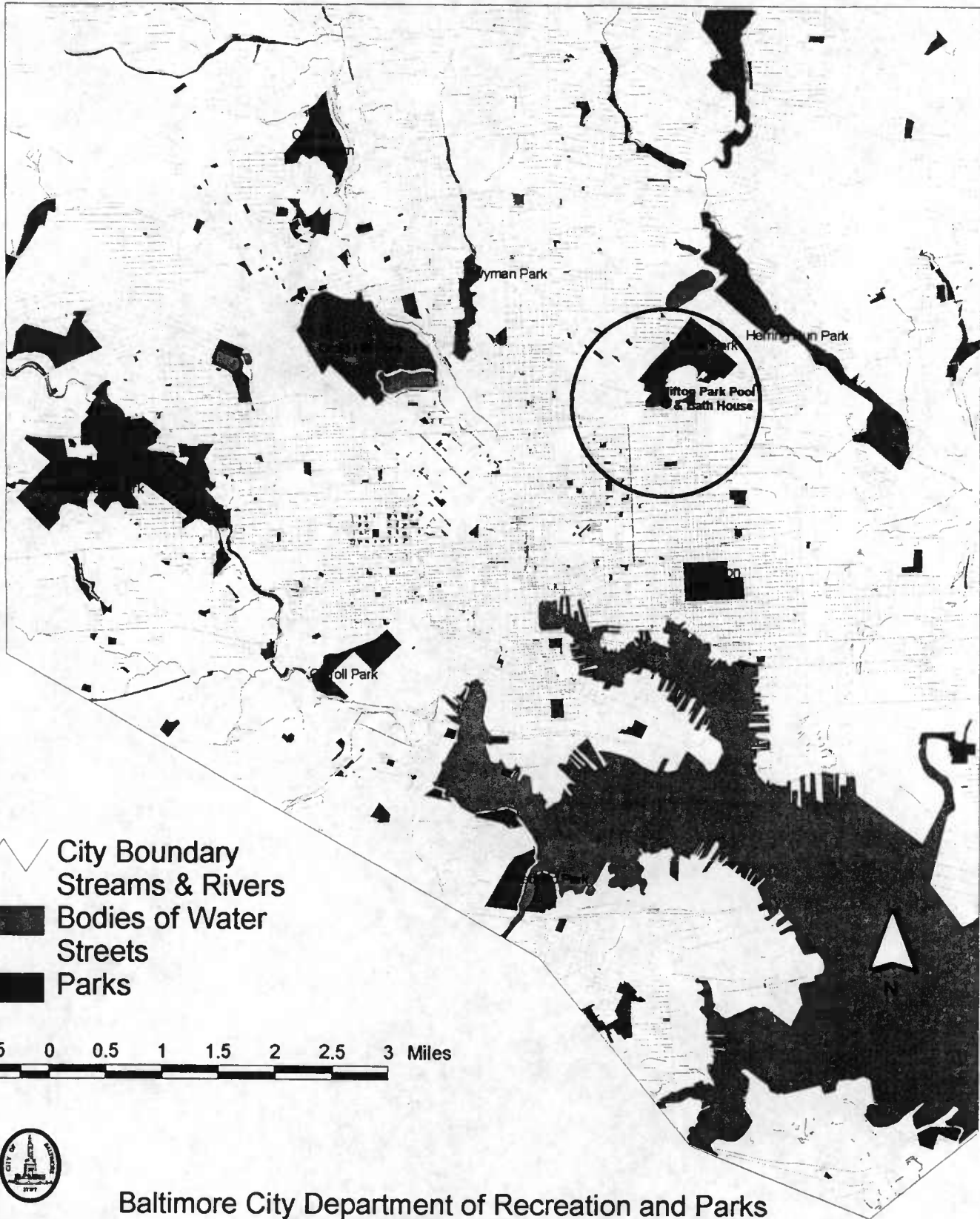
Dm 12/3/01

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

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

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

Baltimore City Consolidated Annual Program FY02 : Clifton Park Pool and Bath House



Baltimore City Department of Recreation and Parks

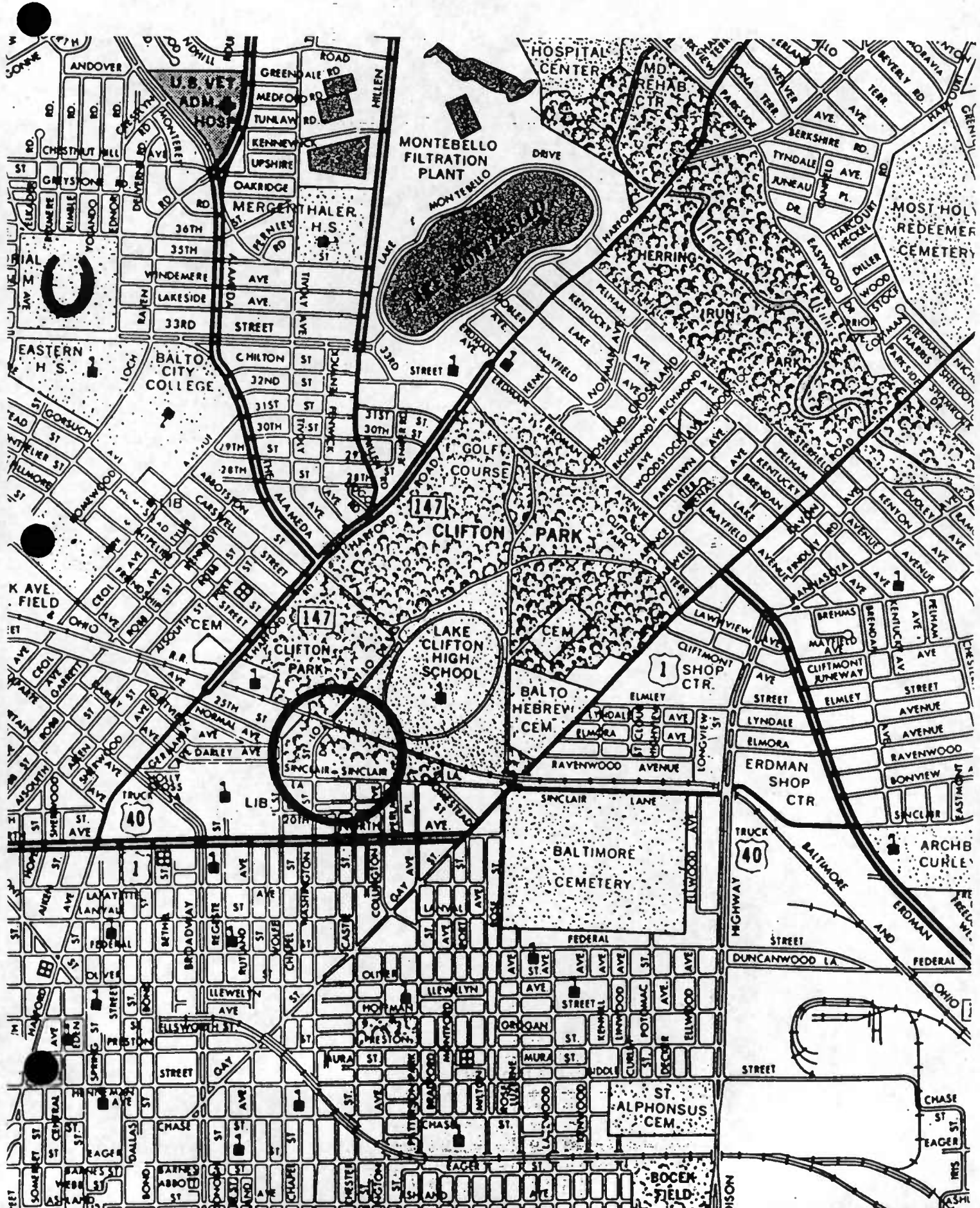
Mayor Martin O'Malley

Marvin F. Billups Jr., Director

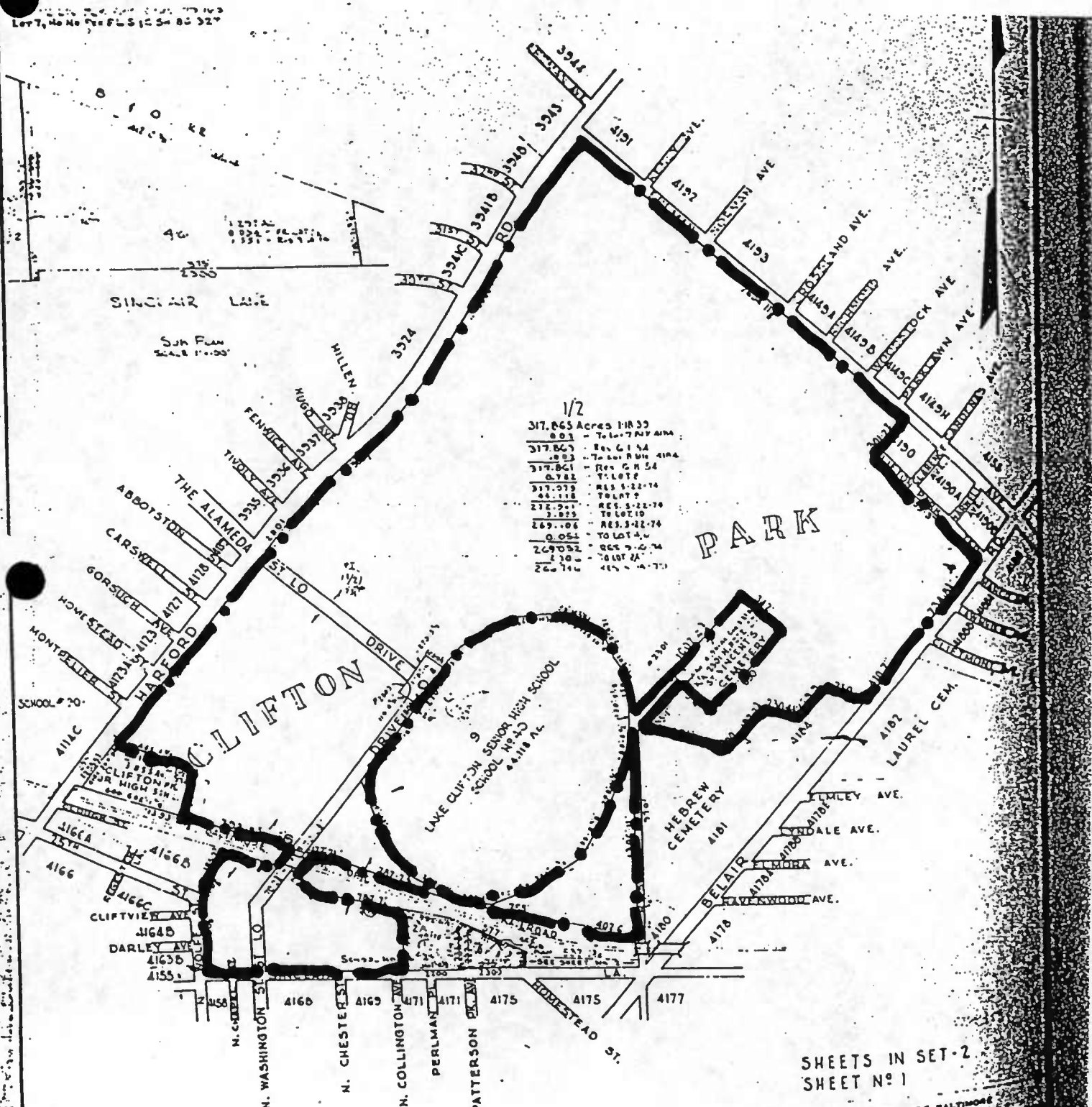
DRAFT: September 2001

POS 2002 urban pool Br1

Baltimore City Consolidated Annual Program FY02: Clifton Park Pool and Bath House St Lo Drive and Sinclair Lane



Baltimore City Consolidated Annual Program FY02: Clifton Park Pool and Bath House St Lo Drive and Sinclair Lane



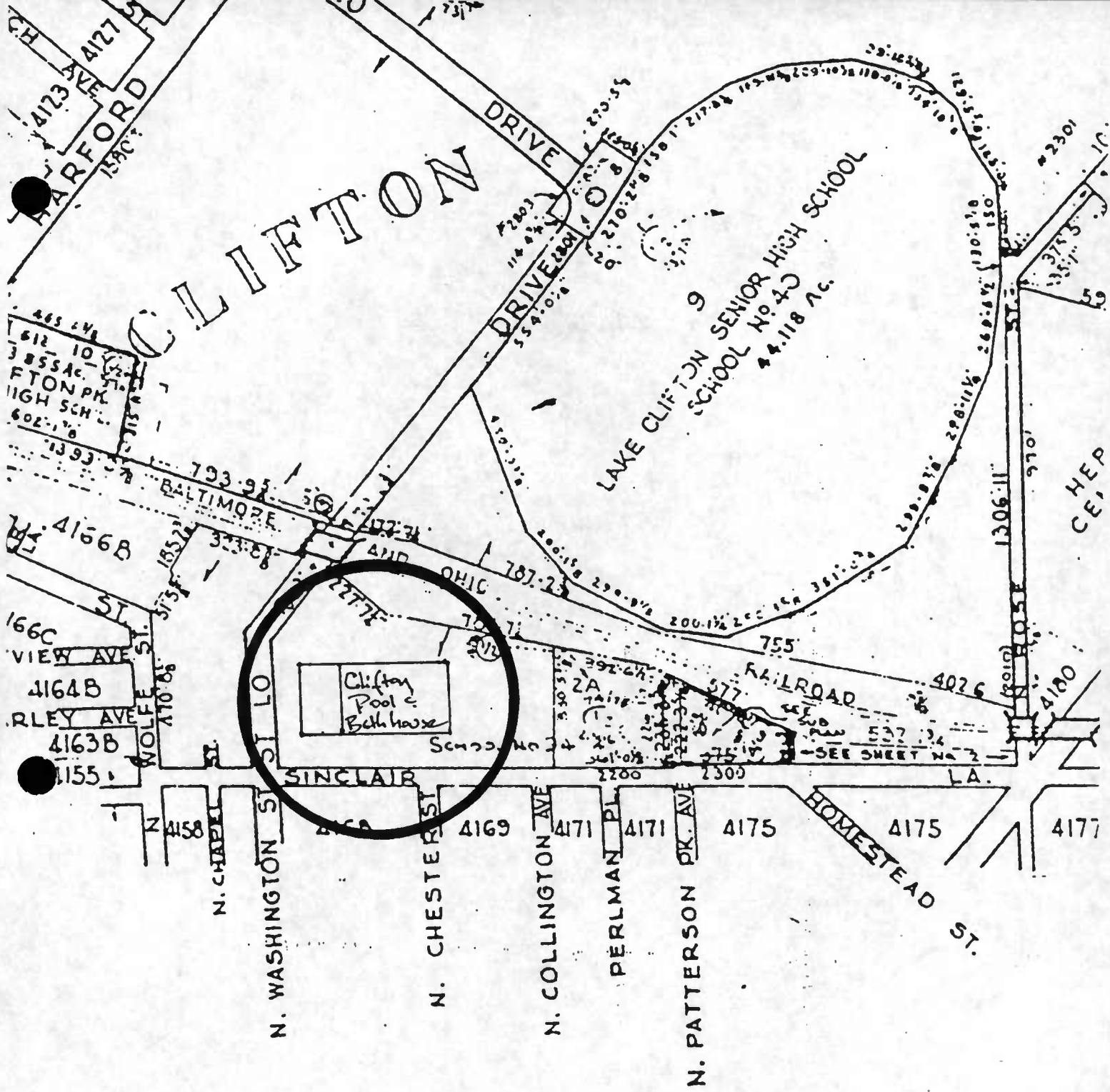
TRACED BY *M. Panuzia*
 LETTERED BY *M. Panuzia*
 CHECKED BY

NOTICE
 THIS IS A REAL PROPERTY MAP
 FOR UNDER ARTICLE 77
 IT IS COMPILED FROM THE
 SOURCES AND IS NOT AN ENGINEERING DRAWING

SHEETS IN SET - 2
 SHEET NO. 1
 CITY OF BALTIMORE
 DEPARTMENT OF PUBLIC WORKS
 BUREAU OF SURVEYING
 PROPERTY LOCATION DISTRICT
WARD 8 SECTION 1
BLOCK 4199
 SCALE Approx. 1" = 500' DATE

4199 lot 1

Clifton Park 2801 Harford Rd.



NOTICE

THIS IS A REAL PROPERTY MAP
 FOR UNDER ARTICLE 77
 IT IS COMPILED FROM

MPANUSKA
 11/1/2002

**Baltimore City Consolidated Annual Program FY02:
 Clifton Park Pool and Bath House
 St Lo Drive and Sinclair Lane**

CLEARINGHOUSE REVIEW

November 20, 2001

RECEIVED

NOV 27 2001

CHESAPEAKE BAY
GENERAL PLAN COMMISSION

TO: Arnold Norden, Greenways and Resources Planning (E-4)
 Glenn Therres, 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)
 Matthew Fleming, 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: ^{Juf} James W. Price, Director, Program Open Space

SUBJ: DNR Clearinghouse Review of Local POS **Baltimore City Consolidated Grant FY02**
 (consisting of nine individual projects): Baltimore Playlot Project FY02, POS #3991-24-187

Eighteen playground renovations are planned for 2002. Renovations will correct problems involving worn-out equipment, lead paint contamination, lack of resilient surface under the play structures and failure to meet ADA accessibility standards. The areas scheduled for improvements include: Grove Park Elem #224 (5a), T. Jefferson Elem#232(5a), Ashburton Elem#58 (4a), Cecil Kirk Elem#7 (3a), Gilmore Elem #107 (4a), James Mosher Elem#144 (6a), Winchester & Riggs Park (0.4a), Lois T. Murray Elem#313 (4a), Yorkwood Elem#219 (8a), Waverly Elem#51 (3a), Willow Ave Park (0.7a), Castle St Park (0.7a), Elmer Henderson Elem#101 (2a), Harford Heights Elem#36 (12a), Moravia Park Elem#105 (13a), Lakeland Elem#12 (7a), Farring Baybrook Park & Rec Center (69a), Violetville Elem#226 (7a).
 ↳ ?

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.

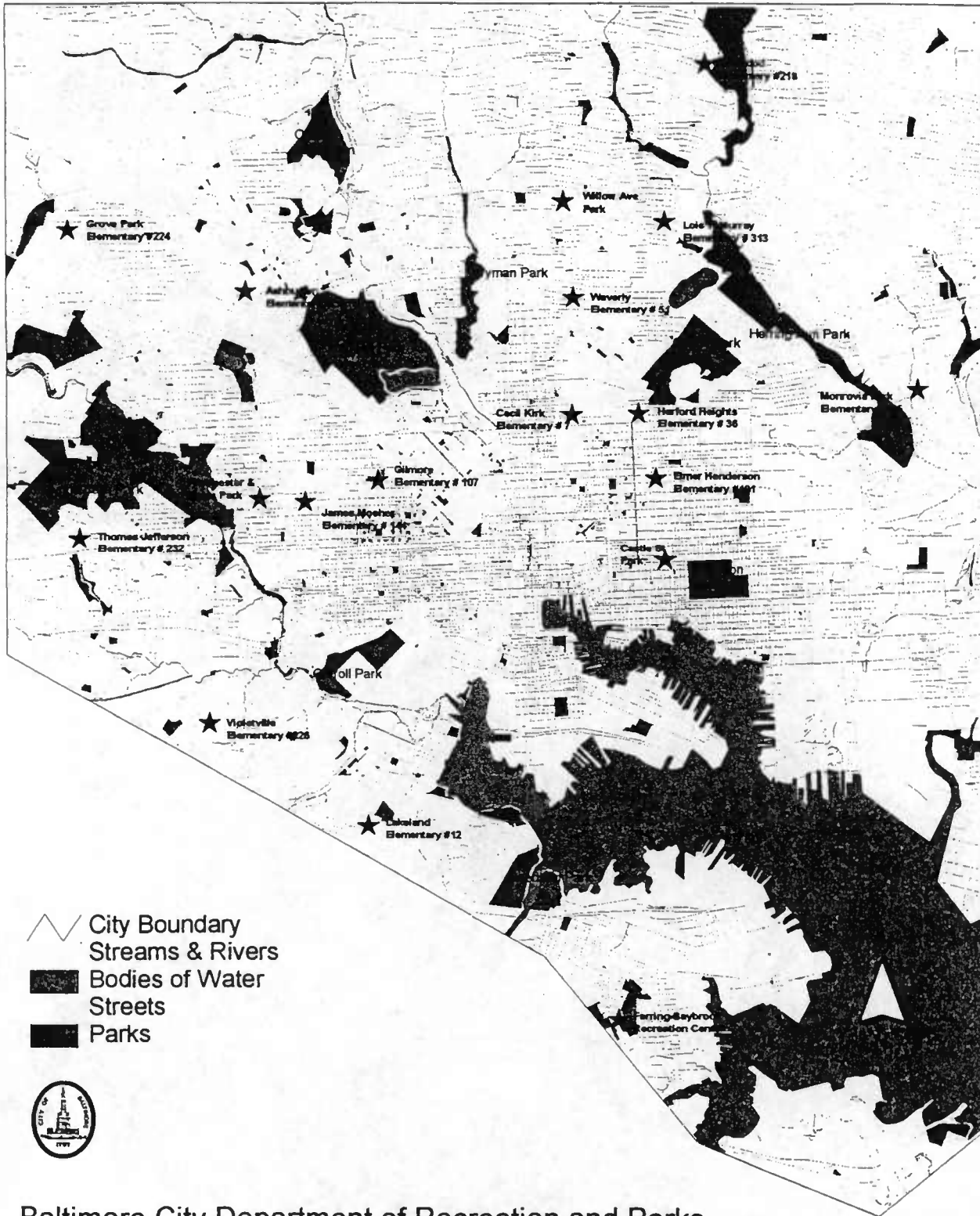
CHECK ONE AND INITIAL

CHECK INITIAL

- | | | |
|---|-------------------------------------|-------------------|
| 1. The project does not conflict with the plans, programs or objectives of this Agency. | <input checked="" type="checkbox"/> | <u>DM</u> |
| 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"/> | <u>DM 12/3/01</u> |
| 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 FY02: Baltimore Playlot Project



Baltimore City Department of Recreation and Parks

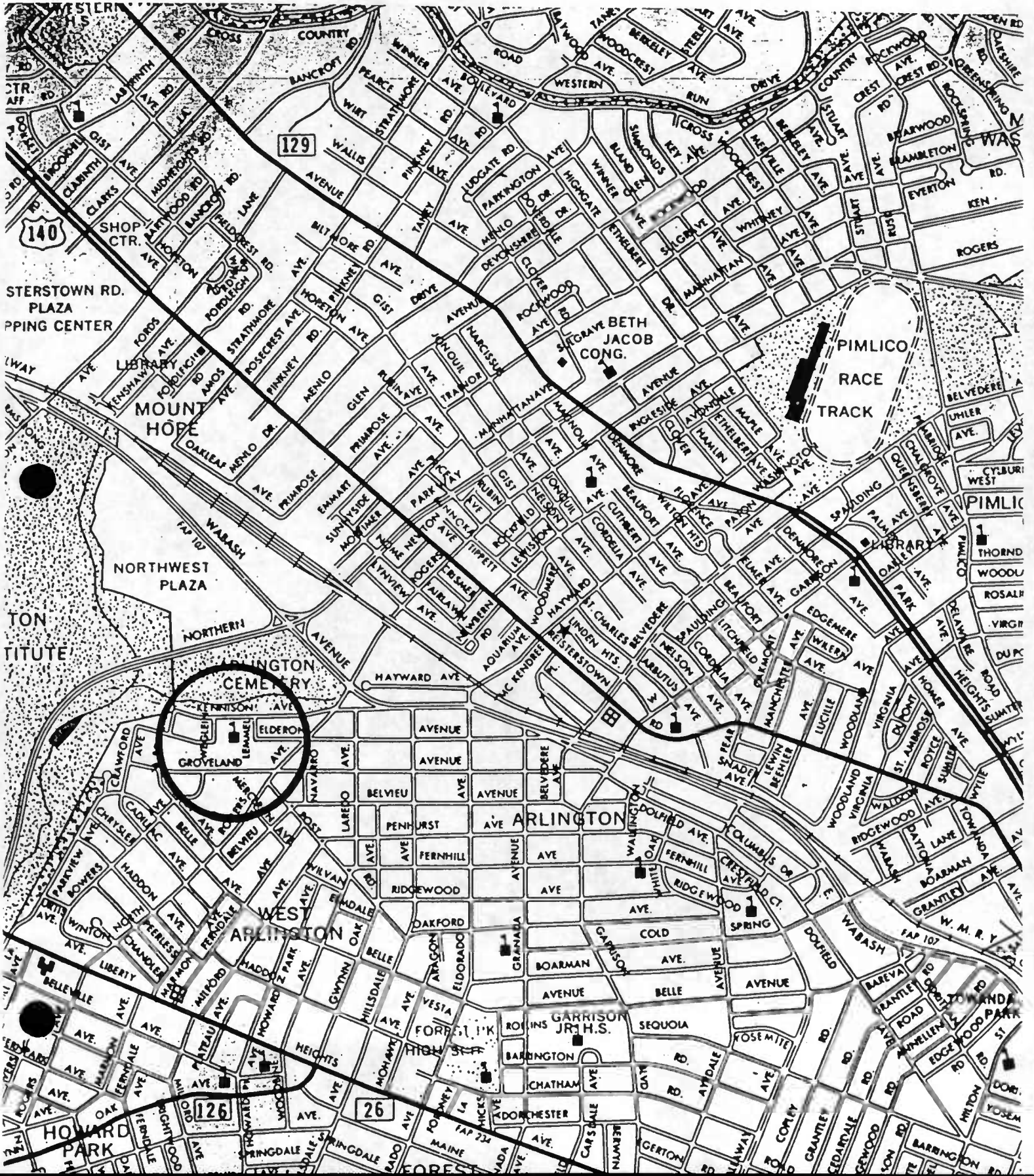
Mayor Martin O'Malley

Marvin F. Billups Jr., Director

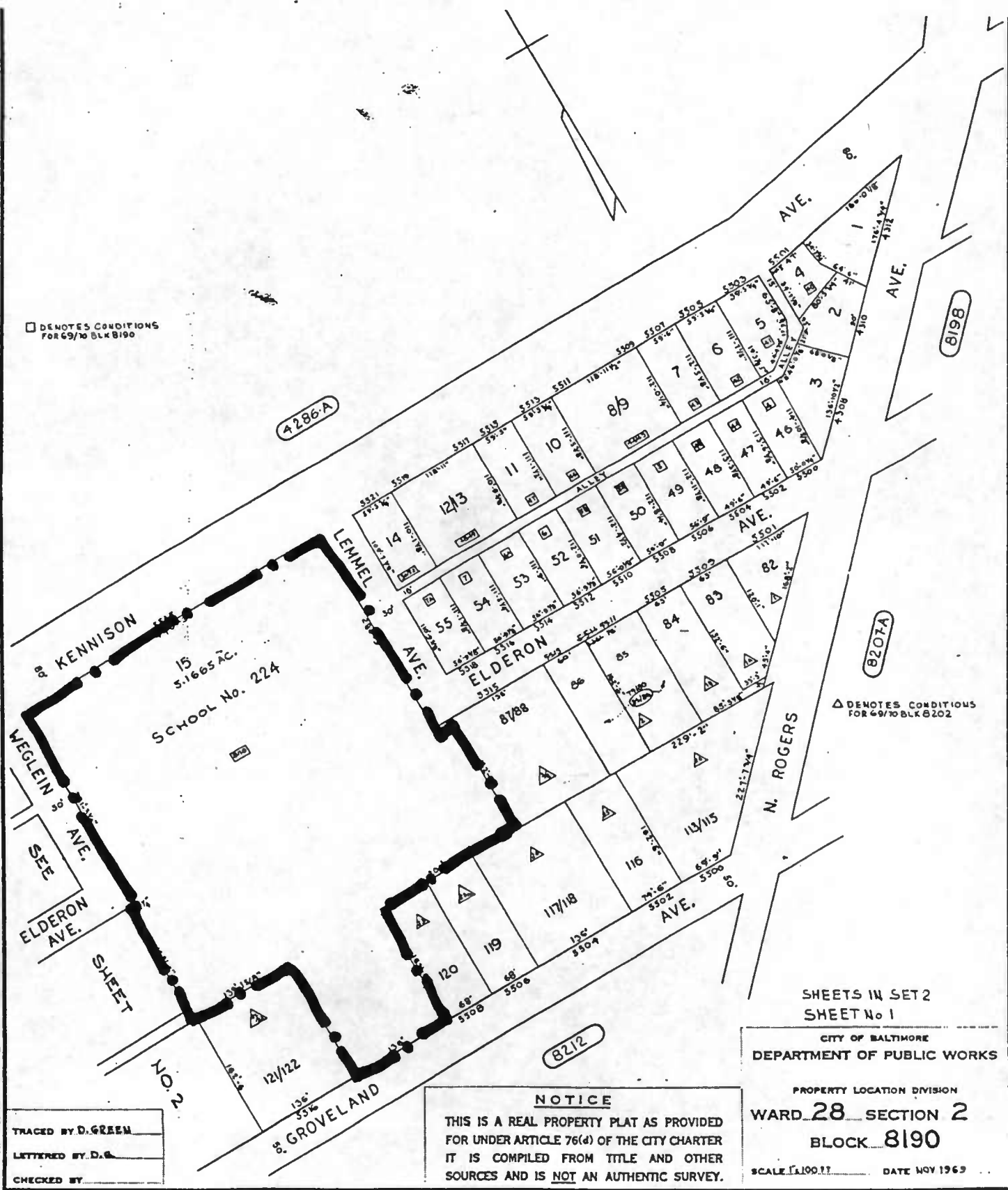
DRAFT: September 2001

POE002 playlots 8 of 11

Baltimore City Consolidated Annual Program FY02:
Baltimore Playlot Program
Grove Park Elementary # 224, 5545 Kennison Ave



Baltimore City Consolidated Annual Program FY02: Baltimore Playlot Program Grove Park Elementary # 224, 5545 Kennison Ave



☐ DENOTES CONDITIONS FOR 69/70 BLK 8190

△ DENOTES CONDITIONS FOR 69/70 BLK 8202

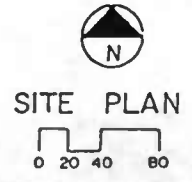
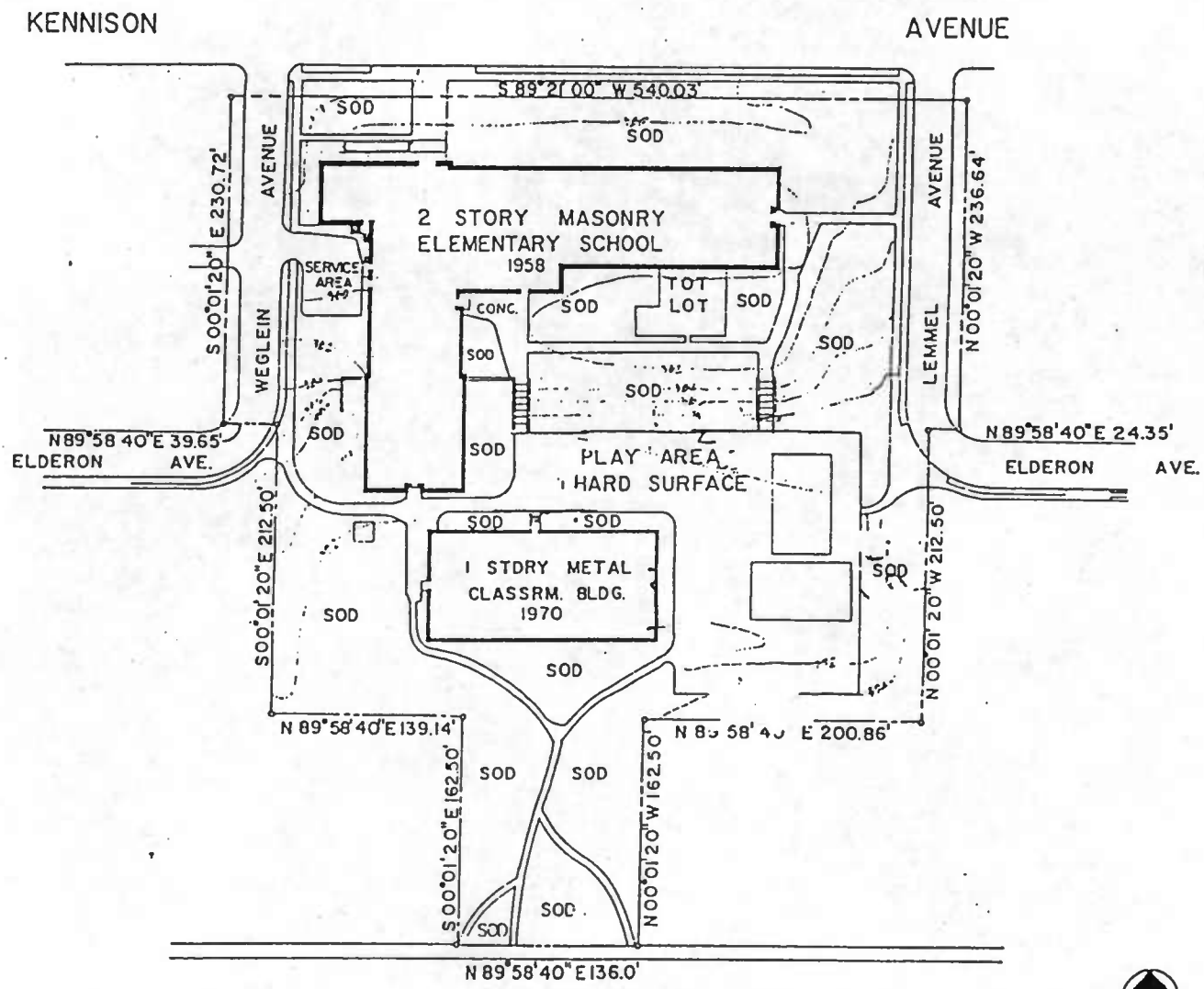
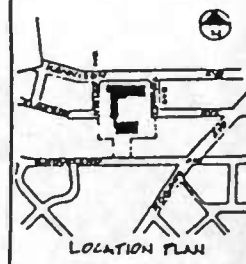
TRACED BY D. GREEN
LETTERED BY D.G.
CHECKED BY

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

SHEETS IN SET 2
SHEET No 1
CITY OF BALTIMORE
DEPARTMENT OF PUBLIC WORKS
PROPERTY LOCATION DIVISION
WARD 28 SECTION 2
BLOCK 8190
SCALE 1"=100.00' DATE NOV 1969

Baltimore City Consolidated Annual Program FY02: Baltimore Playlot Program

Grove Park Elementary # 224, 5545 Kennison Ave



BALTIMORE CITY PUBLIC SCHOOLS
DIVISION OF PHYSICAL PLANNING
200 P. ROAD STREET BALTIMORE, MD 21202

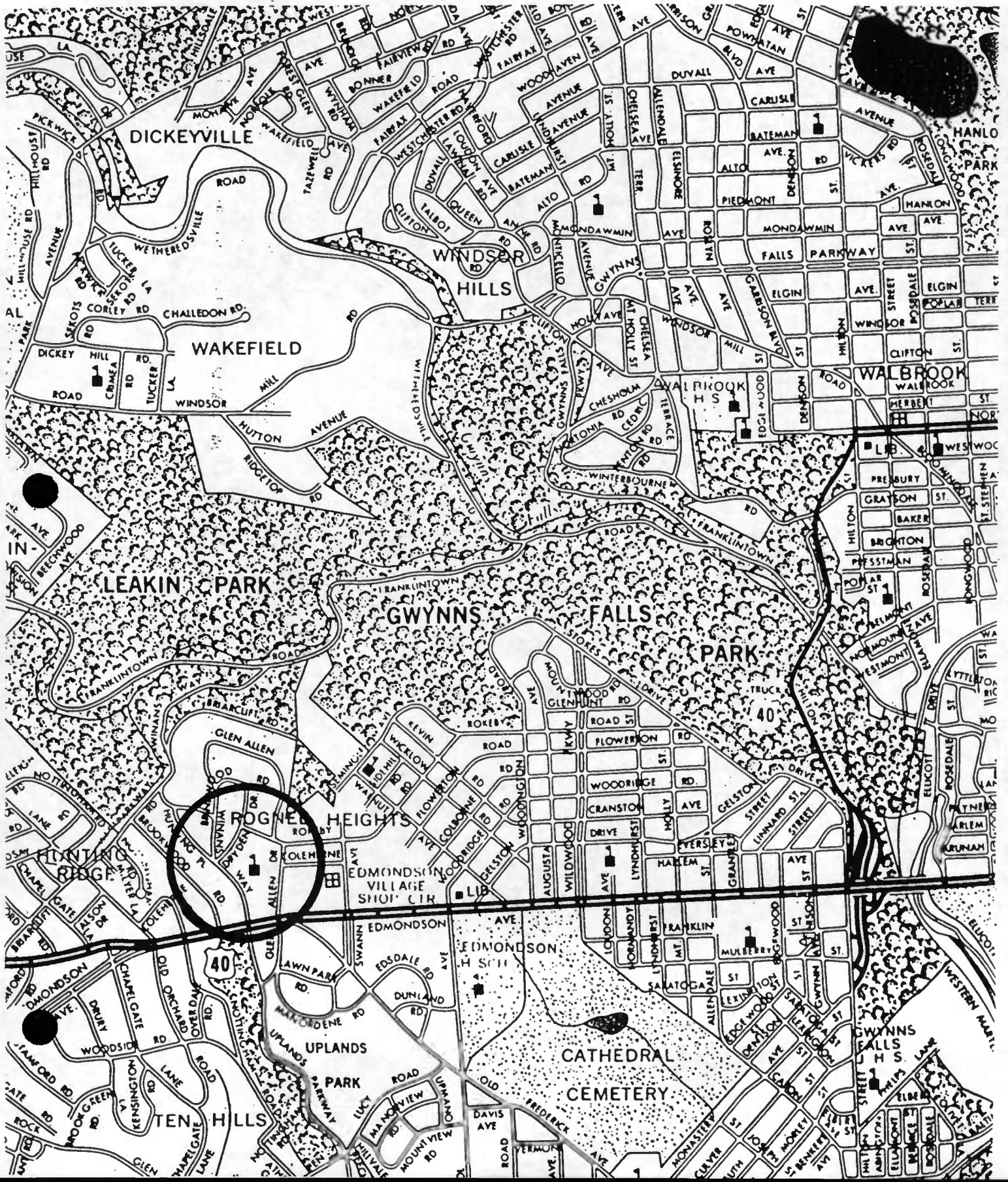
GROVE PARK ELEM SCHOOL
5545 KENNISON AVE
SCHEMATIC PLAN AS INDICATED

224

DATE: 10-16-01
BY: J.L.M./R.S.

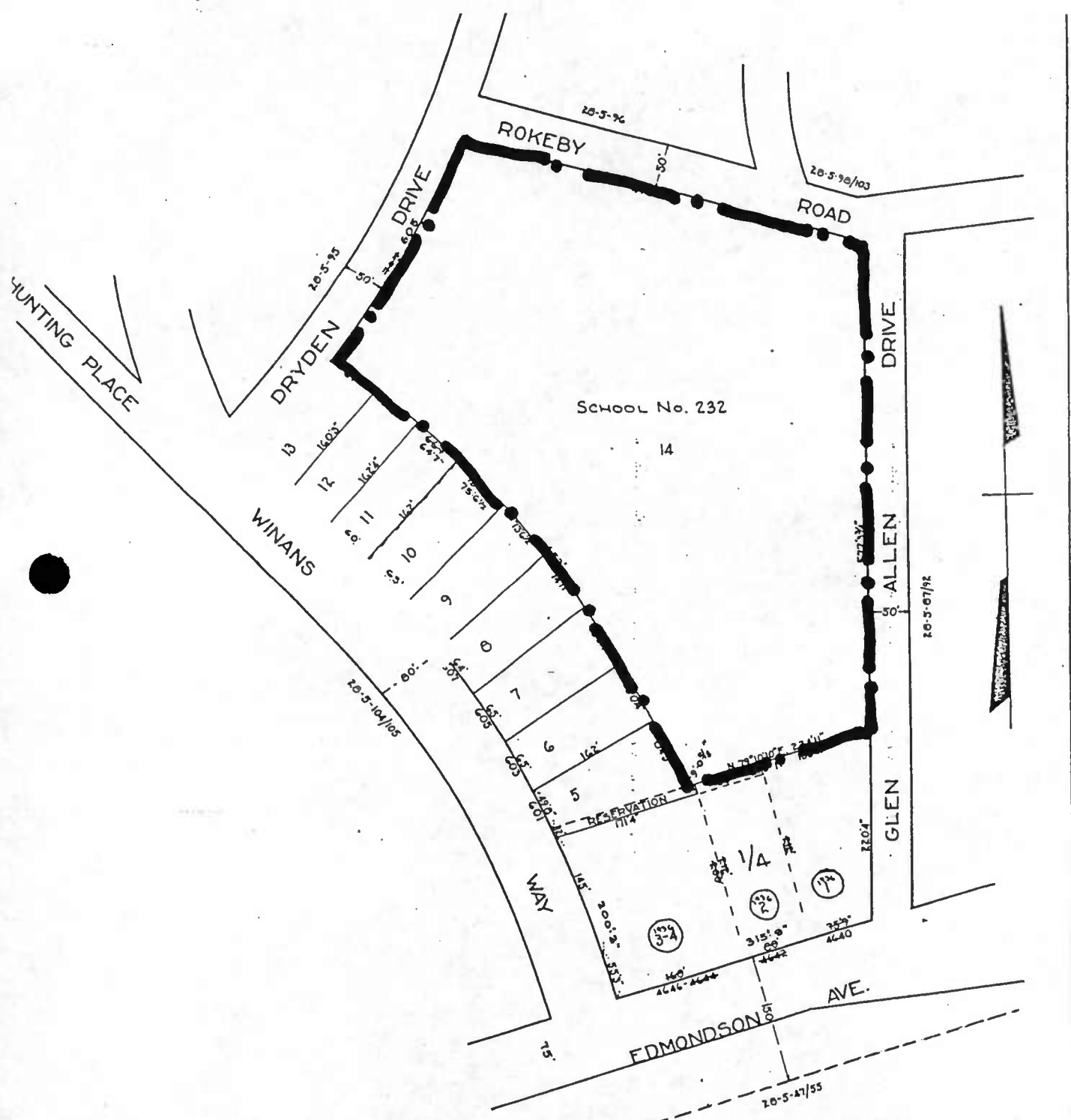
CURTIS LANTZ J.L.MENLEY
E.L. YAGRE R. SCOTT

Baltimore City Consolidated Annual Program FY02:
Baltimore Playlot Program
Thomas Jefferson Elementary #232, 600 Glen Allen Dr



Baltimore City Consolidated Annual Program FY02: Baltimore Playlot Program

Thomas Jefferson Elementary #232, 600 Glen Allen Dr



NOTICE

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

NOTE → Block 28-5-93 FOR 1941.

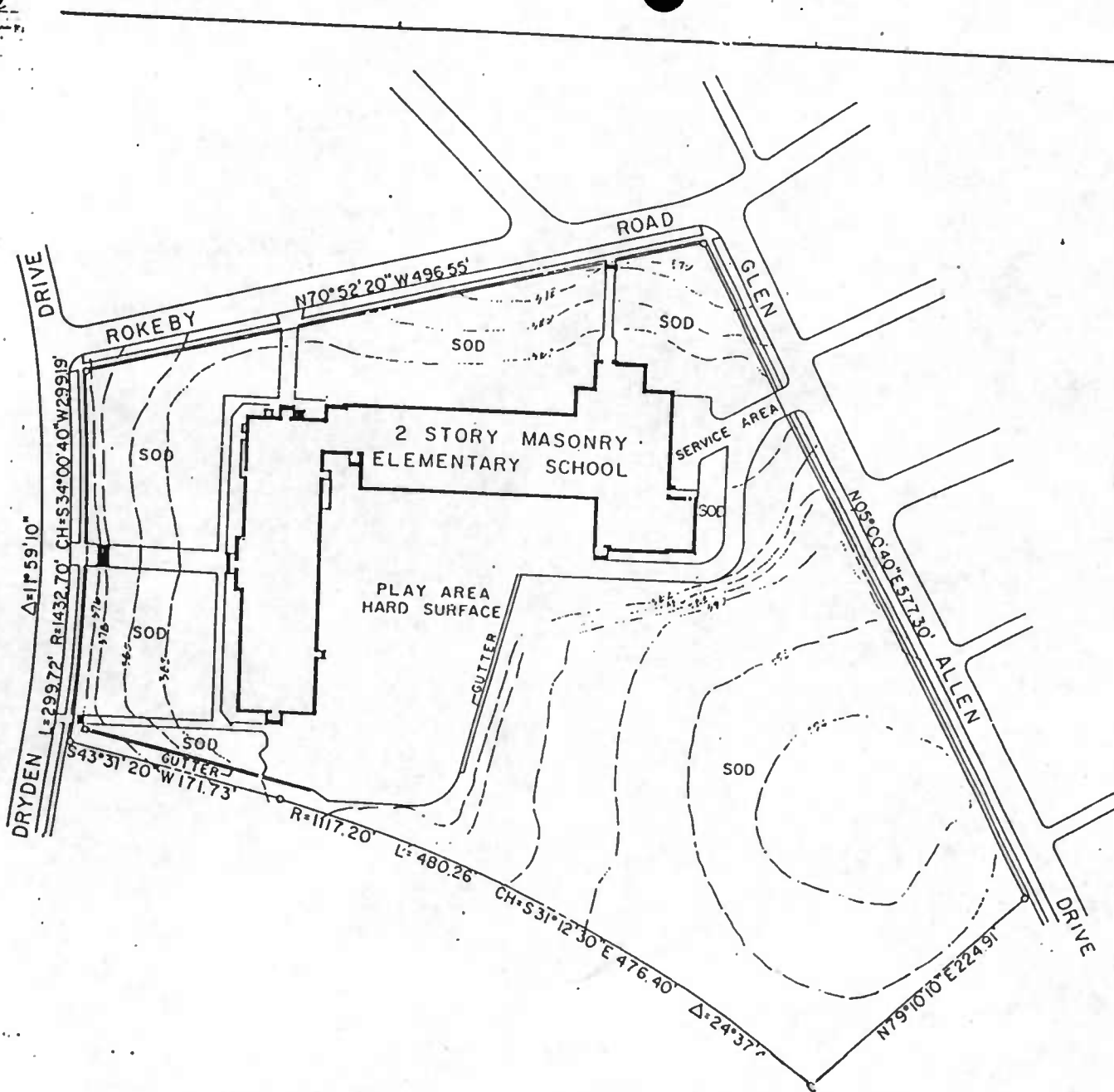
7957

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

WARD 28 SECTION 5
BLOCK 7957

SCALE 1 IN. = 100 FT. DATE JAN. 1932.

TRACED BY... C. BAIN
LETTERED BY... *S. Bensfield*
CHECKED BY

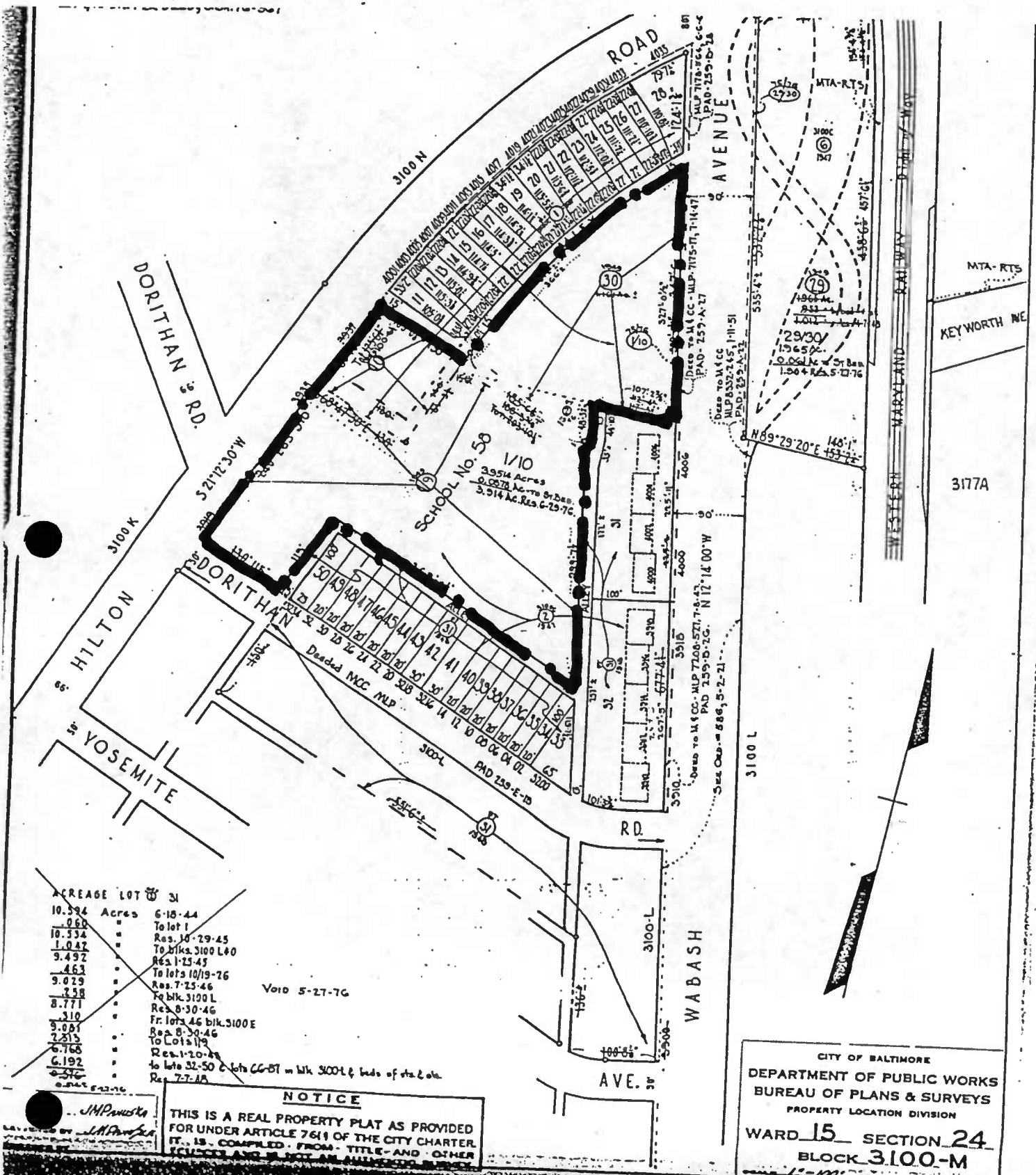


BALTIMORE CITY PUBLIC SCHOOLS DIVISION OF PHYSICAL PLANT		
THOMAS JEFFERSON ELEM SCH 603 DRYDEN DRIVE #232 SITE PLAN AS INDICATED		232
DATE: 01-28-83		1.2
CURTIS LANTZ		

N
SITE PLAN
□ □

Baltimore City Consolidated Annual Program FY02:
 Baltimore Playlot Program
 Thomas Jefferson Elementary #232 603 Glen Allen Dr

Baltimore City Consolidated Annual Program FY02: Baltimore Playlot Program Ashburton Elementary # 58, 3935 Hilton Rd



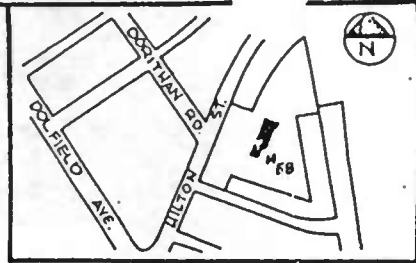
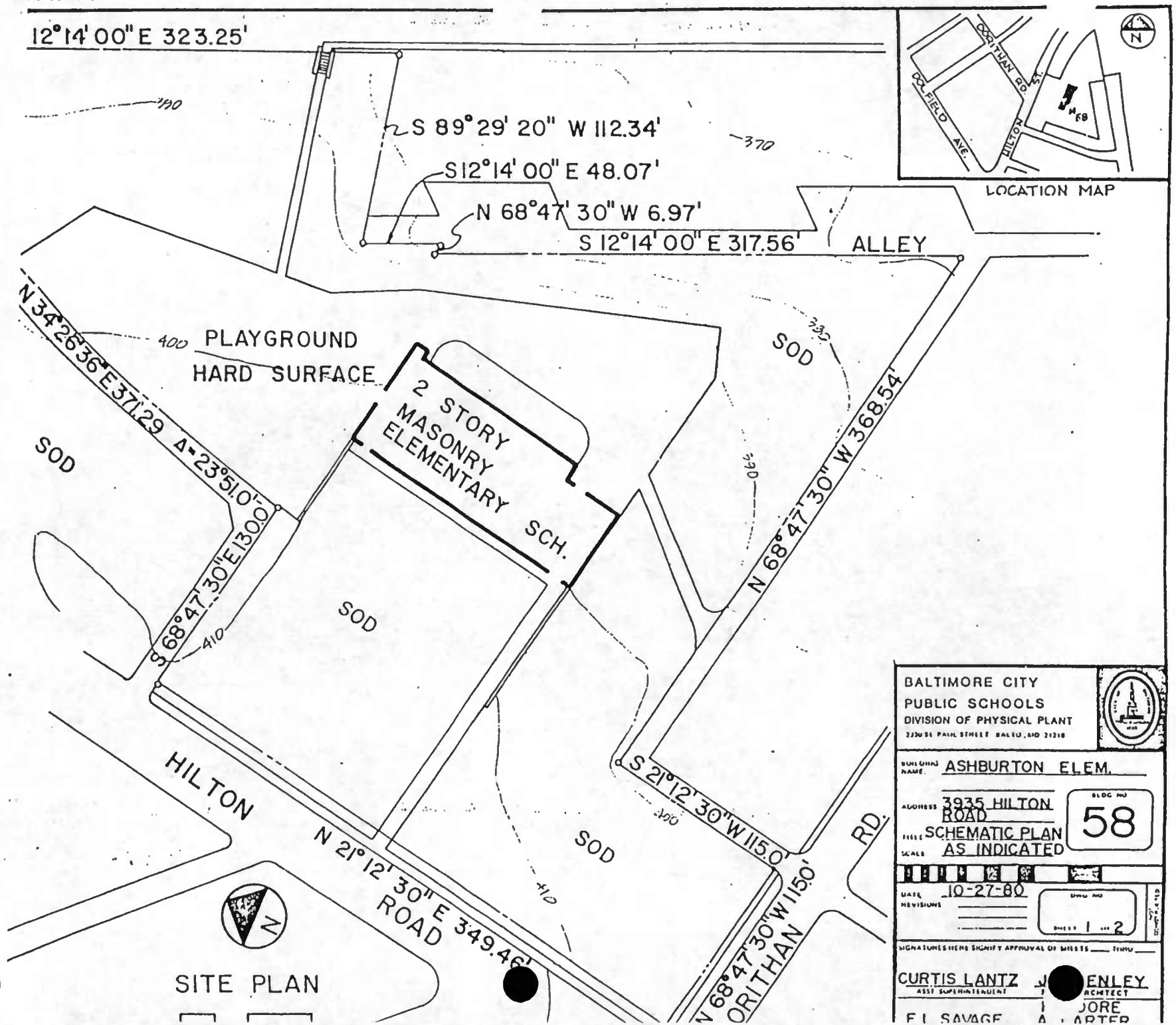
ACREAGE	LOT	SI
10.394	Acres	6-18-44
0.60		To lot 1
10.334		Res. 10-29-45
1.042		To blks. 3100 L40
9.492		Res. 1-23-45
4.63		To lots 10/19-26
9.029		Res. 7-23-46
2.58		To blk. 3100 L
8.771		Res. 8-30-46
310		Fr. lots 46 blk. 3100 E
9.061		Res. 8-30-46
2.215		To lots 119
6.768		Res. 1-20-48
6.192		to lots 32-50 & lots 66-81 in blk. 3100 L & beds of str. & etc.
0.516		Res. 7-7-48

Void 5-27-76

NOTICE
THIS IS A REAL PROPERTY PLAT AS PROVIDED FOR UNDER ARTICLE 76(1) OF THE CITY CHARTER. IT IS COMPILED FROM TITLE AND OTHER RECORDS AND IS NOT AN ALTERNATIVE.

CITY OF BALTIMORE
DEPARTMENT OF PUBLIC WORKS
BUREAU OF PLANS & SURVEYS
PROPERTY LOCATION DIVISION
WARD 15 SECTION 24
BLOCK 3100-M
1"=100' DATE July 1947

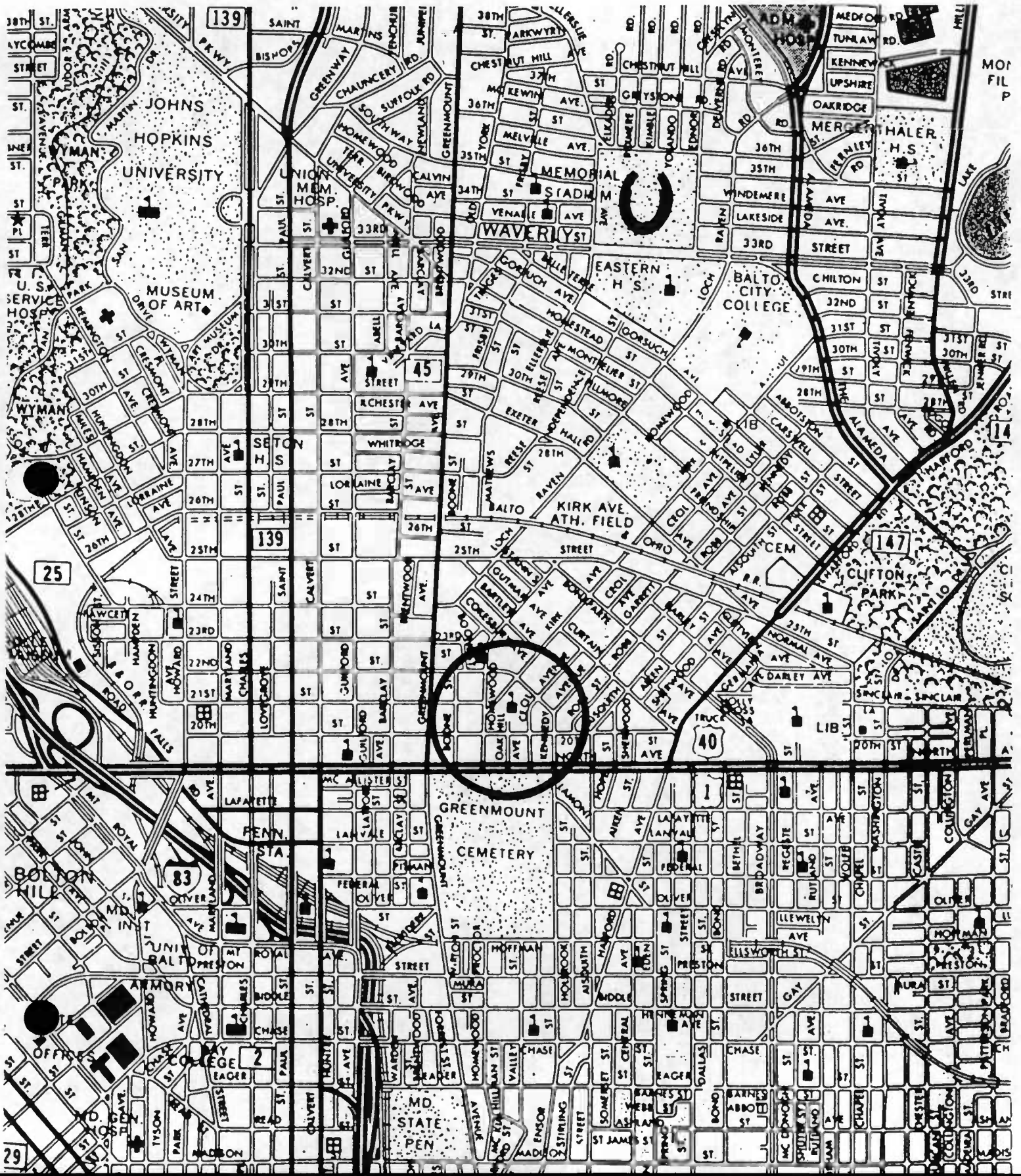
Baltimore City Consolidated Annual Program FY02:
 Baltimore Playlot Program
 Ashburton Elementary # 58, 3935 Hilton Rd



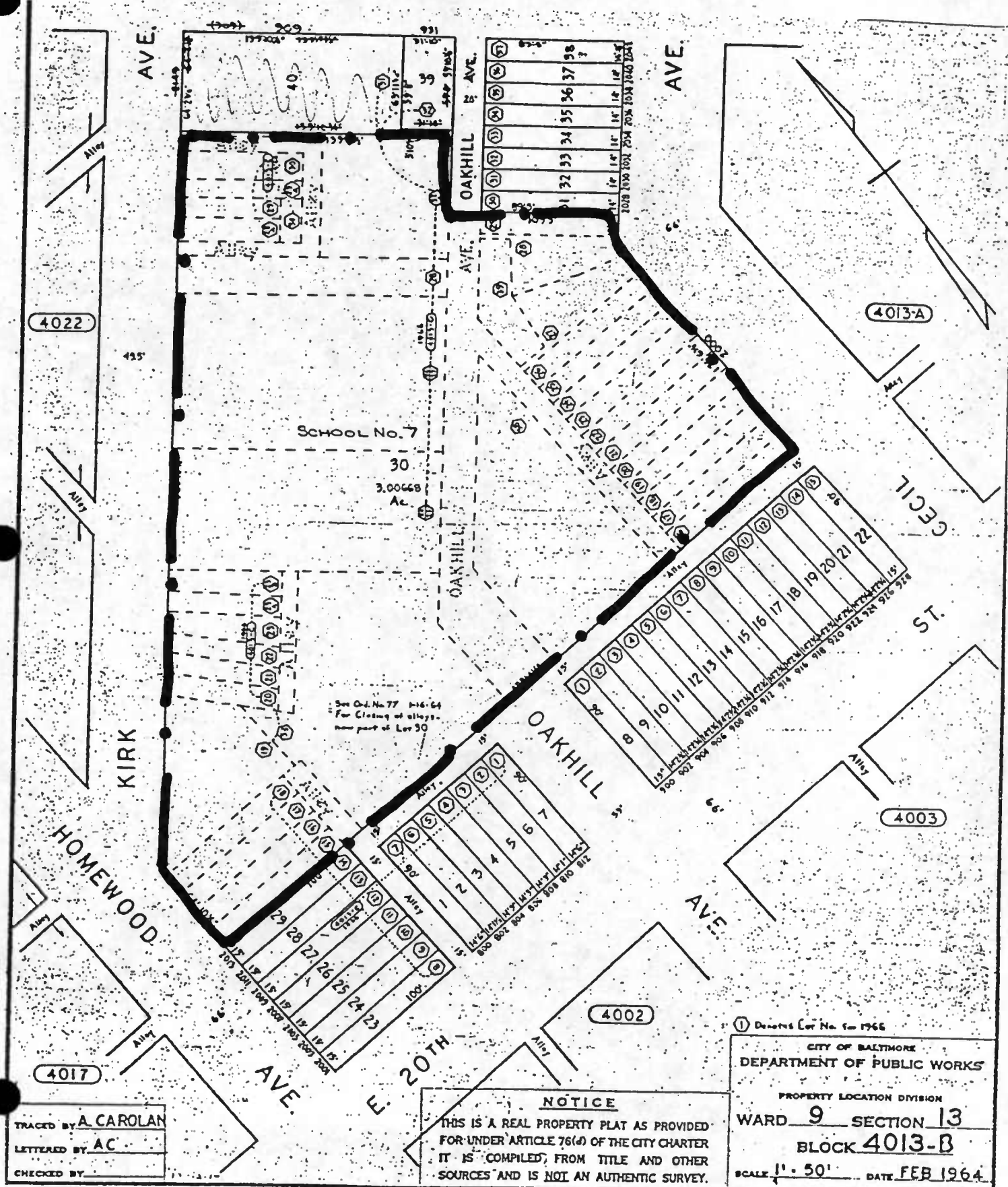
SITE PLAN

BALTIMORE CITY PUBLIC SCHOOLS DIVISION OF PHYSICAL PLANT <small>2230 SE PAUL STREET BALTO, MD 21218</small>		
BUILDING NAME: <u>ASHBURTON ELEM.</u>		
ADDRESS: <u>3935 HILTON ROAD</u>		BLDG NO 58
TITLE: <u>SCHEMATIC PLAN</u> SCALE: <u>AS INDICATED</u>		
DATE: <u>10-27-80</u>		SHEET 1 OF 2
REVISIONS: _____		
SIGNATURES HERE SIGNIFY APPROVAL OF MEETS _____		
CURTIS LANTZ ASST SUPERINTENDENT	JENLEY ARCHITECT	JOSE CARTER
F I SAVAGE	A	

Baltimore City Consolidated Annual Program FY02:
Baltimore Playlot Program
Cecil Kirk Elementary # 7, 2000 Cecil Ave



Baltimore City Consolidated Annual Program FY02: Baltimore Playlot Program Cecil Kirk Elementary # 7, 2000 Cecil Ave



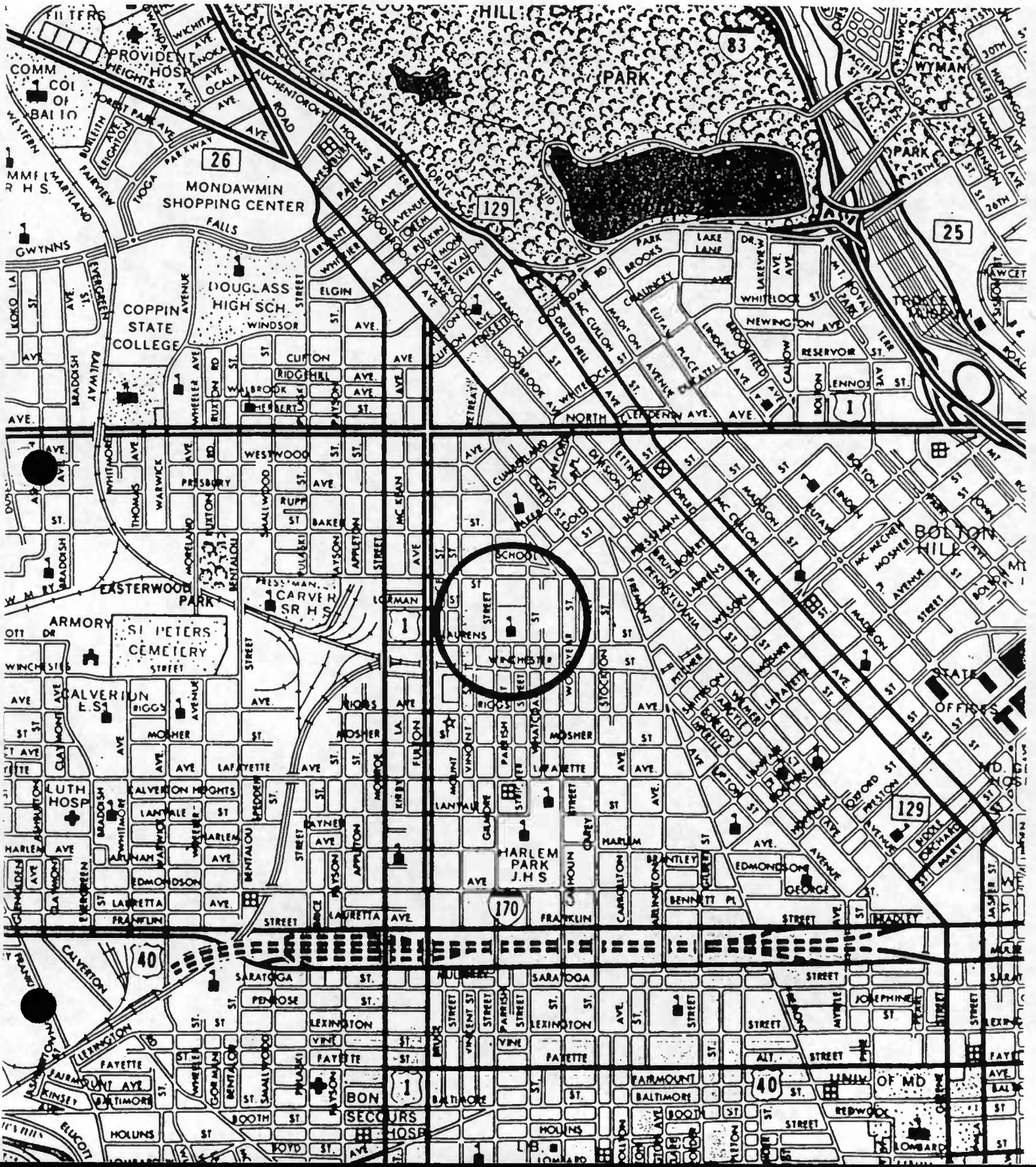
TRACED BY **A. CAROLAN**
 LETTERED BY **AC**
 CHECKED BY _____

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

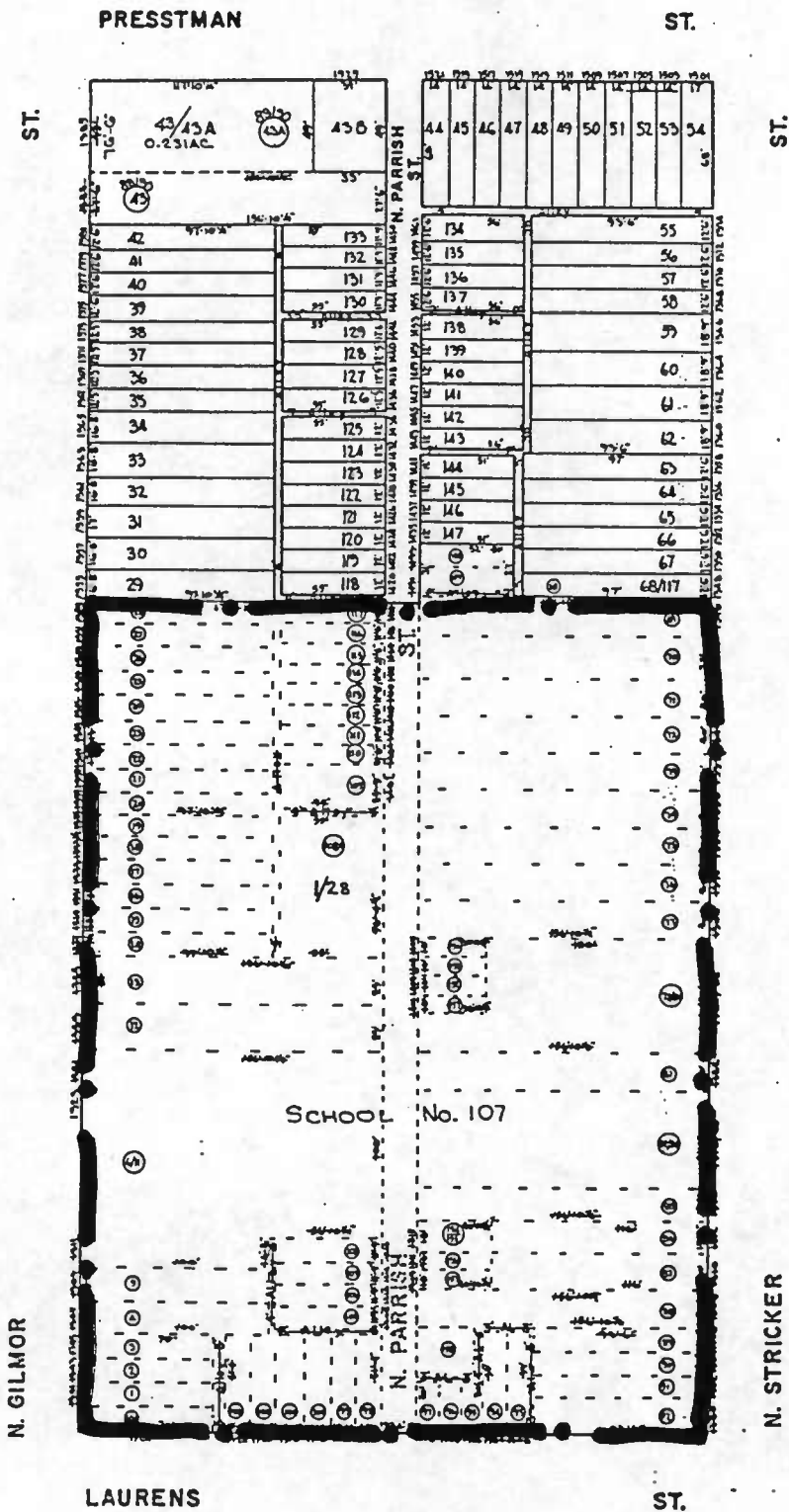
① Denotes Lot No. for 1966
 CITY OF BALTIMORE
 DEPARTMENT OF PUBLIC WORKS
 PROPERTY LOCATION DIVISION
 WARD **9** SECTION **13**
 BLOCK **4013-B**
 SCALE 1" = 50' DATE **FEB 1964**

1736

Baltimore City Consolidated Annual Program FY02:
Baltimore Playlot Program
Gilmore Elementary #107, 1311 N. Gilmore St



Baltimore City Consolidated Annual Program FY02: Baltimore Playlot Program Gilmore Elementary #107, 1311 N. Gilmore St



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

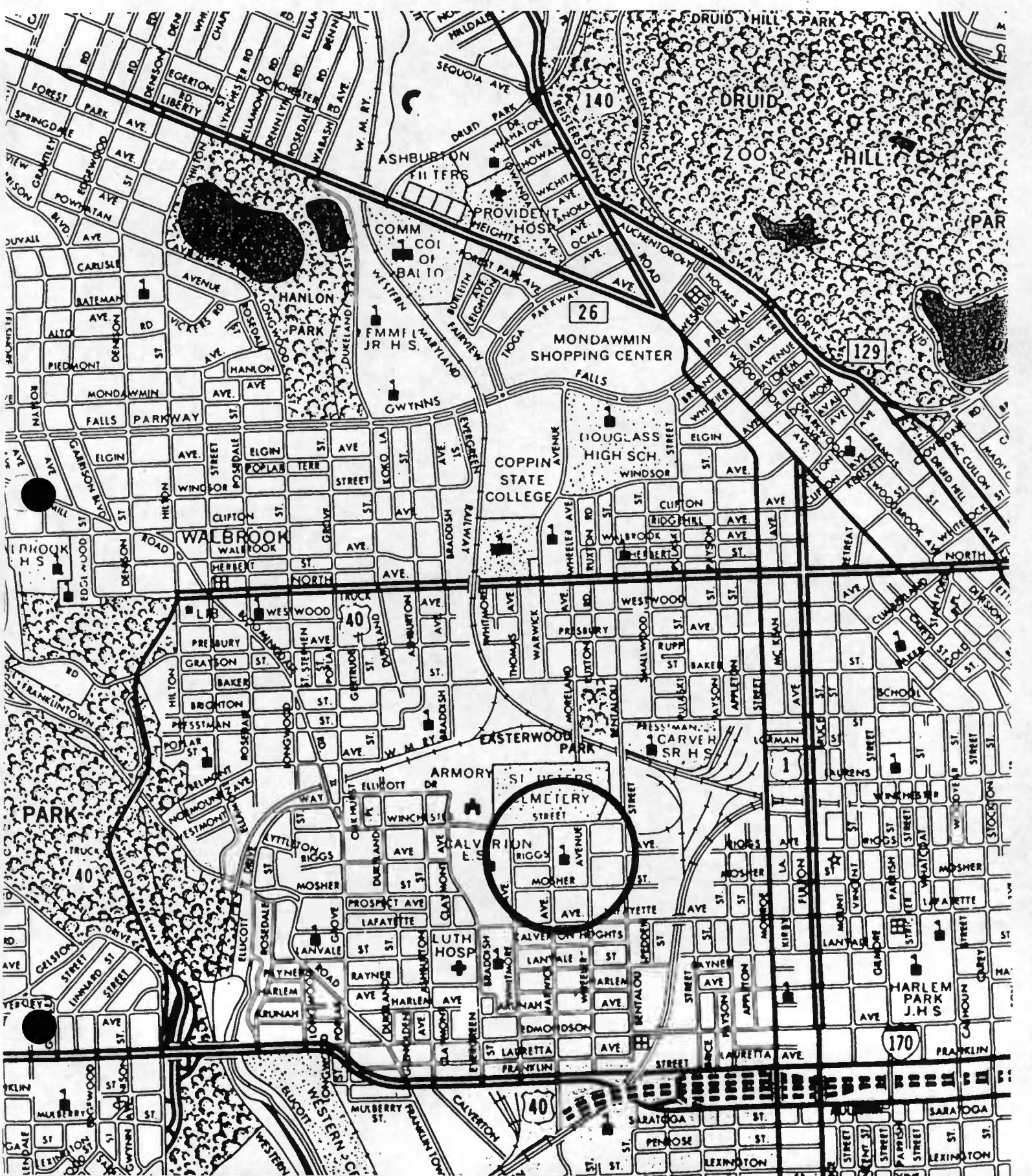
TRACED BY H.L. Wirtz
LETTERED BY _____
CHECKED BY _____

Note: ⑦ Denotes Lot N° For 1961

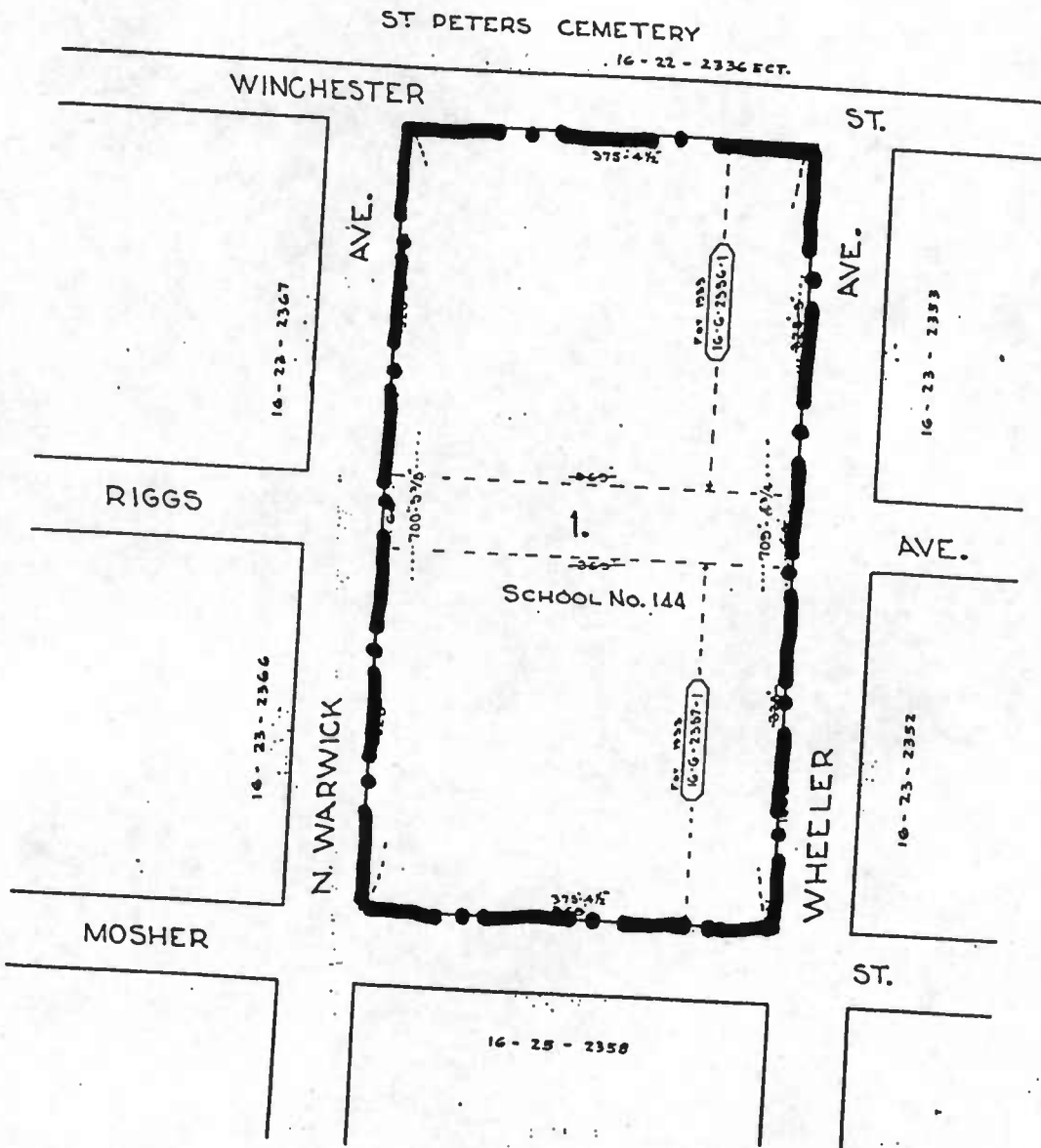
CITY OF BALTIMORE
DEPARTMENT OF PUBLIC WORKS
BUREAU OF SURVEYS
PROPERTY LOCATION DIVISION
WARD 15 SECTION 10
BLOCK 34
SCALE 1/4" = 1.00' DATE July, 1961

17

Baltimore City Consolidated Annual Program FY02:
Baltimore Playlot Program
James Mosher Elementary #144, 2400 Mosher Ave



Baltimore City Consolidated Annual Program FY02:
 Baltimore Playlot Program
 James Mosher Elementary #144, 2400 Mosher Ave



NOTE:
 BLOCK 16-6-2356/57 FOR 1940.

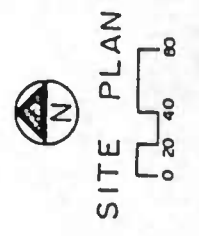
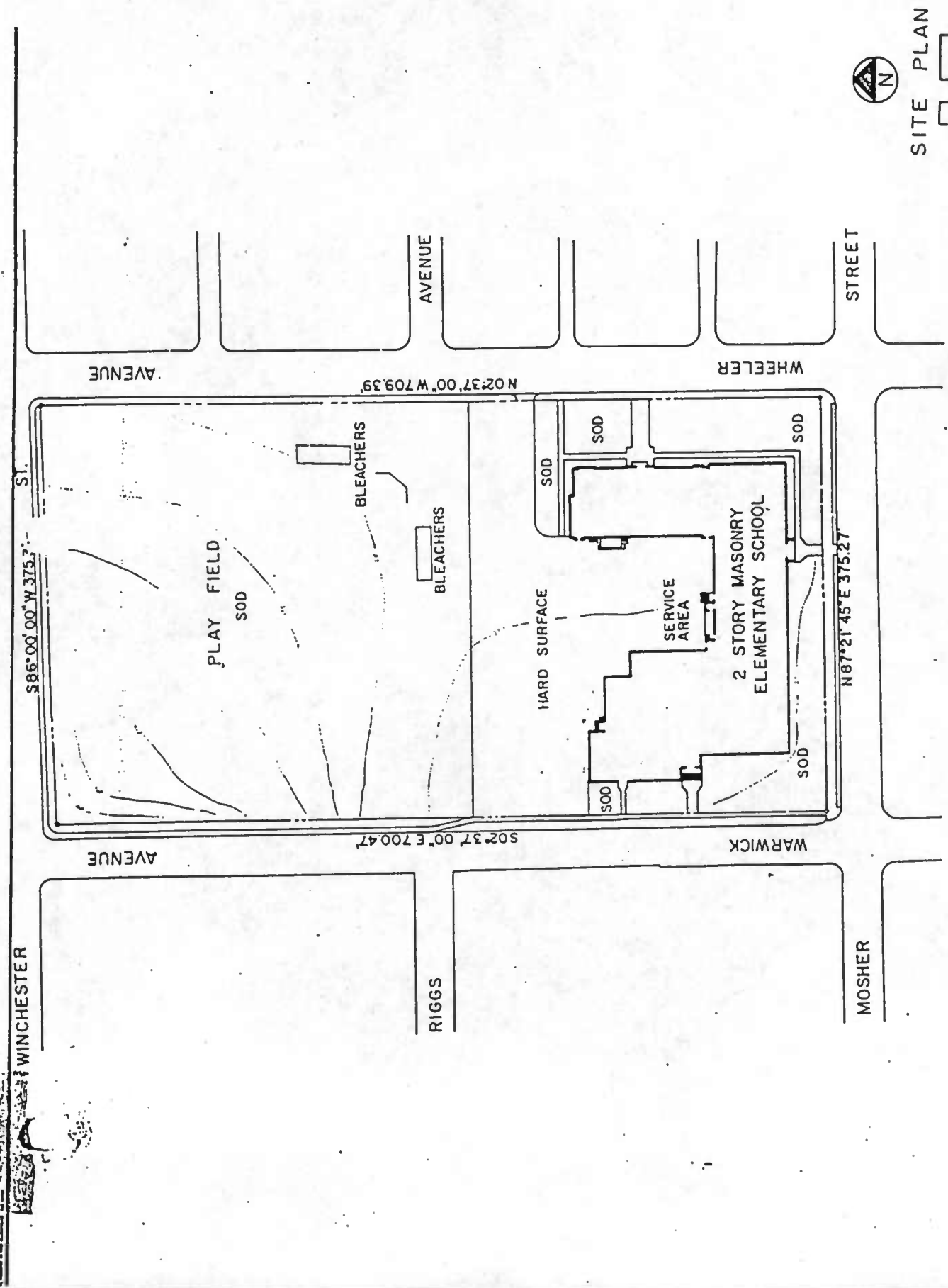
NOTICE
 THIS IS A REAL PROPERTY PLAY AS PROVIDED
 FOR UNDER ARTICLE 71A OF THE CITY CHARTER
 IT IS COMPLETE FROM TITLE AND OTHER
 DEFECTS AND IS NOT AN AUTHENTIC SURVEY

CITY OF BALTIMORE
 DEPARTMENT OF PUBLIC WORKS
 BUREAU OF PLANS & SURVEYS
 PROPERTY LOCATION DIVISION
WARD 18, SECTION 23
BLOCK 2356

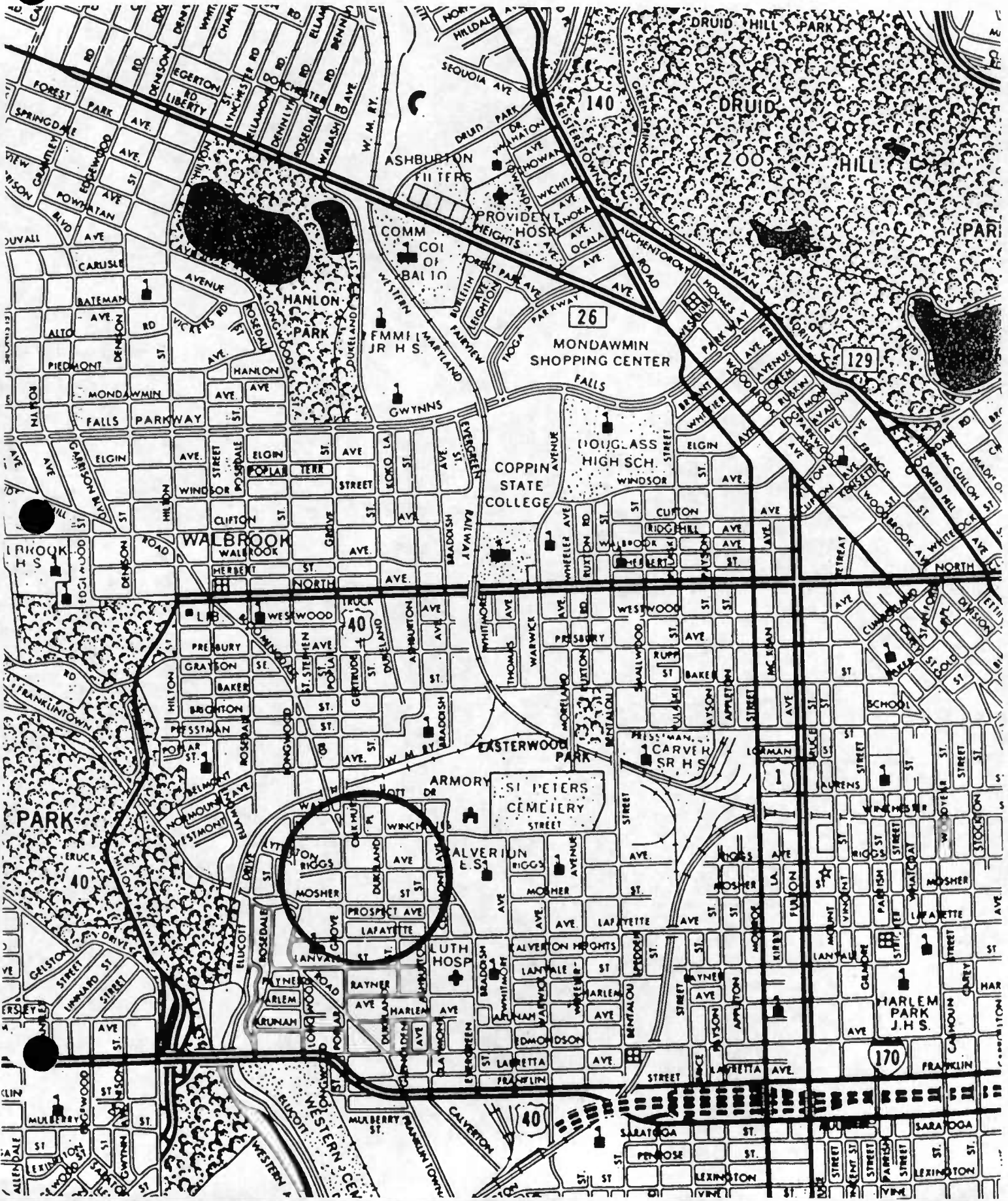
Baltimore City Consolidated Annual Program FY02: Baltimore Playlot Program

James Mosher Elementary #144, 2400 Mosher Ave

BALTIMORE CITY PUBLIC SCHOOLS Division of Physical Plant Date of this project: 10/14/01		JAMES MOSHER ELEM SCHOOL 2400 MOSHER AVE BALTIMORE, MD 21218 PHONE: 410-396-1000 FAX: 410-396-1000	144 SCHEMATIC PLAN AS INDICATED



Baltimore City Consolidated Annual Program FY02:
Baltimore Playlot Program
Winchester & Riggs Park, 2818 Riggs Ave



Baltimore City Consolidated Annual Program FY02: Baltimore Playlot Program Winchester & Riggs Park, 2818 Riggs Ave

16-22-2388-A

WINCHESTER ST.

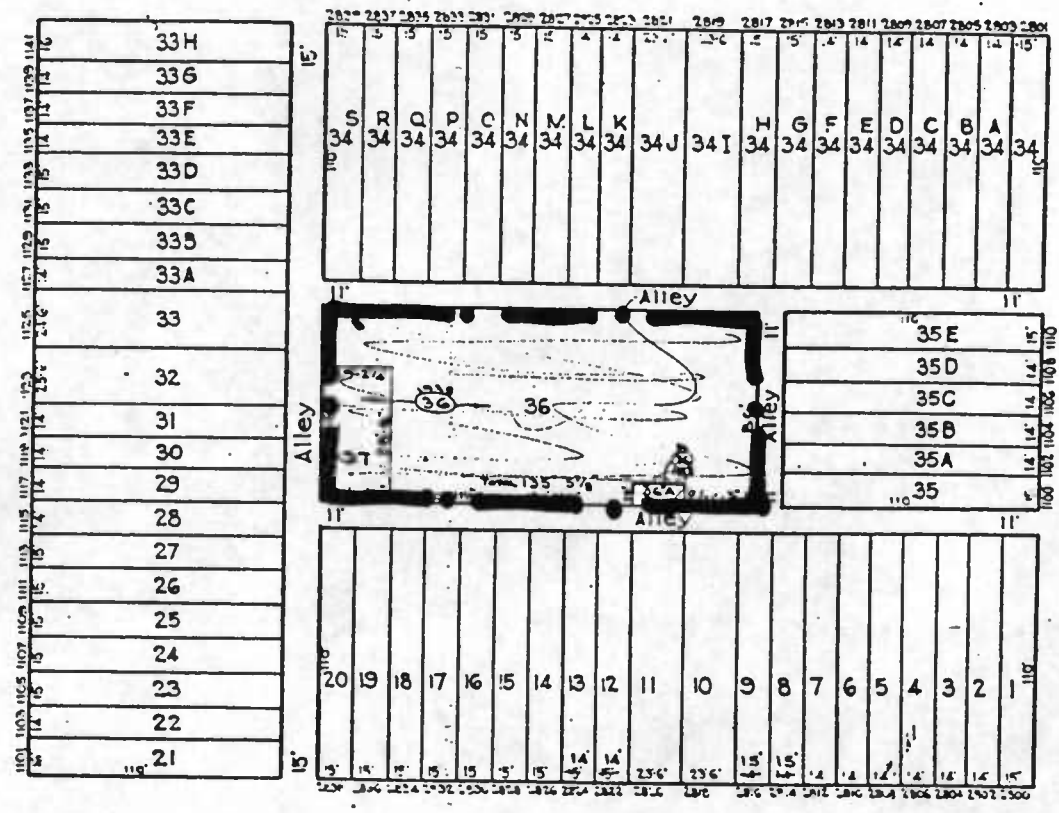
ST.

ST.

ST.

POPLAR GROVE

N. DUKELAND



RIGGS

AVE.

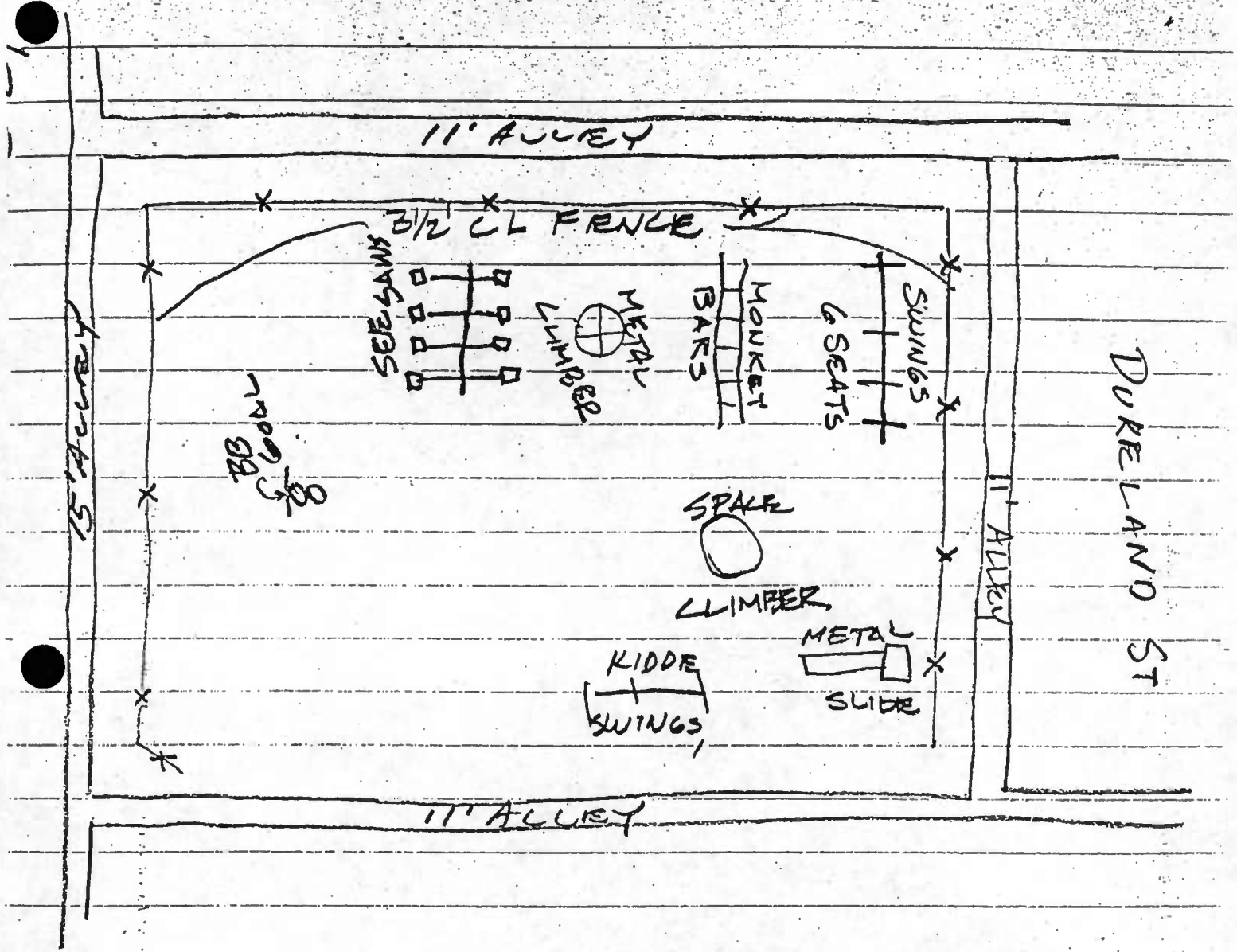
16-23-2394
NOTE:
BLOCK 16-6-2388 FOR 1940.

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

CITY OF BALTIMORE
DEPARTMENT OF PUBLIC WORKS
BUREAU OF PLANS & SURVEYS
PROPERTY LOCATION DIVISION
WARD 16 SECTION 23
BLOCK 2388
SCALE 1/4" = 50 FT. DATE April 1930

BY J.H. Kilmore
CO BY J.J.R.
COR

WINCHESTER ST

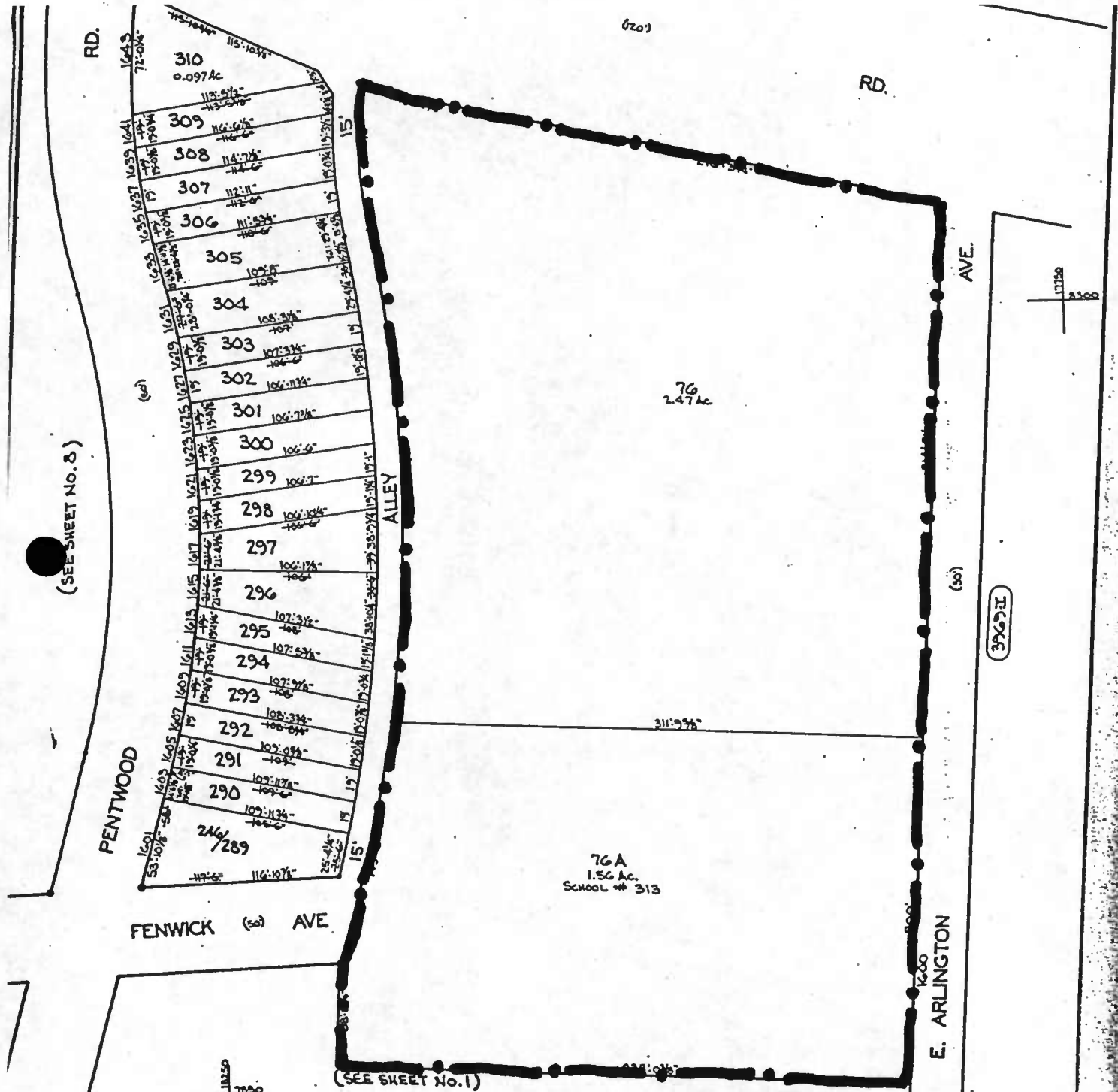


Baltimore City Consolidated Annual Program FY02:
Baltimore Playlot Program
Lois T. Murray Elementary # 313, 1600 Arlington Ave



Baltimore City Consolidated Annual Program FY02: Baltimore Playlot Program

Lois T. Murray Elementary # 313, 1600 Arlington Ave



(SEE SHEET NO. 8)

(SEE SHEET NO. 1)

SHEETS IN SET - 9
SH. No. - 9

NOTICE
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CITY OF BALTIMORE
DEPARTMENT OF PUBLIC WORKS
PROPERTY LOCATION DIVISION
WARD **27** SECTION **9**
BLOCK **5267-0**
SCALE **1" = 50'** DATE **OCTOBER, 1984**

REGISTERED BY: *[Signature]*
CHECKED BY: _____

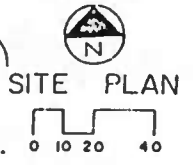
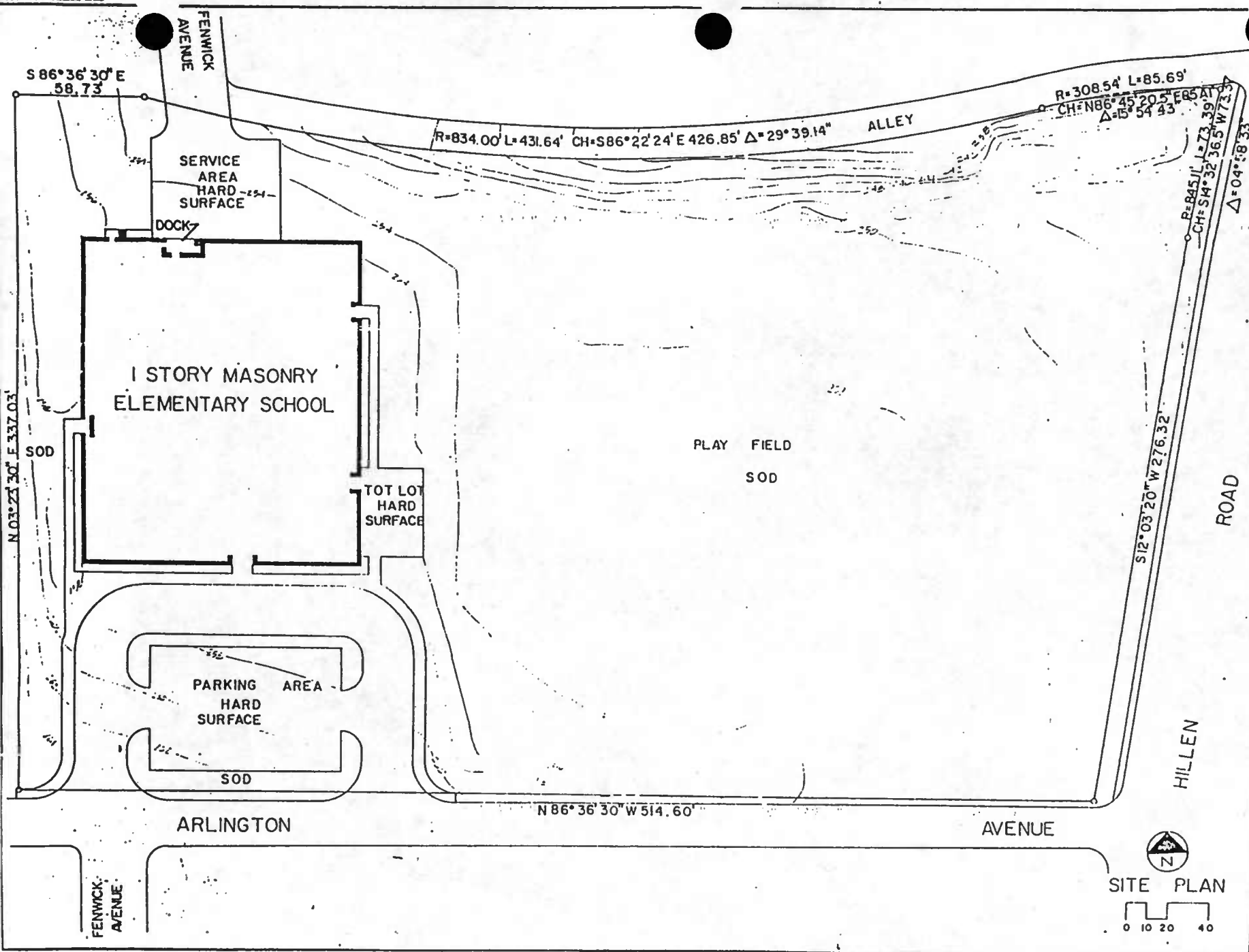
1.56
2.47
4.03 Ac

CH
LE
TR
DATE

Baltimore City Consolidated Annual Program FY02:

Baltimore Playlot Program

Lois T. Murray Elementary # 313, 1600 Arlington Ave

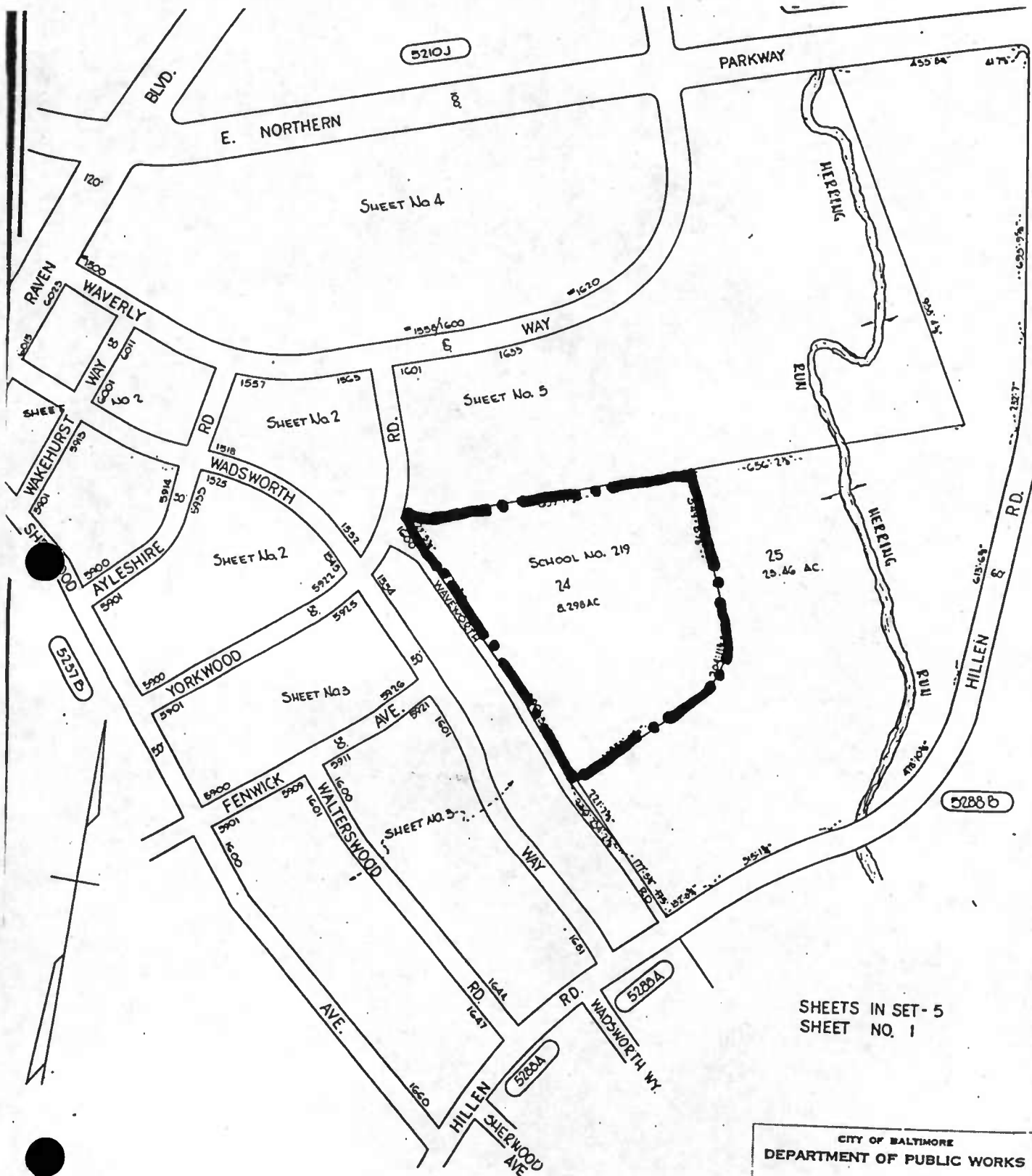


LOIS T. MURRAY		313
ELEM. SCH. 1600 ARLINGTON AVE. BALTIMORE, MD 21218		
SCHEMATIC PLAN AS INDICATED		
7:07:82		
CURTIS LANTZ	J. L. MENLEY	
E. L. SAVAGE	E. L. JAMES	
313820707A00000001		



Baltimore City Consolidated Annual Program FY02:
Baltimore Playlot Program
Yorkwood Elementary # 219, 5931 Yorkwood Ave

Baltimore City Consolidated Annual Program FY02: Baltimore Playlot Program Yorkwood Elementary # 219, 5931 Yorkwood Ave



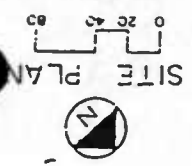
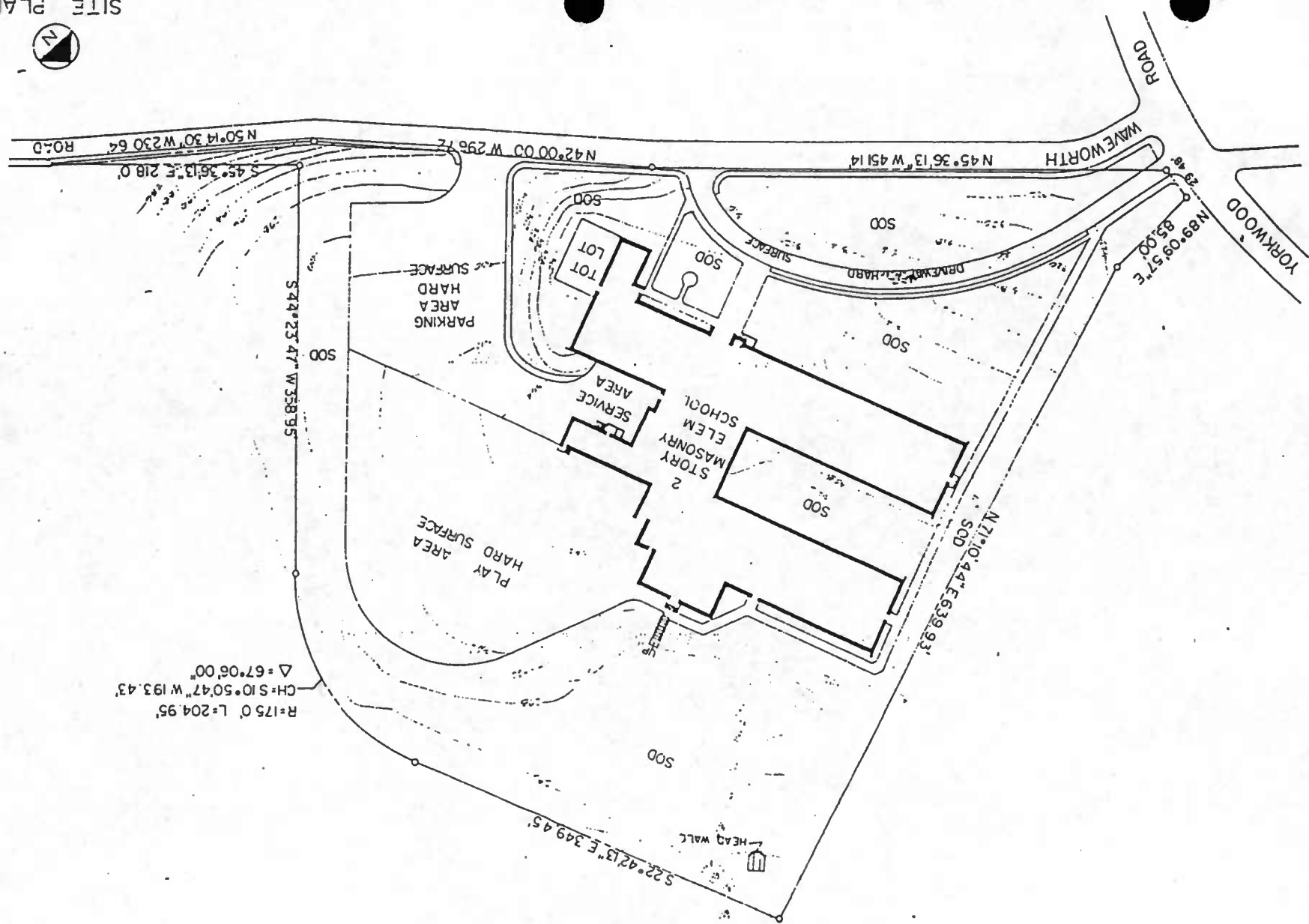
SHEETS IN SET - 5
SHEET NO. 1

TRACED BY PAUL D. BARNES
LETTERED BY Paul Barnes
CHECKED BY A.M. HEYMAN

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

CITY OF BALTIMORE
DEPARTMENT OF PUBLIC WORKS
PROPERTY LOCATION DIVISION
WARD 27 SECTION 60
BLOCK 5210-D
SCALE/RECH = 200 FT. DATE FEB 1972

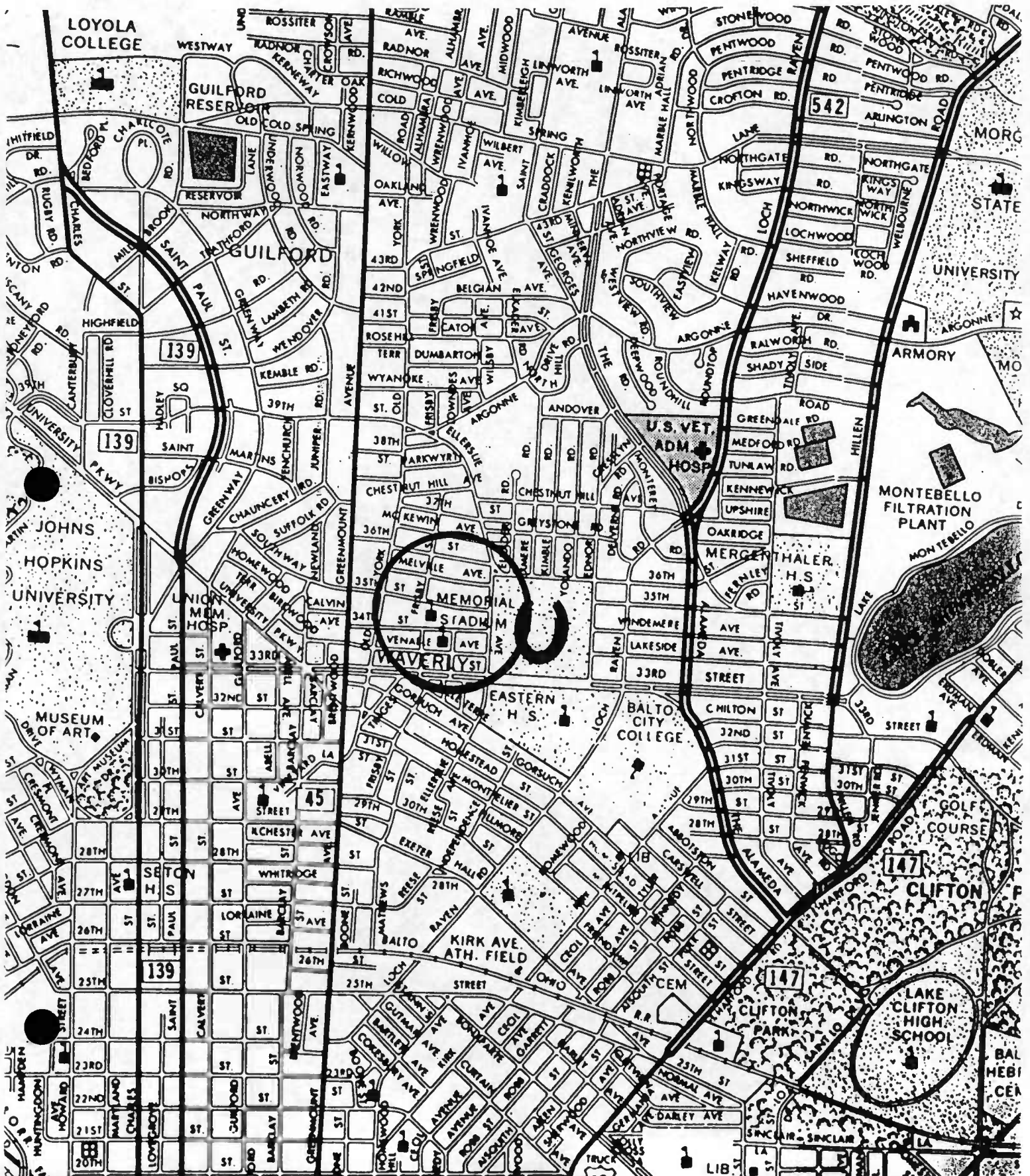
Baltimore City Consolidated Annual Program FY02:
 Baltimore Playlot Program
 Yorkwood Elementary # 219, 5931 Yorkwood Ave



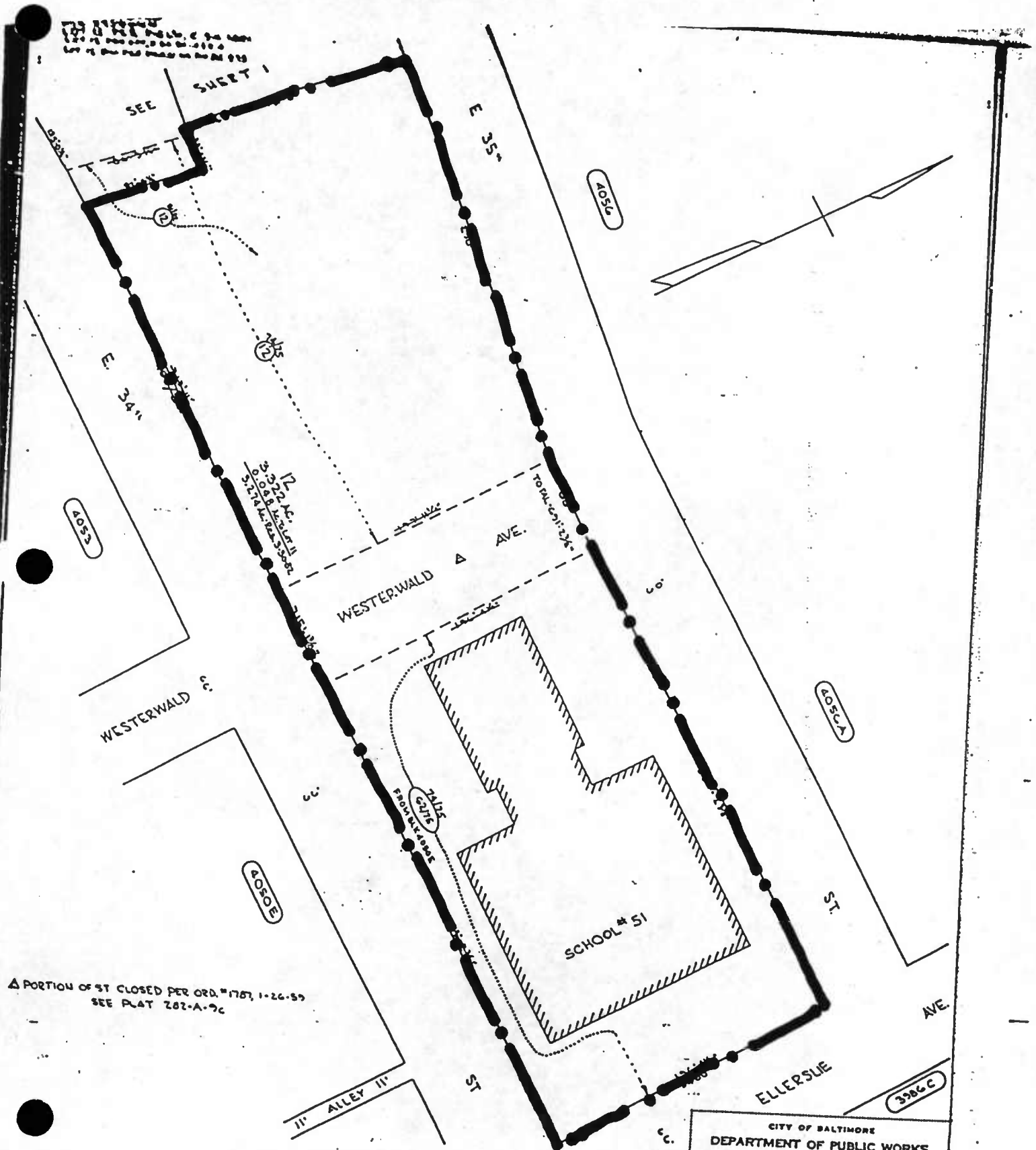
BALTIMORE CITY
 PUBLIC SCHOOLS
 DEPARTMENT OF INSTRUCTION
 931 YORKWOOD
 SCHOOL
 AS ARCHITECT
 SCHEMATIC #
 219



Baltimore City Consolidated Annual Program FY02:
Baltimore Playlot Program
Waverly Elementary #51, 3400 Ellerslie Ave



Baltimore City Consolidated Annual Program FY02: Baltimore Playlot Program Waverly Elementary #51, 3400 Ellerslie Ave



A PORTION OF ST CLOSED PER ORD. #1787, 1-26-59
SEE PLAT 282-A-9C

TRACED BY: *[Signature]*
LETTERED BY: *[Signature]*
CHECKED BY: _____

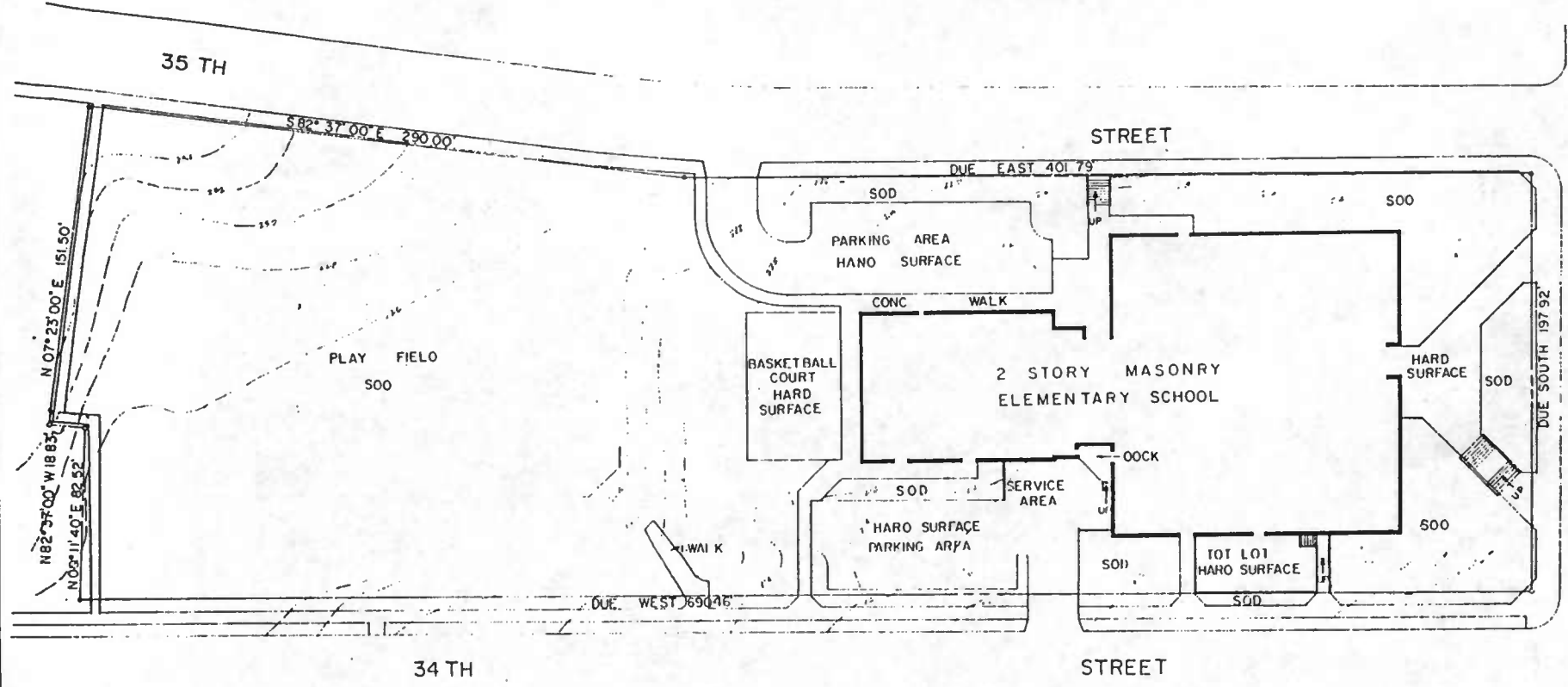
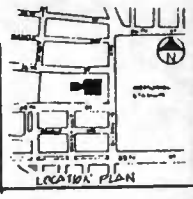
SHEETS IN SET - 2
SHEET 2

NOTICE
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CITY OF BALTIMORE
DEPARTMENT OF PUBLIC WORKS
PROPERTY LOCATION DIVISION
WARD 9 SECTION 2
BLOCK 4050-B
SCALE 1" = 50' DATE AUG. 1974

TRACED BY: *[Signature]*
LETTERED BY: *[Signature]*

Baltimore City Consolidated Annual Program FY02: Baltimore Playlot Program Waverly Elementary #51, 3400 Ellerslie Ave

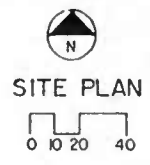


34 TH

STREET

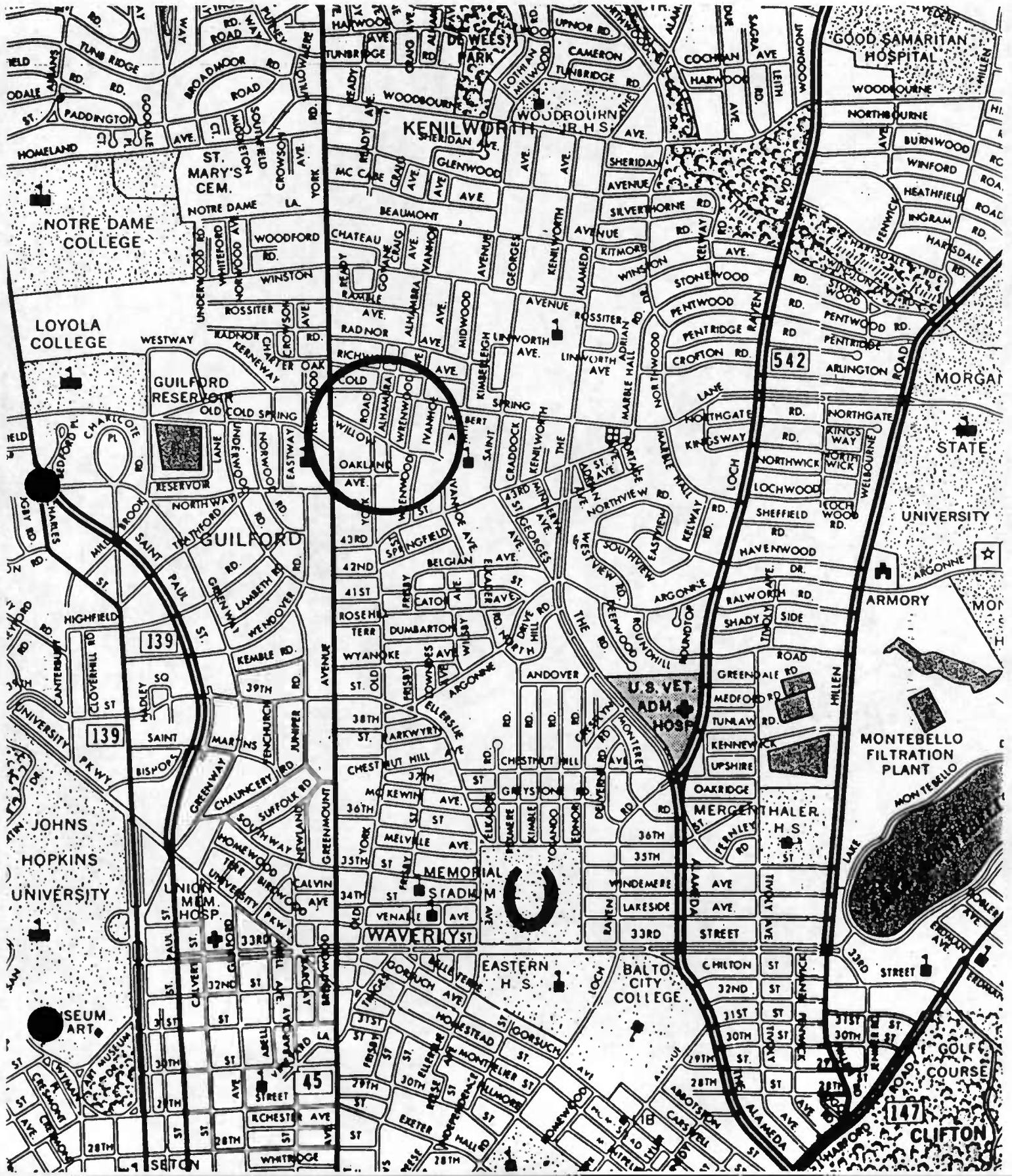
ELLERSLIE AVENUE

WESTER WILD AVENUE



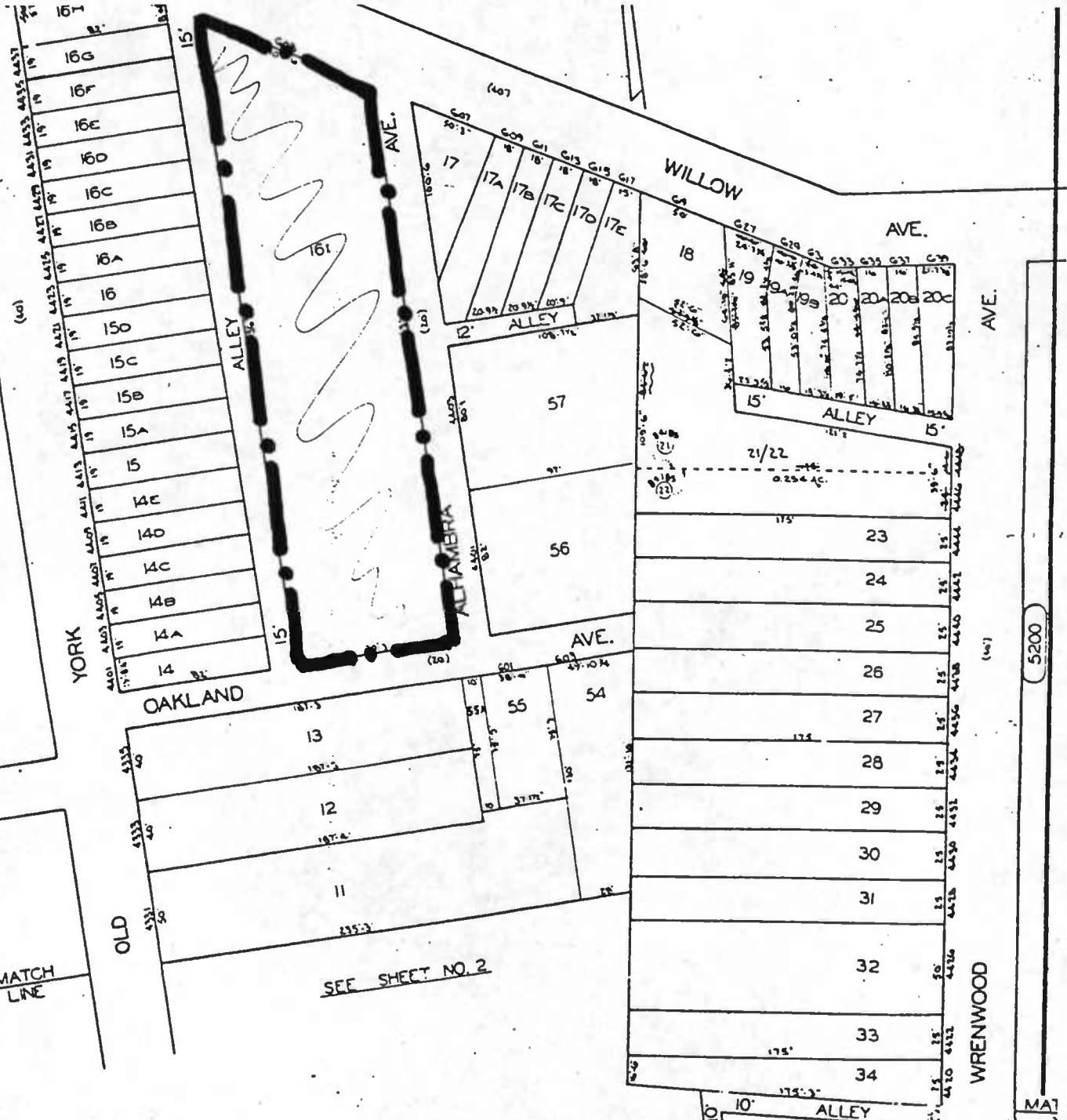
BALTIMORE CITY PUBLIC SCHOOLS DIVISION OF PHYSICAL PLANS	
WAVERY ELEM. SCHOOL	
3400 E 34TH STREET, BALTIMORE, MD 21218	
SCHEMATIC PLAN AS SHOWN	
51	
G. D. B. 9/12/01	
1-3	
CURTIS LANTZ	J. J. HENLEY
E. L. SAVAGE	M. BROWN
0511#206151A000000	

Baltimore City Consolidated Annual Program FY02:
Baltimore Playlot Program
Willow Ave Park, 603 Willow Ave



Baltimore City Consolidated Annual Program FY02: Baltimore Playlot Program Willow Ave Park, 603 Willow Ave

5212



SEE SHEET NO. 2

SHEETS IN SET 2
SH. NO. 1

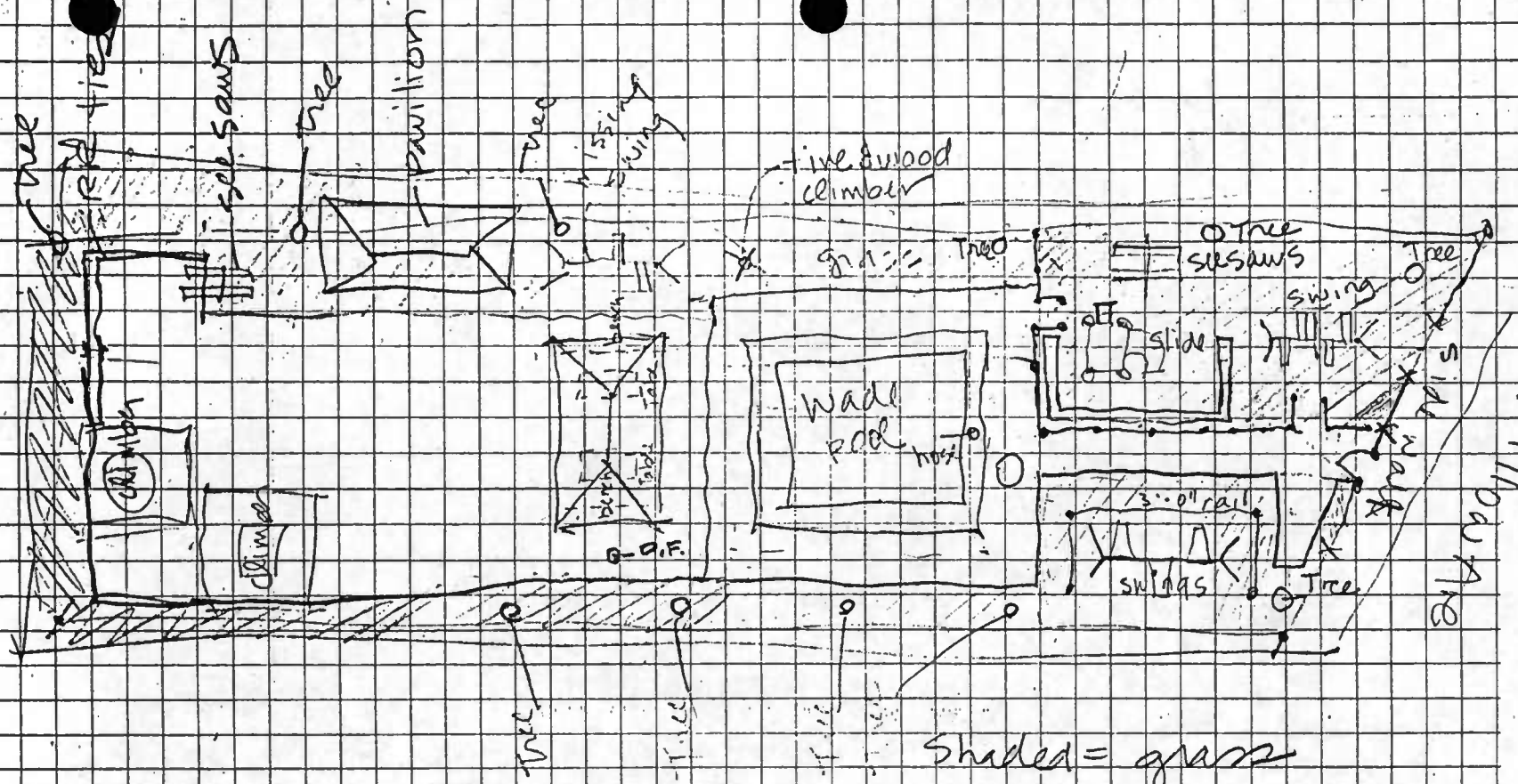
NOTICE

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CITY OF BALTIMORE
DEPARTMENT OF PUBLIC WORKS
PROPERTY LOCATION DIVISION
WARD 27 SECTION 42
BLOCK 3197
SCALE: 1"=50' DATE: DECEMBER, 1978

LETTERED BY: [Signature]
CHECKED BY:

Baltimore City Consolidated Annual Program FY02:
 Baltimore Playlot Program
 Willow Ave Park, 603 Willow Ave

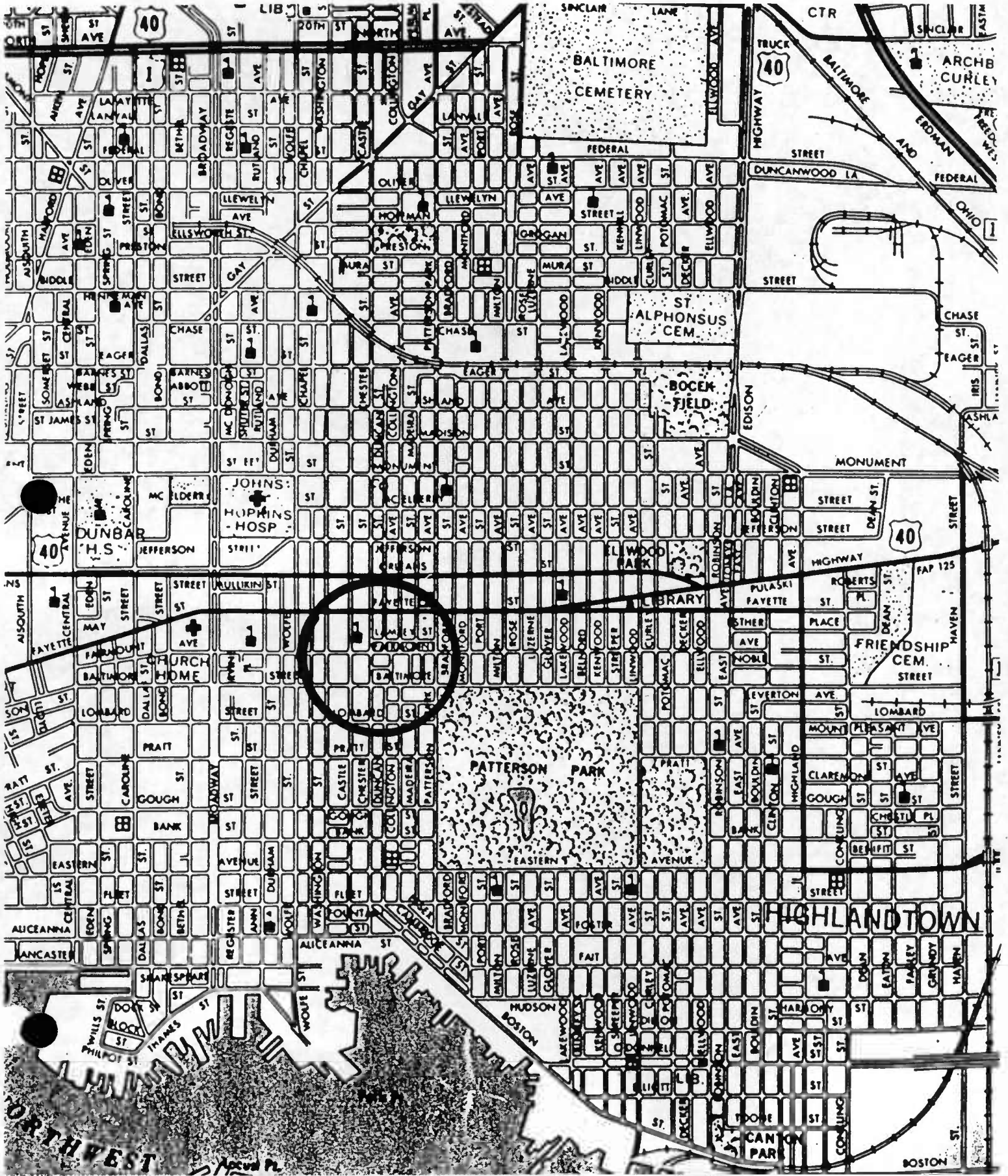


WILLOW AVE

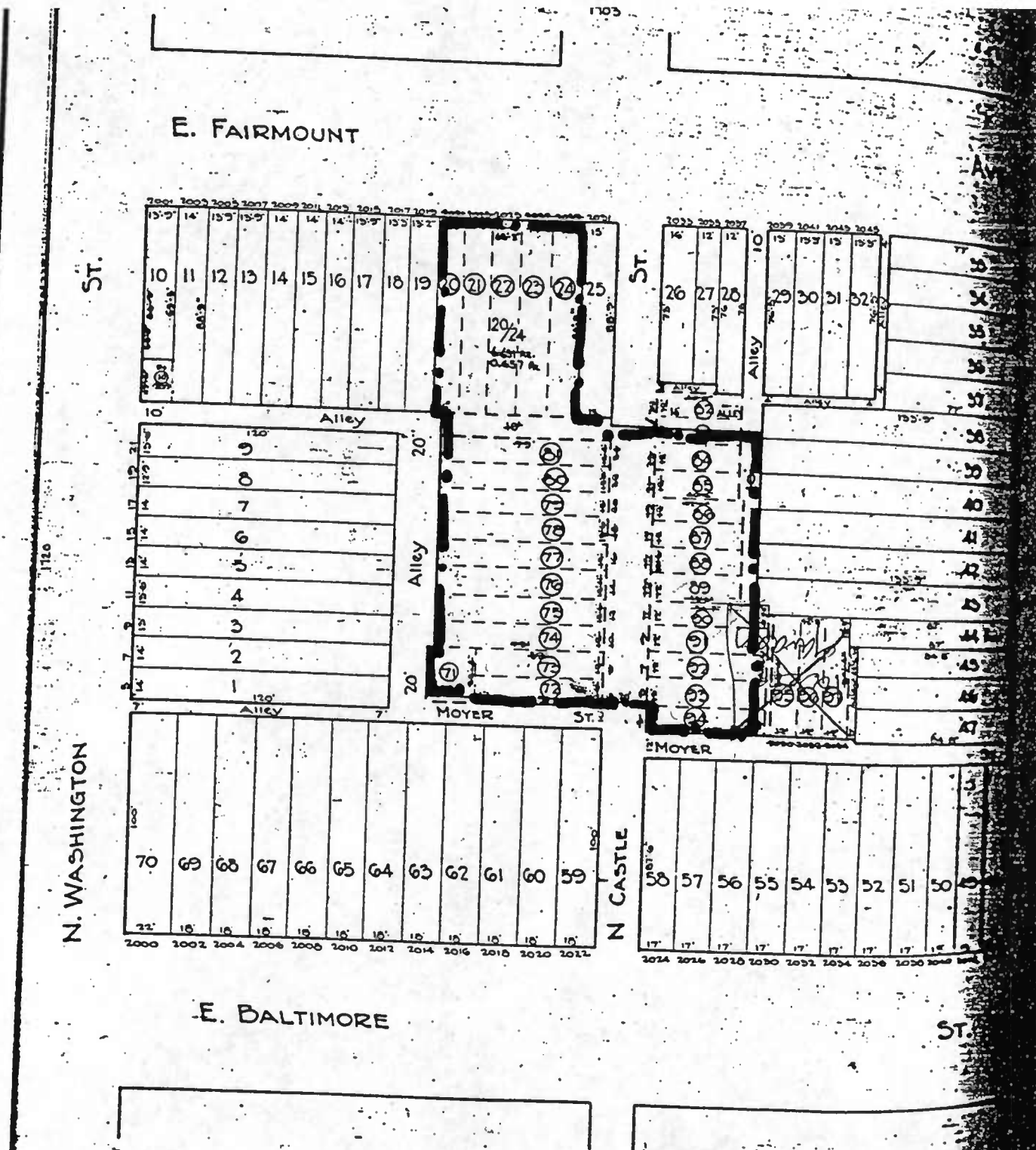
1/30/91

Shaded = grass
 note:
 fence surrounds
 all

Baltimore City Consolidated Annual Program FY02:
Baltimore Playlot Program
Castle Street Park, 2025 E. Fairmont St



Baltimore City Consolidated Annual Program FY02: Baltimore Playlot Program Castle Street Park, 2025 E. Fairmont St

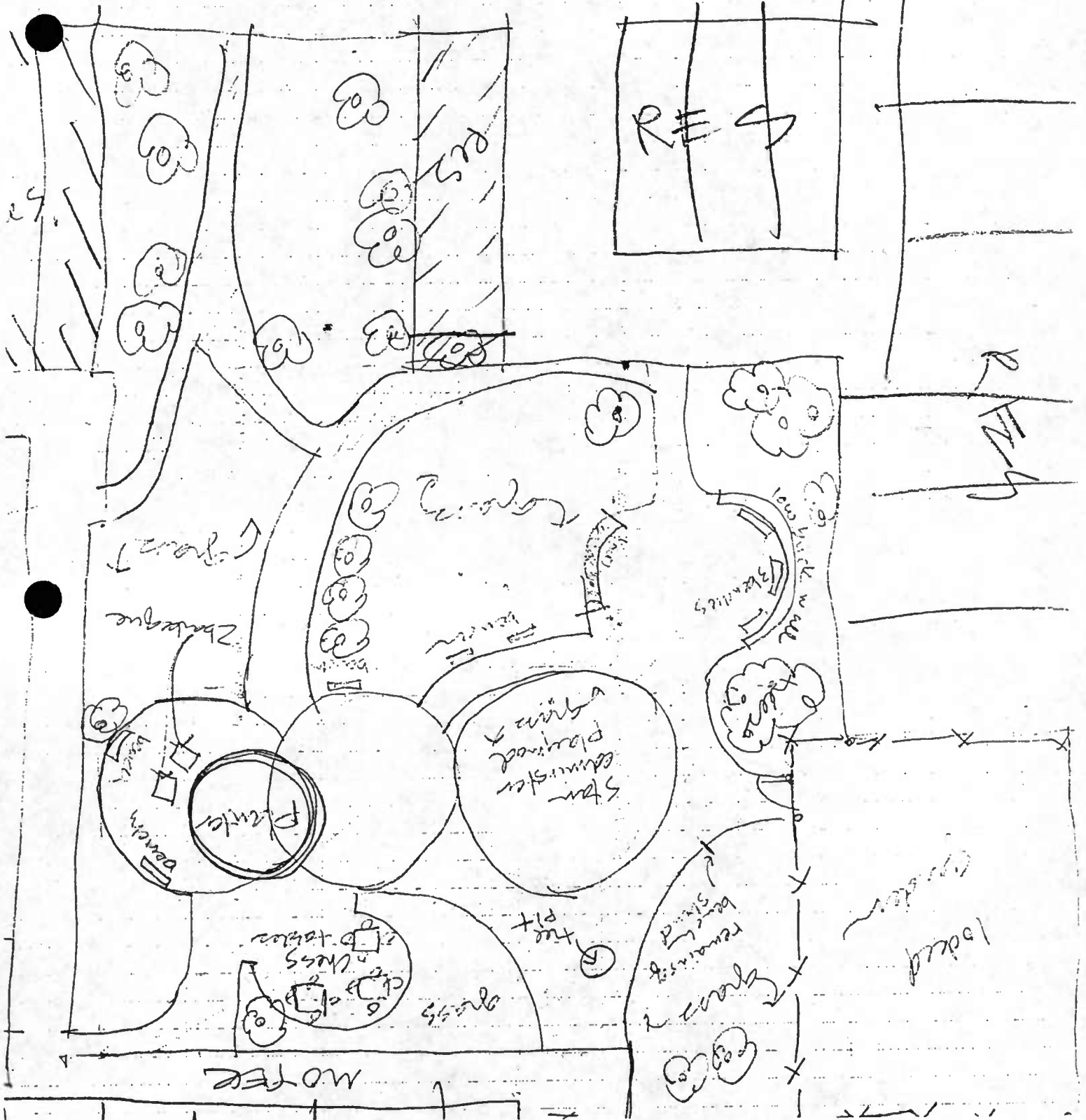


C.H. BAIN
TRACED BY C. GILBERT
LETTERED BY W.M. LEE
CHECKED BY W.M. LEE
B.M. LEE

NOTICE
THIS IS A REAL PROPERTY PLAT AS PROVIDED FOR UNDER THE CITY CHARTER. IT IS CONSIDERED FINAL TITLE AND OTHER SOURCES AND IS NOT AN ADVERTISED SURVEY.

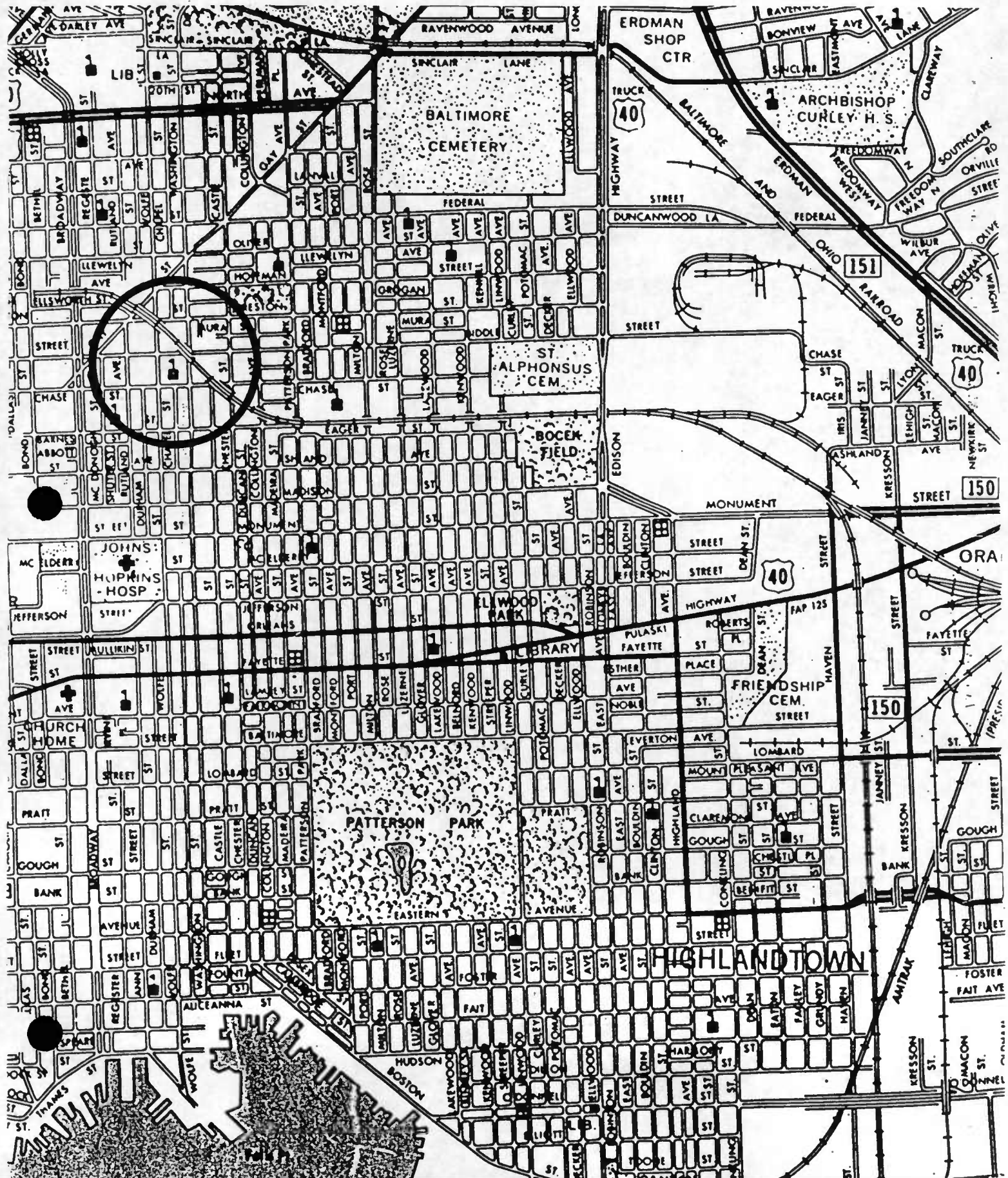
CITY OF BALTIMORE
DEPARTMENT OF PUBLIC WORKS
BUREAU OF PLANS & PROPERTY LOCATION
WARD 6 SECTION 17
BLOCK 17
SCALE 1" = 40' 0"

E, FAIRMOUNT



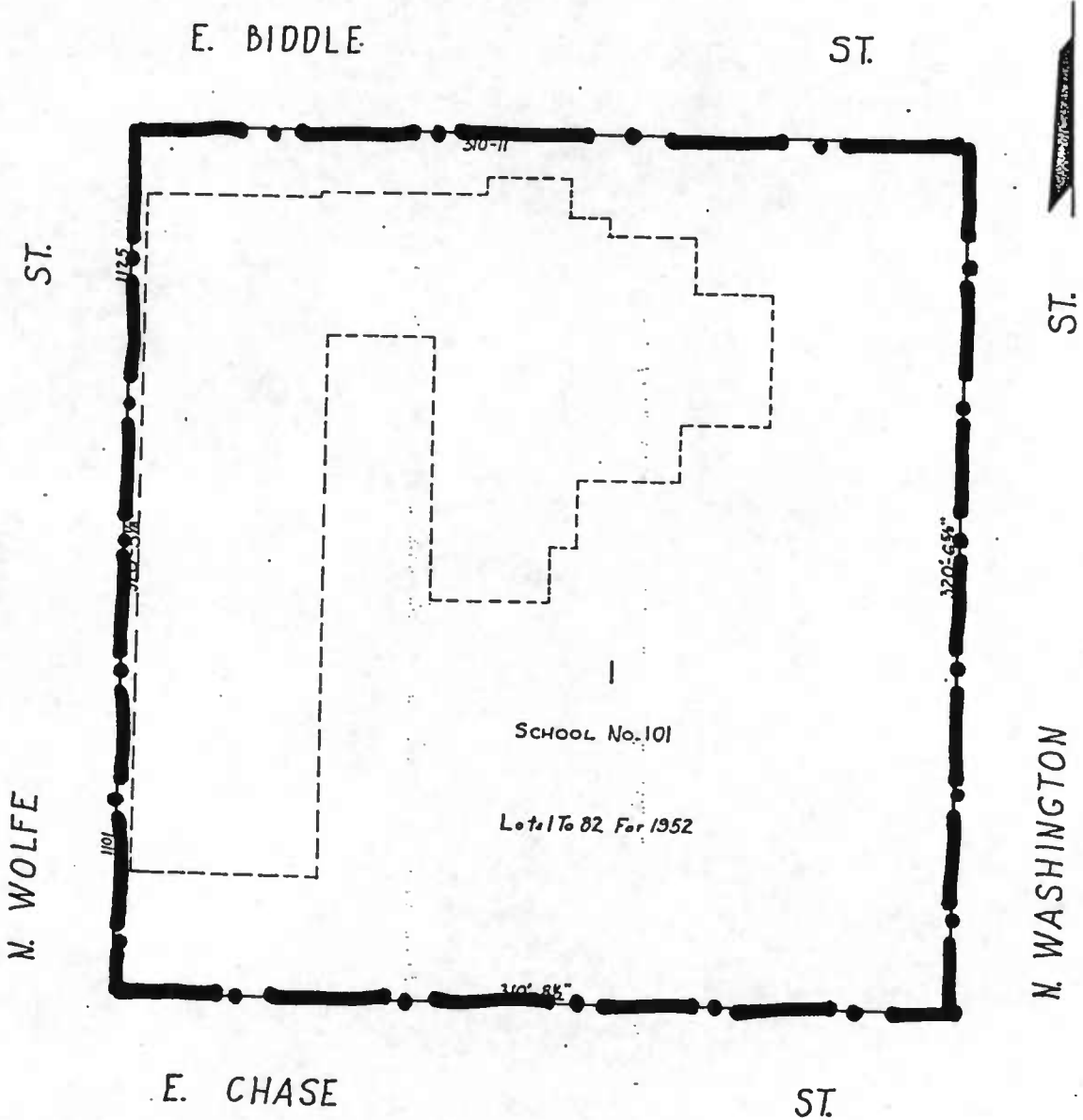
Baltimore City Consolidated Annual Program FY02:
Baltimore Playlot Program
Castle Street Park, 2025 E. Fairmont St

Baltimore City Consolidated Annual Program FY02:
Baltimore Playlot Program
Elmer Henderson Elementary # 101, 1101 N. Wolfe St



Baltimore City Consolidated Annual Program FY02: Baltimore Playlot Program

Elmer Henderson Elementary # 101, 1101 N. Wolfe St

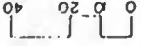
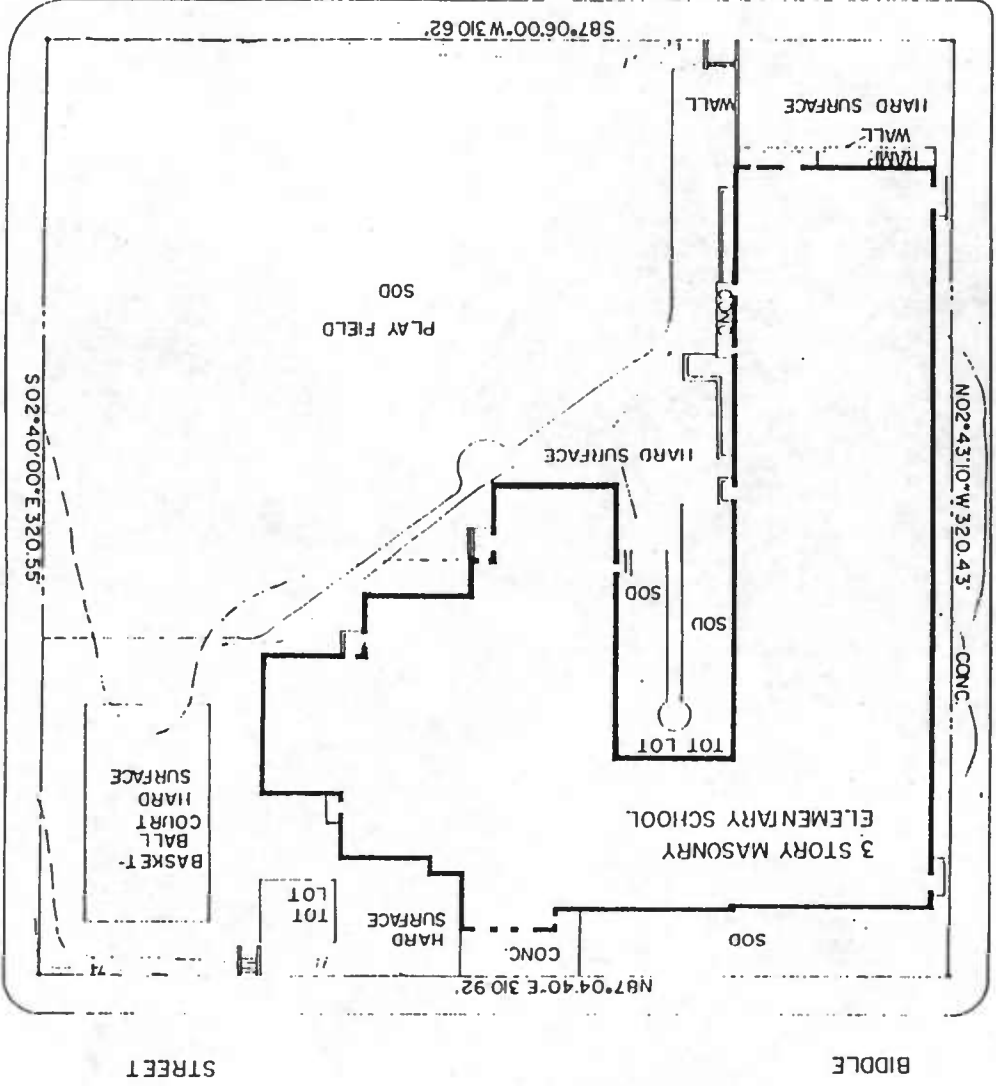


TRACED BY *G.A. Espelain*
 CHECKED BY *G.A. Espelain*
 CHECKED BY _____

NOTICE
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 FOR UNDER ARTICLE 76(1) OF THE CITY CHARTER.
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 SOURCES AND IS NOT AN AUTHENTIC SURVEY.

CITY OF BALTIMORE
 DEPARTMENT OF PUBLIC WORKS
 BUREAU OF SURVEYS
 PROPERTY LOCATION DIVISION
 WARD 8 SECTION 12
 BLOCK 1550
 SCALE 1" = 40' DATE Dec 1952

Baltimore City Consolidated Annual Program FY02:
 Baltimore Playlot Program
 Elmer Henderson Elementary # 101, 1101 N. Wolfe St



WASHINGTON STREET

STREET

STREET

CHASE STREET

WOLFE STREET

STREET

BIDDLE STREET

STREET

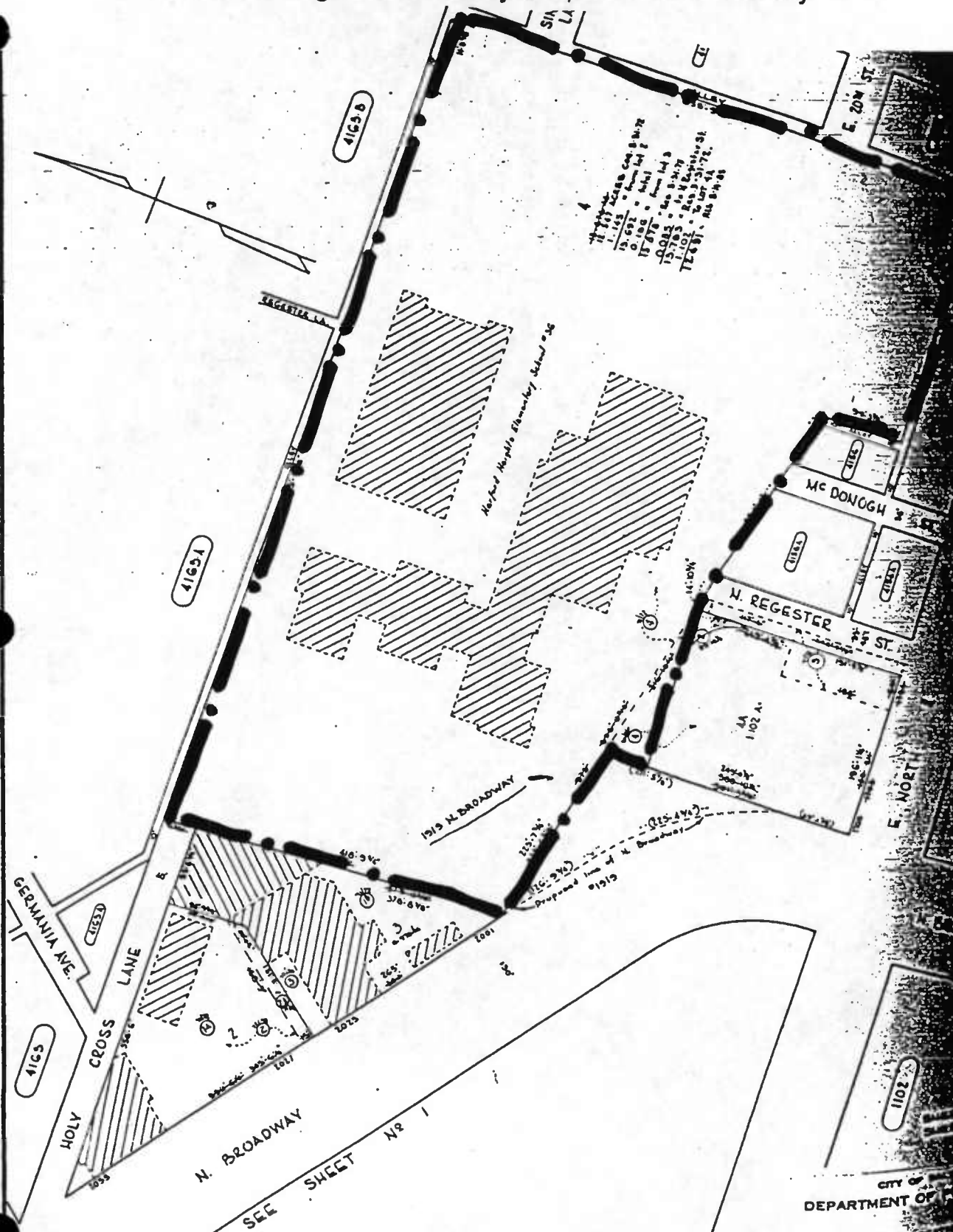
101 Biddle Street
 ELMER HENDERSON
 CURTIS BLVD
 BALTIMORE CITY
 PUBLIC SCHOOL NO. 101
 ST. ZEPHYRUS
 AS INDICATED
 101

LOCATION PLAN
 BALTIMORE CITY
 PUBLIC SCHOOL NO. 101
 ST. ZEPHYRUS
 AS INDICATED
 101

Baltimore City Consolidated Annual Program FY02: Baltimore Playlot Program Harford Heights Elementary #36, 1919 N. Broadway



Baltimore City Consolidated Annual Program FY02:
 Baltimore Playlot Program
 Harford Heights Elementary #36, 1919 N. Broadway



Traced by *Jim R. Griffin*
 Lettered by *Jim R. Griffin*
 Checked by *AM HEYMAN*

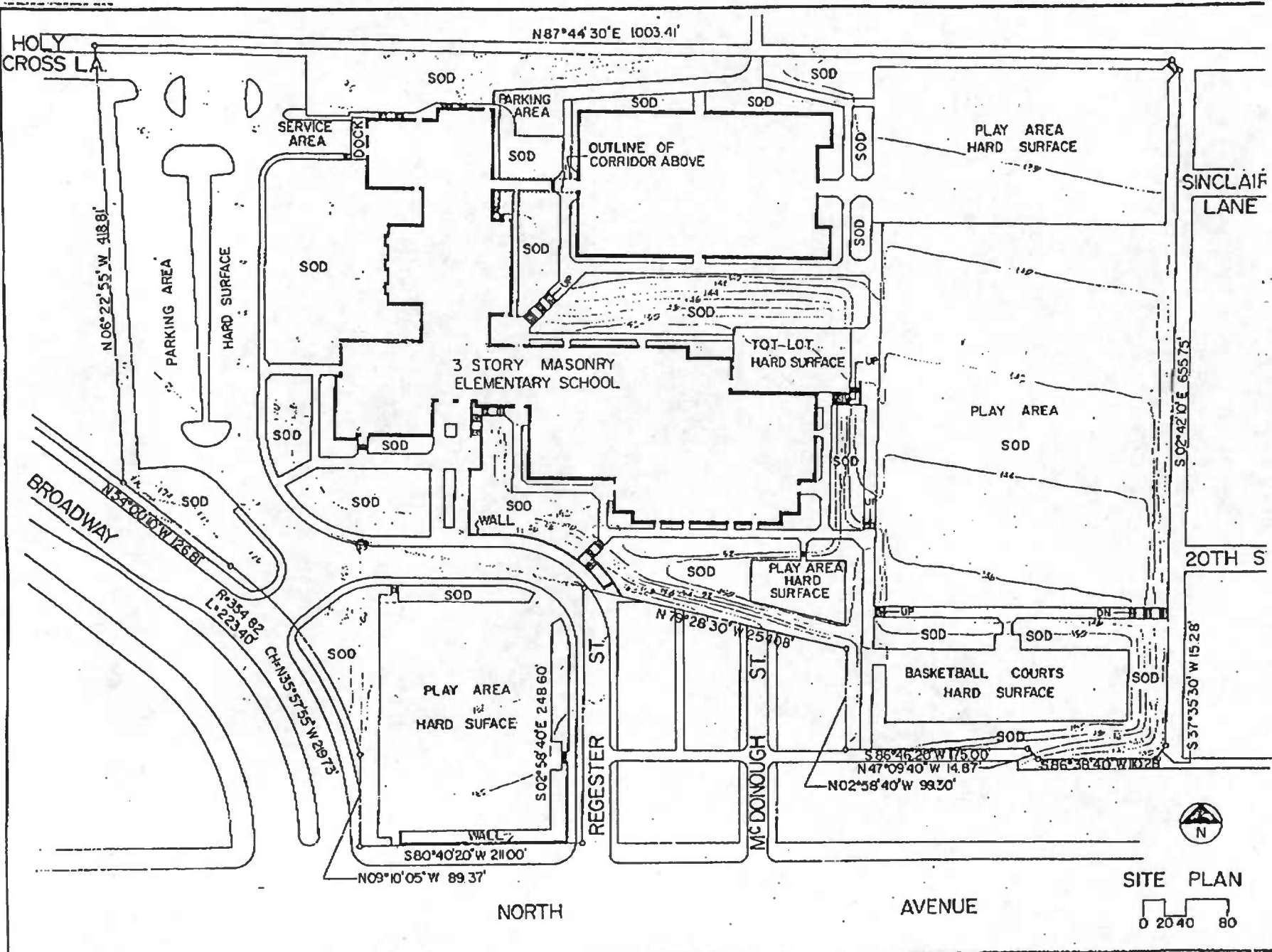
NOTICE
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 FOR UNDER ARTICLE 76(4) OF THE CITY CHARTER
 IT IS COMPILED FROM TITLE AND OTHER
 SOURCES AND IS NOT AN AUTHENTIC SURVEY.

CITY OF BALTIMORE
 DEPARTMENT OF PUBLIC WORKS
 PROPERTY
 WARD 8
 BLOCK 8
 SCALE 1" = 100'

Baltimore City Consolidated Annual Program FY02:

Baltimore Playlot Program

Harford Heights Elementary #36, 1919 N. Broadway



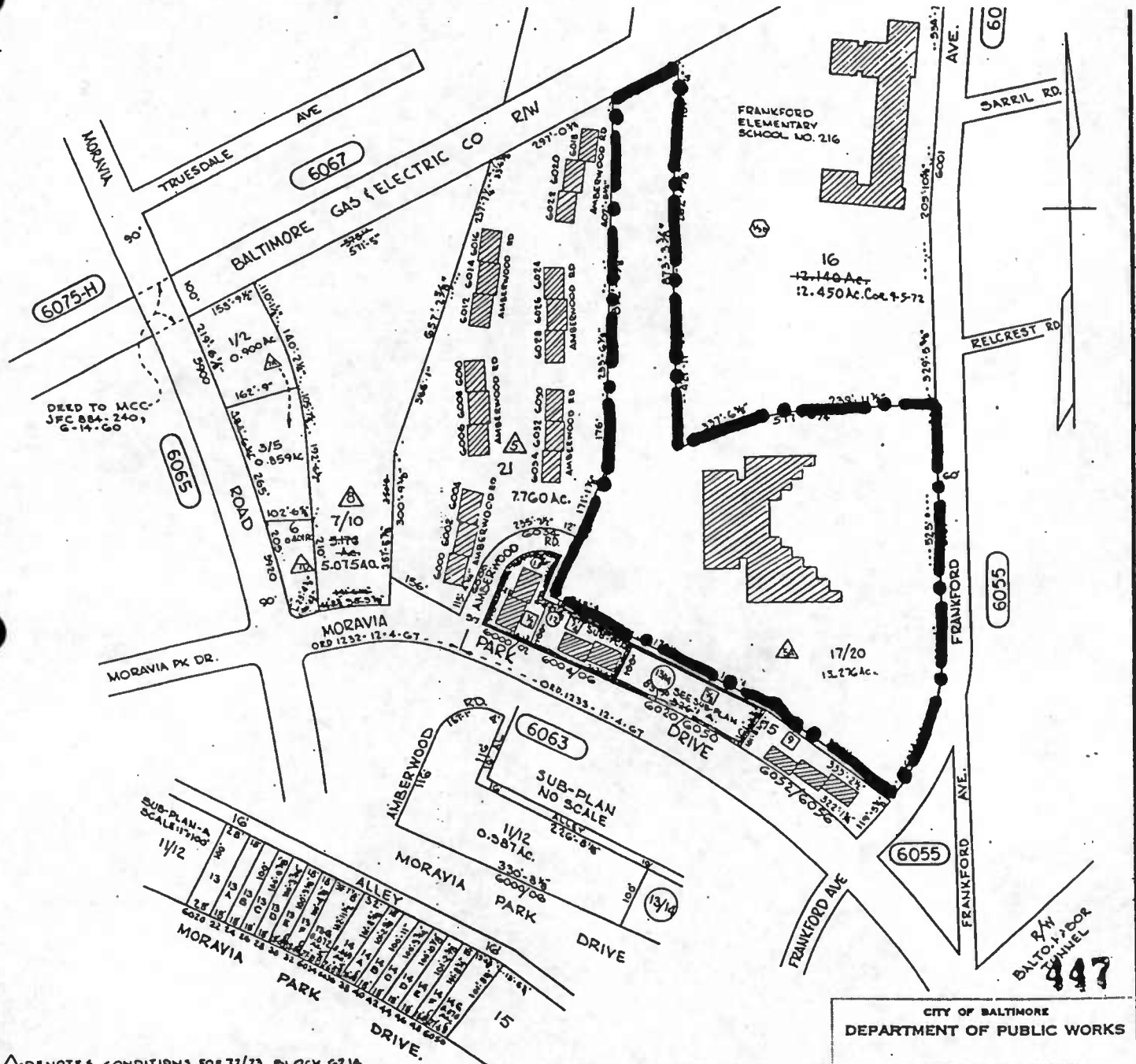
HARFORD HEIGHTS ELEM. SCHOOL	
202 BROADWAY 21215	
SCHEMATIC PLAN AS SHOWN	
DATE: 2-2-02	
CURTIS LANYZ	J.H. HENLEY
E.L. SARGENT	N. BROWN

JUL-20-2001 09:46 BCPS DEPT. OF FACILITIES 410 539 2416 P.05/06

Baltimore City Consolidated Annual Program FY02:
Baltimore Playlot Program
Monrovia Park Elementary #105, 6201 Frankford Ave



Baltimore City Consolidated Annual Program FY02: Baltimore Playlot Program Monrovia Park Elementary #105, 6201 Frankford Ave



△-DENOTES CONDITIONS FOR 72/73 BLOCK 6214
 □-DENOTES CONDITIONS FOR 72/73 BLOCK 6214 A/F
 ○-DENOTES CONDITIONS FOR 72/73 BLOCK 6214 G

TRACED BY: PAUL D BARNES
 LETTERED BY: R D BARNES
 CHECKED BY:

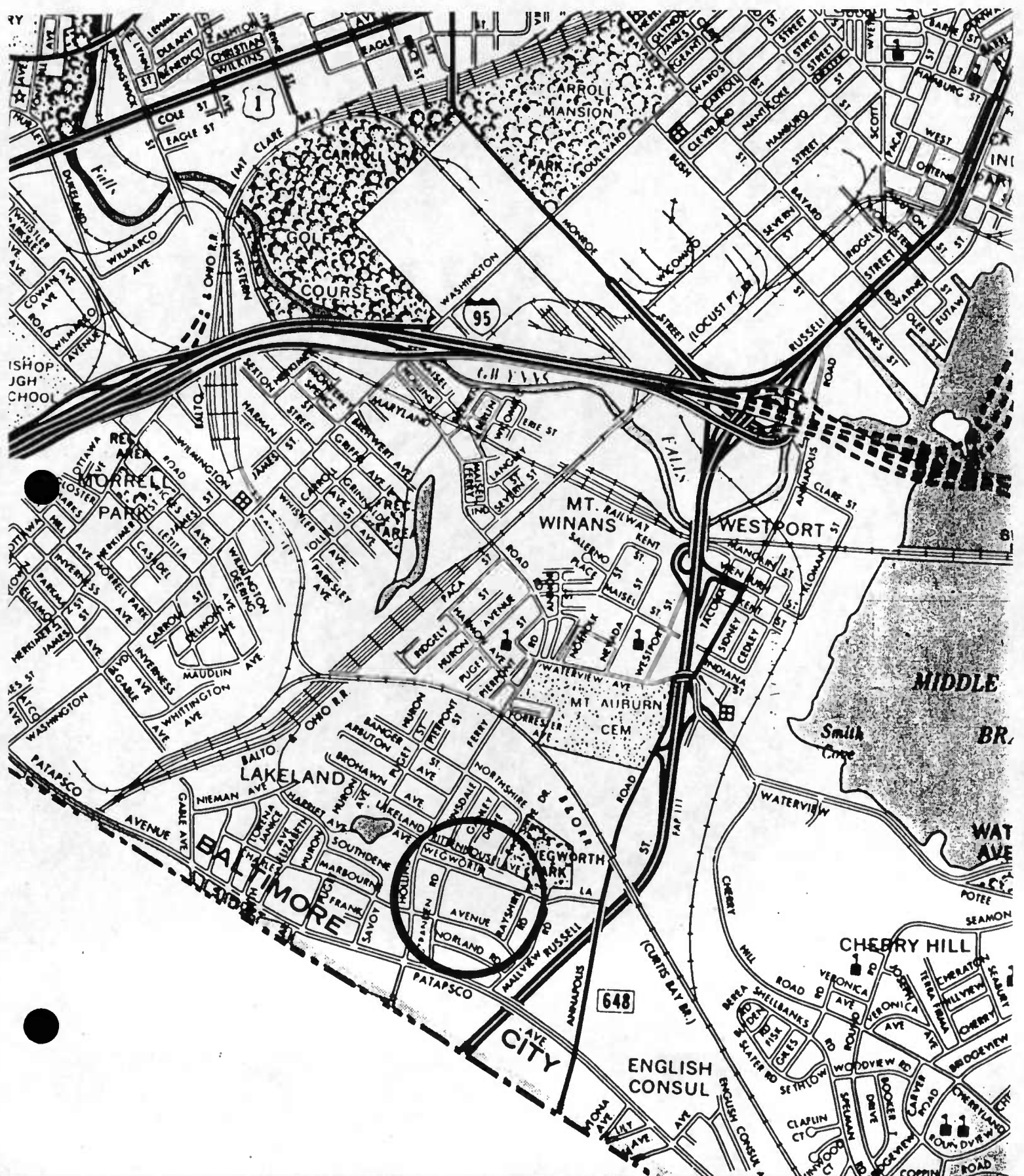
NOTICE
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CITY OF BALTIMORE
 DEPARTMENT OF PUBLIC WORKS
 PROPERTY LOCATION DIVISION
 WARD 26 SECTION 20
 BLOCK 6060
 SCALE 1 INCH = 200 FT. DATE OCT. 1971

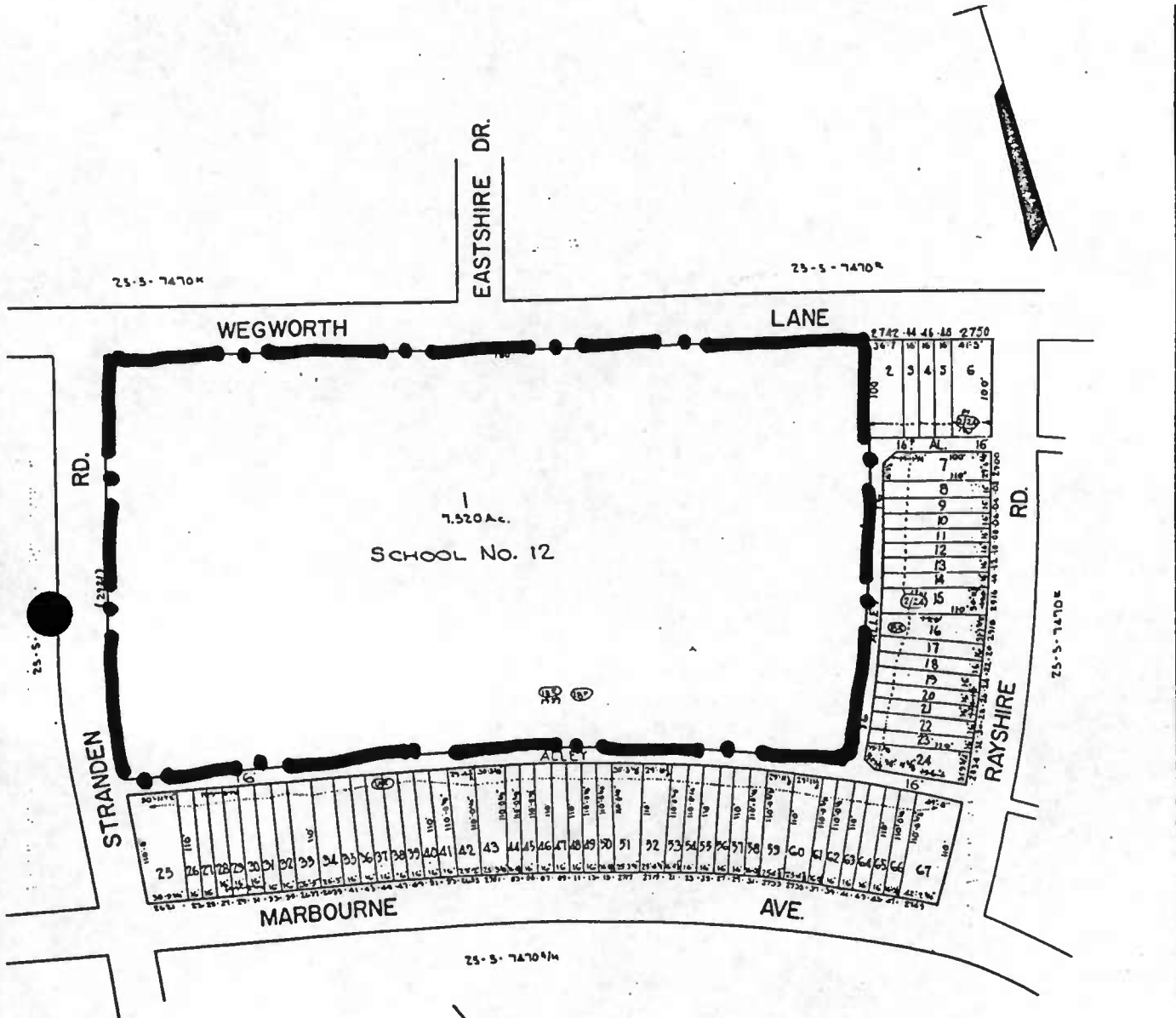
93
 72

Baltimore City Consolidated Annual Program FY02:
Baltimore Playlot Program
Lakeland Elementary #12, 2921 Stranden Rd

?



Baltimore City Consolidated Annual Program FY02: Baltimore Playlot Program Lakeland Elementary #12, 2921 Stranden Rd



~~Lot 2/24
2.920 Ac.
1.255 - To Cots 43 to 67
1.255
0.15 - 116' Alley
1.15 - 6-11-60
0.44 - 10-15-2-6
0.838 - Res. 21-61~~

NOTICE
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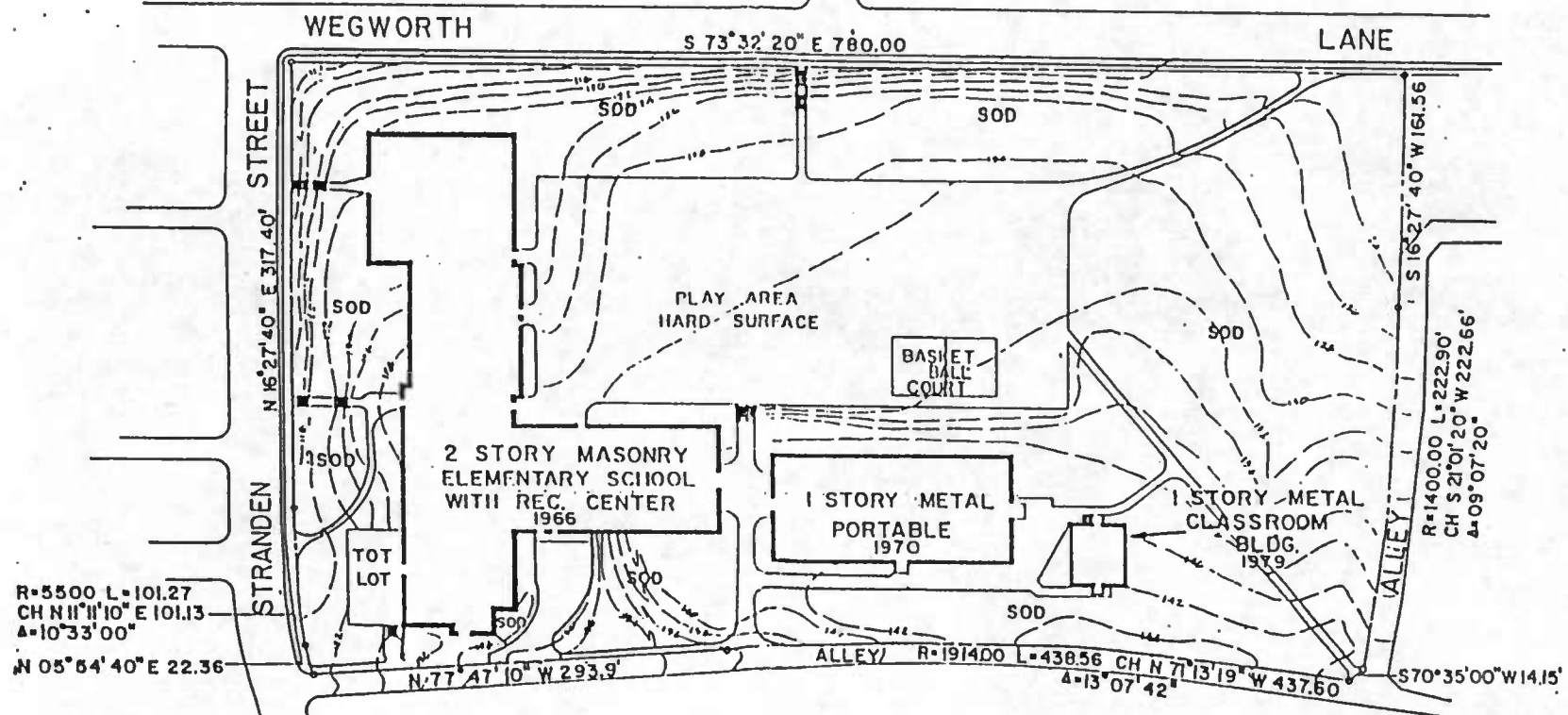
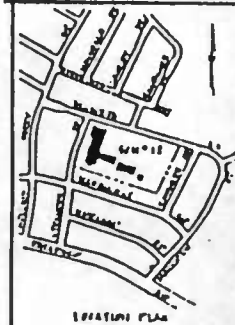
Note: For Lot 184 Ac. See Box 7470⁴

NOTE: LOT 9 IN BLOCK 7470 FOR 1960

CITY OF BALTIMORE
DEPARTMENT OF PUBLIC WORKS
BUREAU OF SURVEYS
PROPERTY LOCATION DIVISION
WARD 25 SECTION 5
BLOCK 7470-D
SCALE 1" = 100' DATE MAY 1960

ED BY: *Detrick*
D BY:

Baltimore City Consolidated Annual Program FY02: Baltimore Playlot Program Lakeland Elementary #12, 2921 Stranden Rd



SITE PLAN

BALTIMORE CITY PUBLIC SCHOOLS
DIVISION OF PHYSICAL PLANS

LAKELAND ELEM SCHOOL
7821 STANDEN RD
SCHEMATIC PLAN AS INDICATED

12

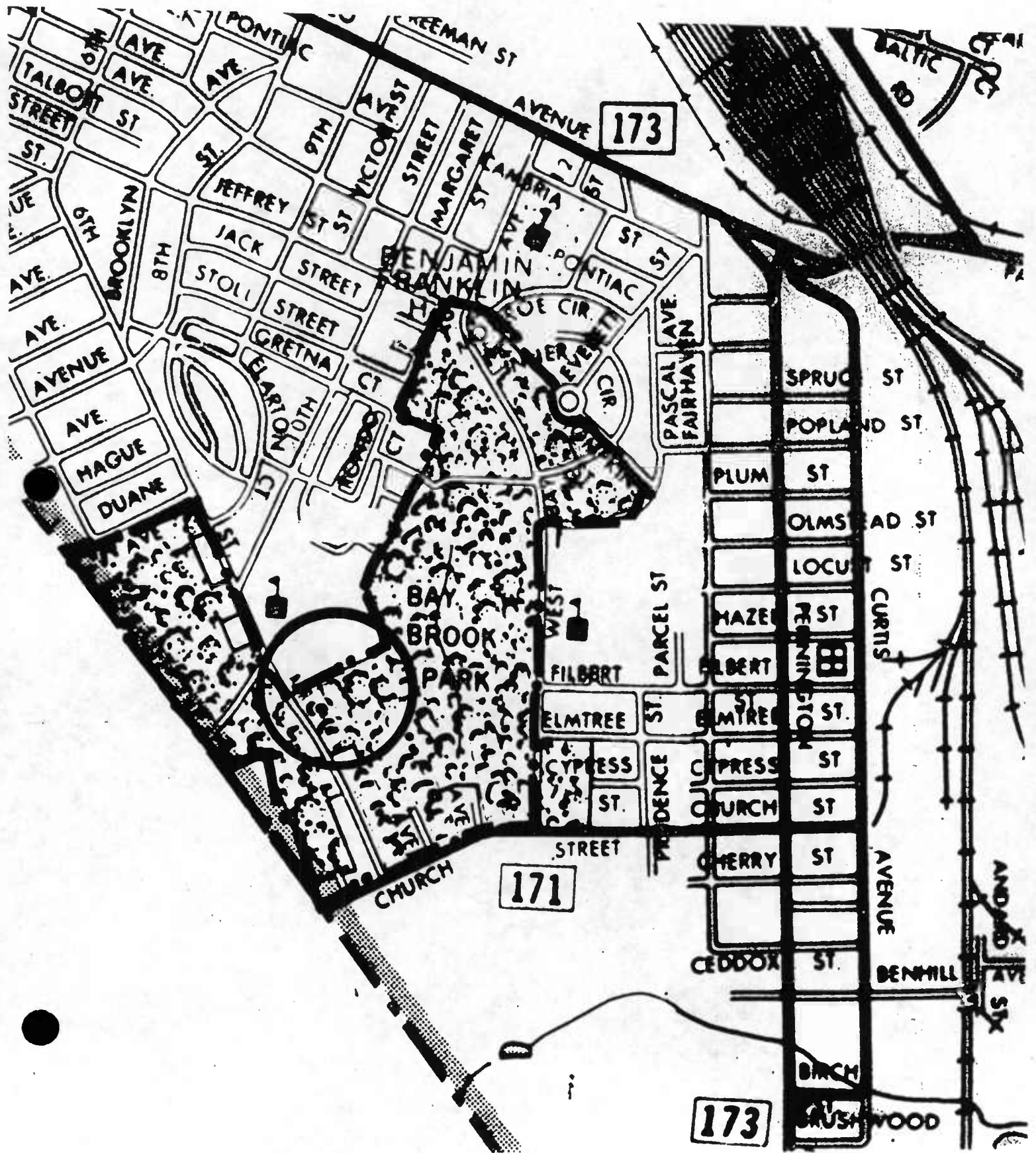
11-11-01

CURTIS LANTZ J. LIEMLEY
E.L. SAVAGE P. MOORE
A. CAITER

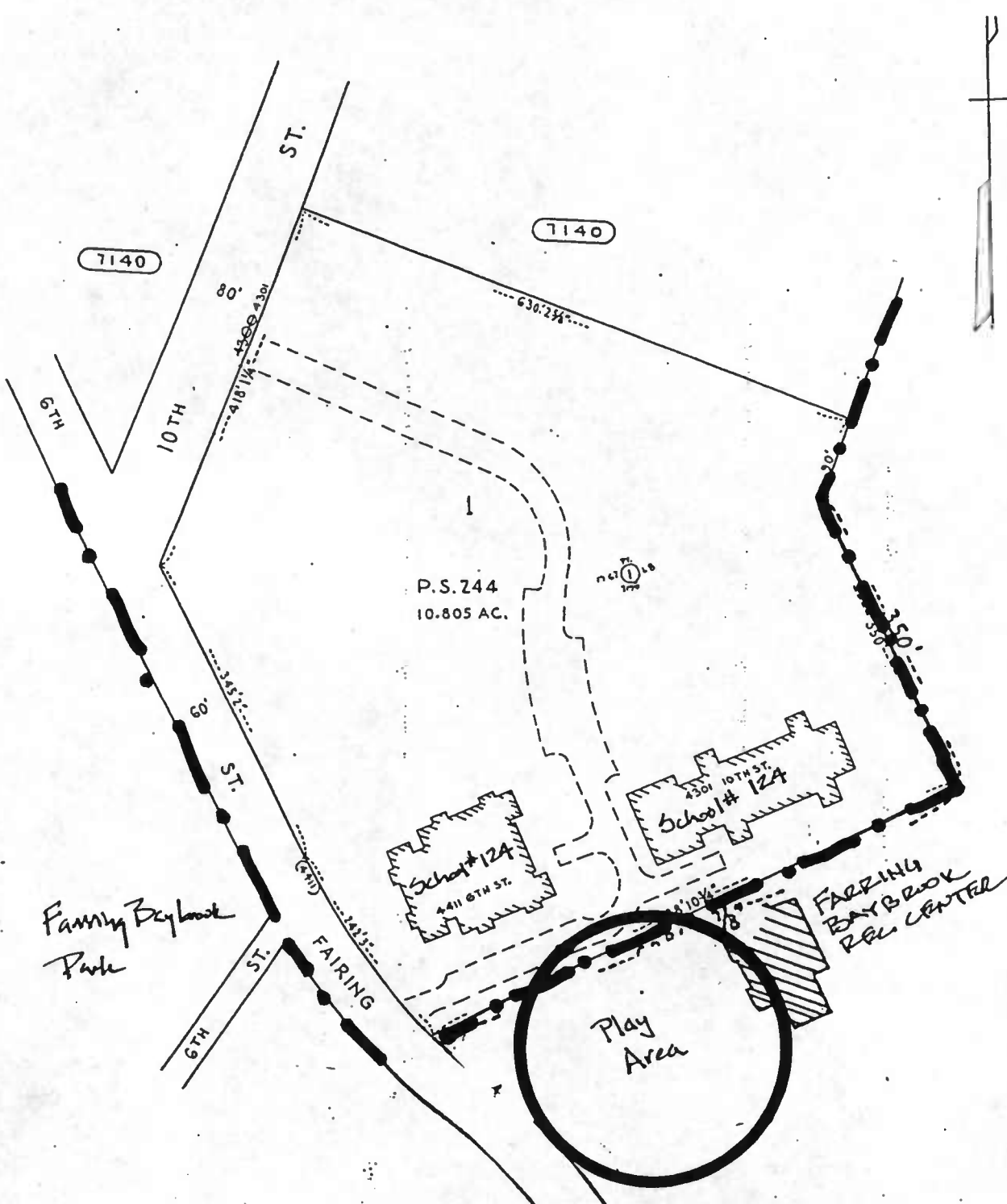
Baltimore City Consolidated Annual Program FY02:
Baltimore Playlot Program
Farring Baybrook Rec, 4501 Farring Court



Baltimore City Consolidated Annual Program FY02:
Baltimore Playlot Program
Farring Baybrook Rec, 4501 Farring Court



Baltimore City Consolidated Annual Program FY02: Baltimore Playlot Program Farring Baybrook Rec, 4501 Farring Court



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

... PROVIDED
 UNDER ARTICLE 76(d) OF THE CITY CHARTER
 IT IS COMPILED FROM TITLE AND OTHER
 SOURCES AND IS NOT AN AUTHENTIC SURVEY.

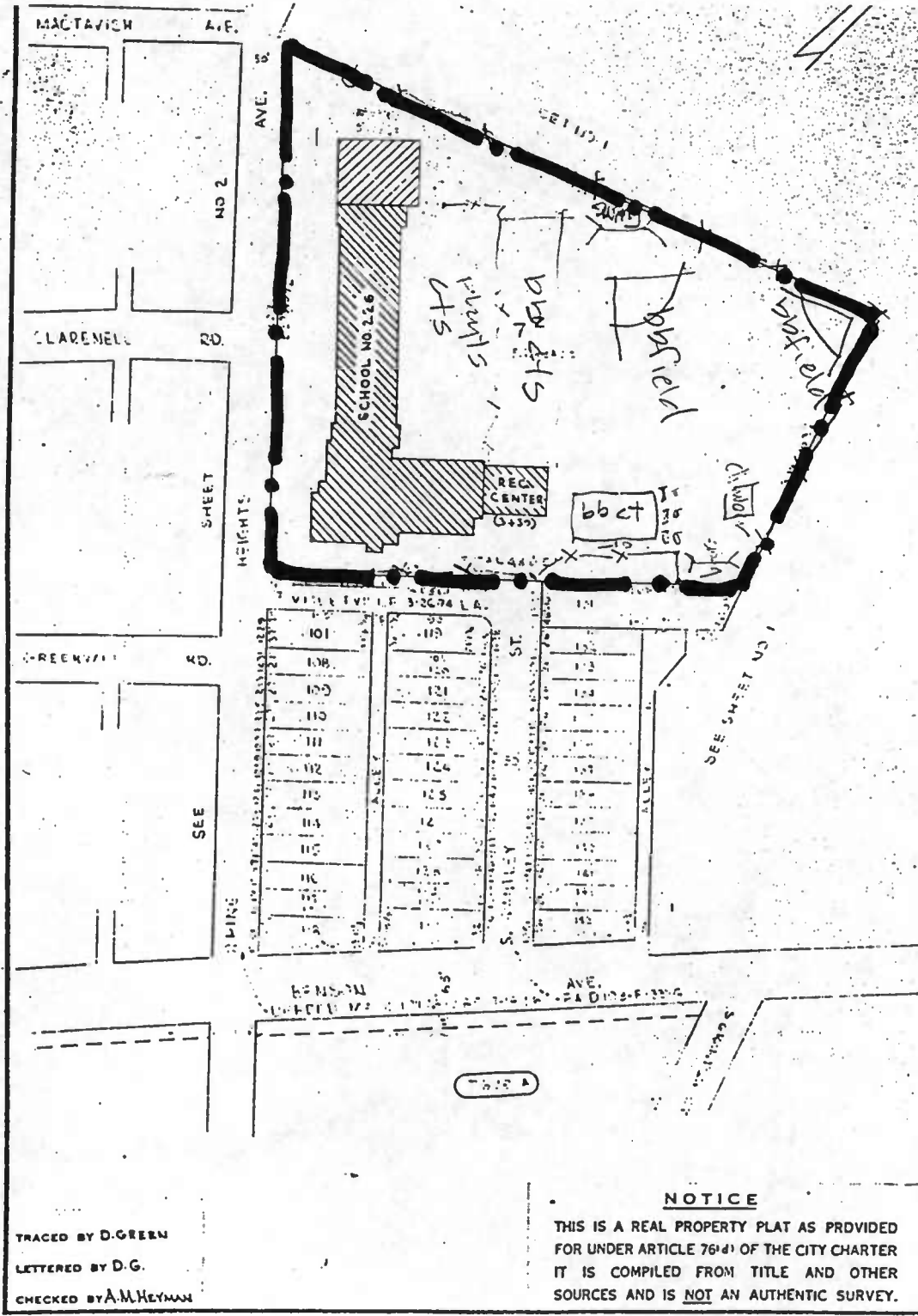
CITY OF BALTIMORE
 DEPARTMENT OF PUBLIC WORKS
 PROPERTY LOCATION DIVISION
 WARD 25 SECTION 8
 BLOCK 7142
 SCALE 1"=100' DATE June 1967

Baltimore City Consolidated Annual Program FY02:
Baltimore Playlot Program
Violetville Elementary #226, 1207 Pine Heights Ave



Baltimore City Consolidated Annual Program FY02: Baltimore Playlot Program

Violetville Elementary #226, 1207 Pine Heights Ave



SHEETS IN SET 3
SHEET NO. 2

CITY OF BALTIMORE
DEPARTMENT OF PUBLIC WORKS

PROPERTY LOCATION DIVISION

WARD 25 SECTION
BLOCK 7654-t

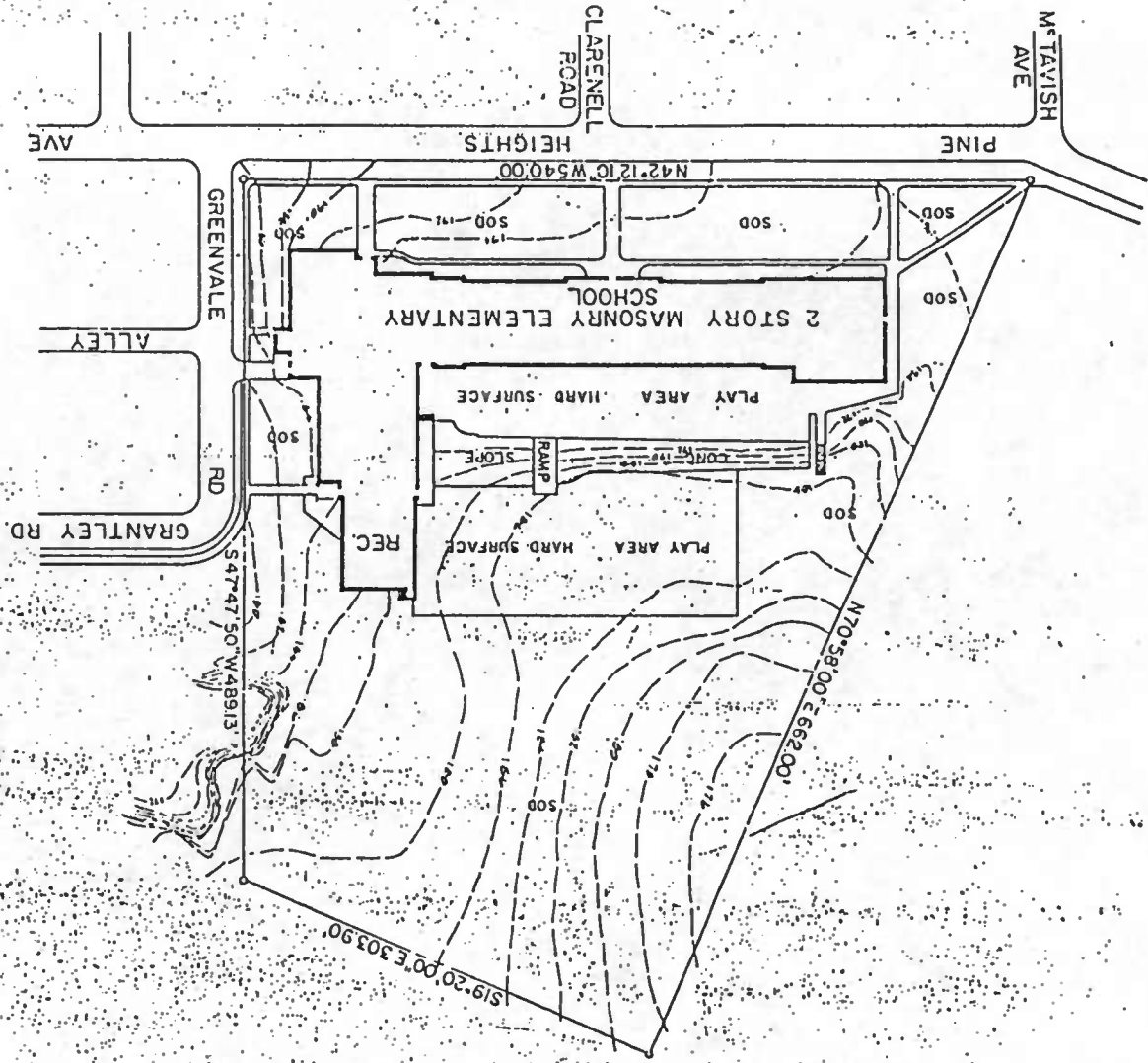
SCALE 1"=100' DATE FEB 197

NOTICE

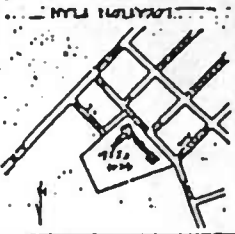
THIS IS A REAL PROPERTY PLAT AS PROVIDED FOR UNDER ARTICLE 76(d) OF THE CITY CHARTER IT IS COMPILED FROM TITLE AND OTHER SOURCES AND IS NOT AN AUTHENTIC SURVEY.

3183

Baltimore City Consolidated Annual Program FY02:
 Baltimore Playlot Program
 Violetville Elementary #226, 1207 Pine Heights Ave



SITE PLAN



BALTIMORE CITY
 PUBLIC SCHOOLS
 DIVISION OF PHYSICAL PLANNING

VIOLETVILLE ELEM.
 1207 PINE
 HEIGHTS AVE
 #226

DATE: 10/11/01
 DRAWN BY: J. SAVAGE
 CHECKED BY: J. SAVAGE
 PROJECT NO: 00000000000000000000

CLEARINGHOUSE REVIEW

November 20, 2001

RECEIVED

NOV 27 2001

CHESAPEAKE VA
CRITICAL AREA COMMISSION

TO: Arnold Norden, Greenways and Resources Planning (E-4)
Glenn Therres, 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)
Matthew Fleming, 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 W. Price, Director, Program Open Space

SUBJ: DNR Clearinghouse Review of Local POS **Baltimore City Consolidated Grant FY02**
(consisting of nine individual projects): Urban Parks and Recreation Recovery Grant
FY02 - POS #3994-26-141

A federal grant from the National Park Service will be combined with Program Open Spacefunds to renovate Harlem Park and Recreation Center (7a). The park improvements will include resurfacing 2 basketball courts, new fencing and bleachers for the athletic field, new park lights, benches and ADA walks, a new water spray area and new park pavilion. Recreation Center improvements will include ADA entrances, ADA restrooms and installation of an HVAC system.

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

✓

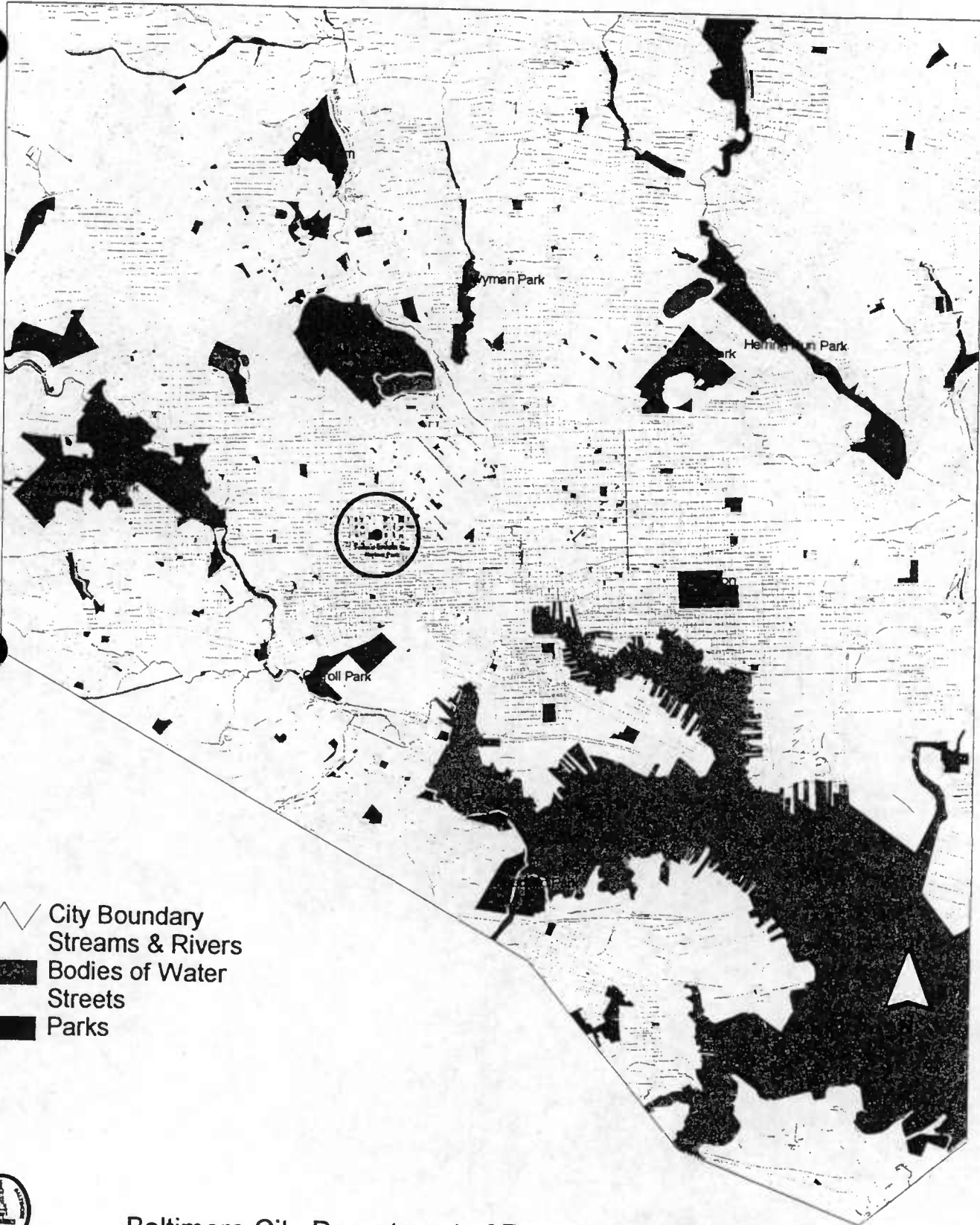
Dm 12/3/01

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

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

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

Baltimore City Consolidated Annual Program FY02: Federal UPARR Grant: Harlem Park



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



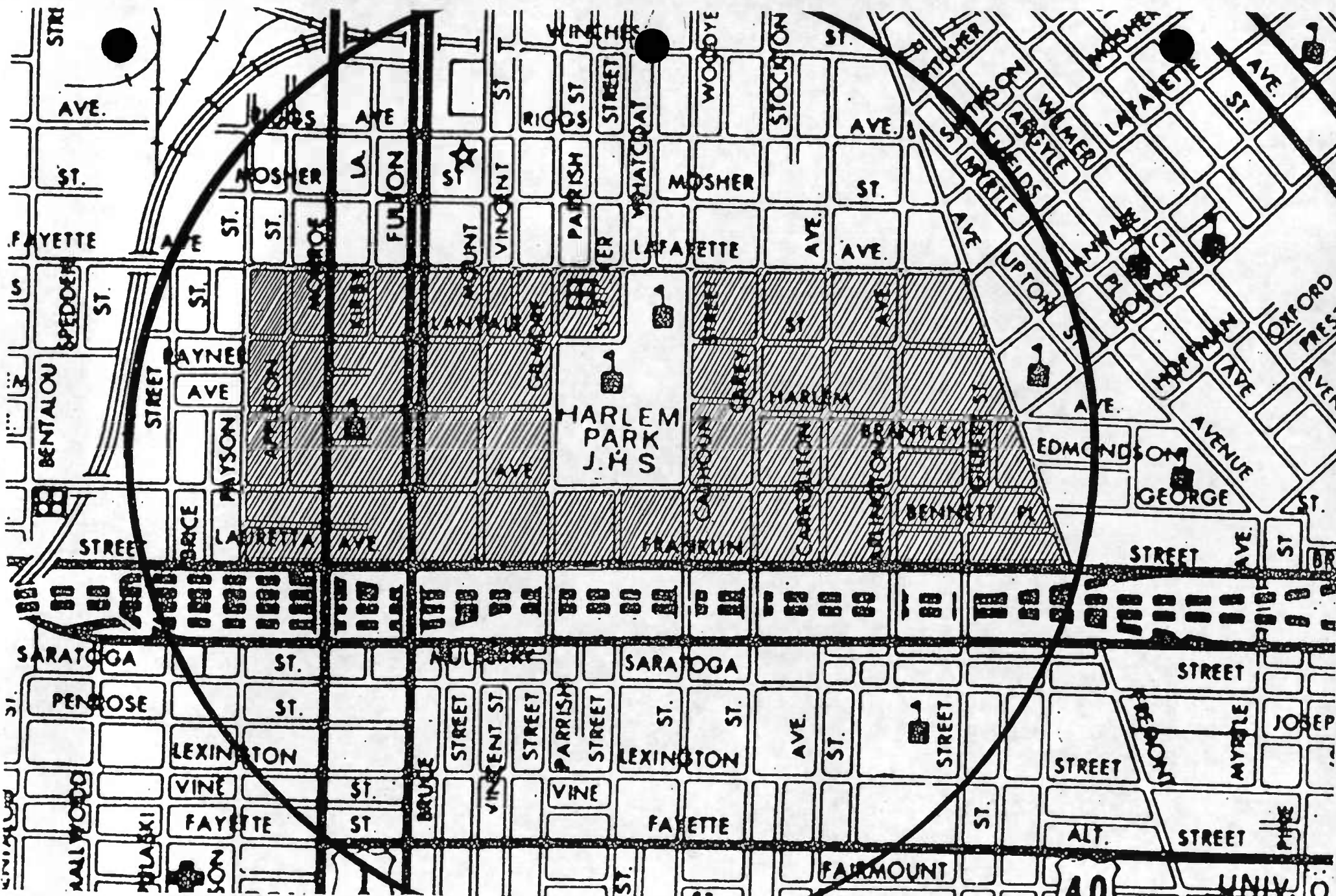
Baltimore City Department of Recreation and Parks

Mayor Martin O'Malley

Marvin F. Billups Jr., Director

DRAFT: September 2001

FOEX22 UPARR 8/11

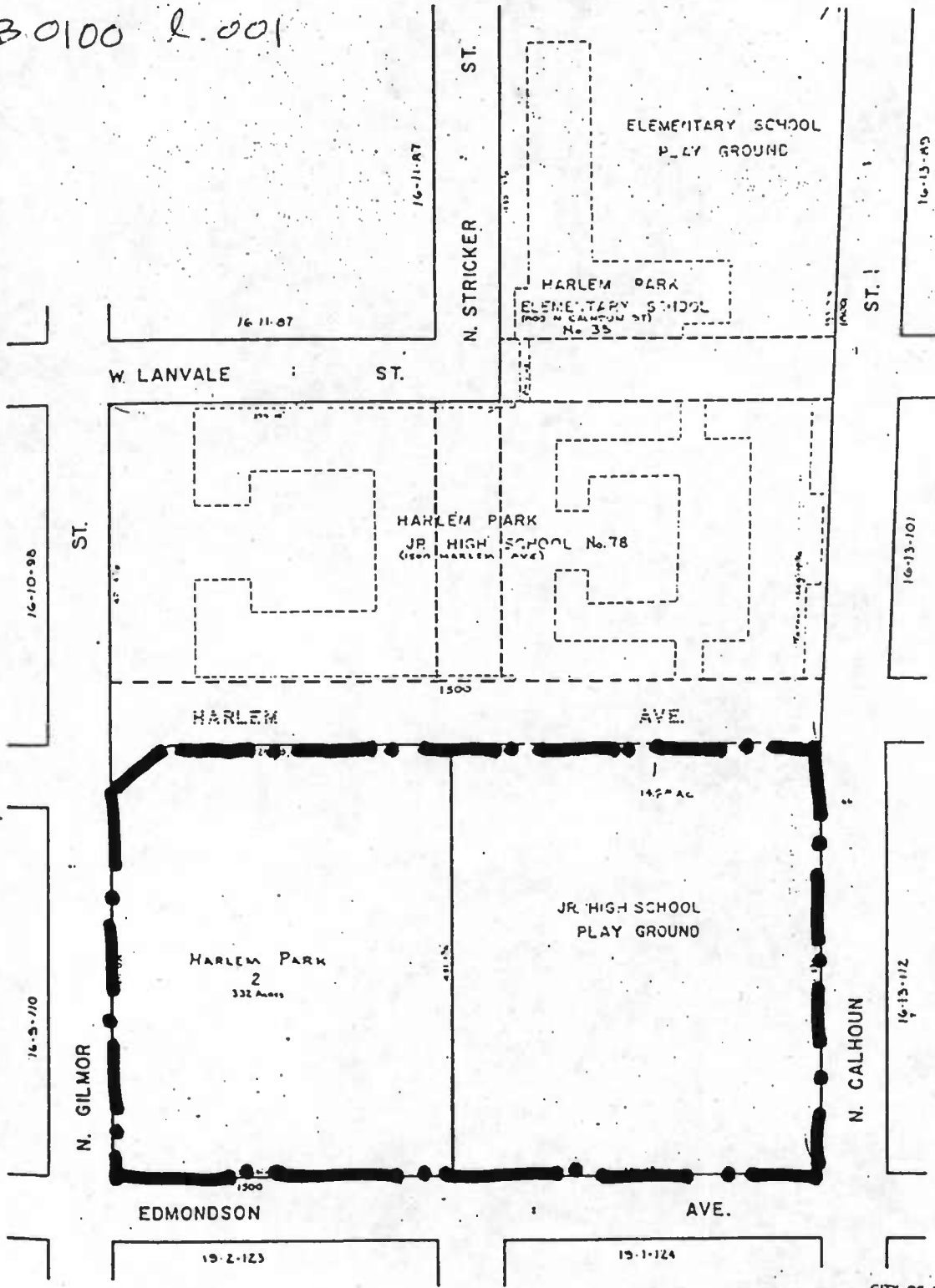


Map 2: Harlem Park
Neighborhood Map, 1/2 Mile radius

Baltimore City Consolidated Annual Program FY02:
Urban Parks and Recreation Recovery 2002: Harlem Park
1500 Edmondson Ave

Baltimore City Consolidated Annual Program FY02: Urban Parks and Recreation Recovery 2002: Harlem Park 1500 Edmondson Ave

B0100 2.001



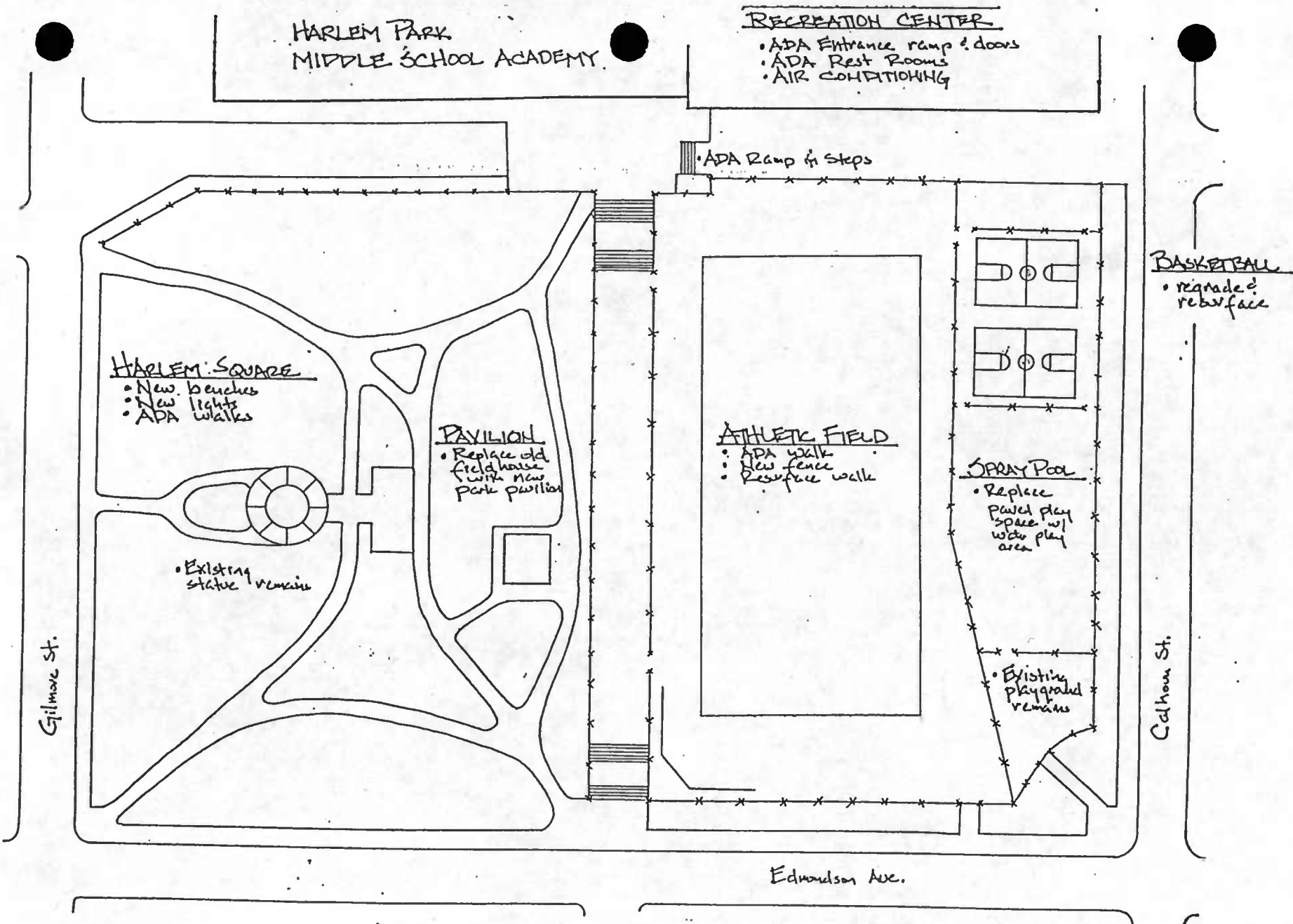
NOTICE
THIS IS A REAL PROPERTY PLAN AS PROVIDED FOR UNDER ARTICLE 164 OF THE CITY CHARTER. IT IS COMPILED FROM TITLE AND OTHER SOURCES AND IS NOT AN AERIAL SURVEY.

NOTE: FOR 1961 CONDITIONS -- SEE SHEET NO. 2

CITY OF BALTIMORE
DEPARTMENT OF PUBLIC WORKS
BUREAU OF SURVEYS
PROPERTY LOCATION DIVISION
WARD 16 SECTION 13
BLOCK 100
SCALE: 1" = 100' DATE: JULY, 1961

DRAWN BY T. REID
ATTORNEY BY
CHECKED BY

TRAC
LETT
CHECK



Map 4: Harlem Park
Proposed Improvements

Baltimore City Consolidated Annual Program FY02:
Urban Parks and Recreation Recovery 2002: Harlem Park
1500 Edmondson Ave

CLEARINGHOUSE REVIEW

November 20, 2001

RECEIVED

NOV 27 2001

CHESAPEAKE BAY
CRITICAL AREA COMMISSION

TO: Arnold Norden, Greenways and Resources Planning (E-4)
Glenn Therres, 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)
Matthew Fleming, 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 W. Price, Director, Program Open Space

SUBJ: DNR Clearinghouse Review of Local POS **Baltimore City Consolidated Grant FY02**
(consisting of nine individual projects): Park Rehabilitation FY02 - POS #3992-24-188

Baltimore's parks provide active and passive recreation for all city residents. This year's park renovation projects will improve 3 parks: Clifton Park (266a), Gwynns Falls Park (734a), and Ellwood Park (4a). Improvements to Clifton Park include renovation of paths, entry ways and landscaping at the St Lo Drive / swimming pool complex area. These improvements will complement the Clifton pool and bath house renovations also funded in this fiscal year. In Gwynns Falls Park, the Crimea picnic grove area playground will be renovated. Ellwood Park will receive a general park renovation; playground shelter, courts and walks.

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

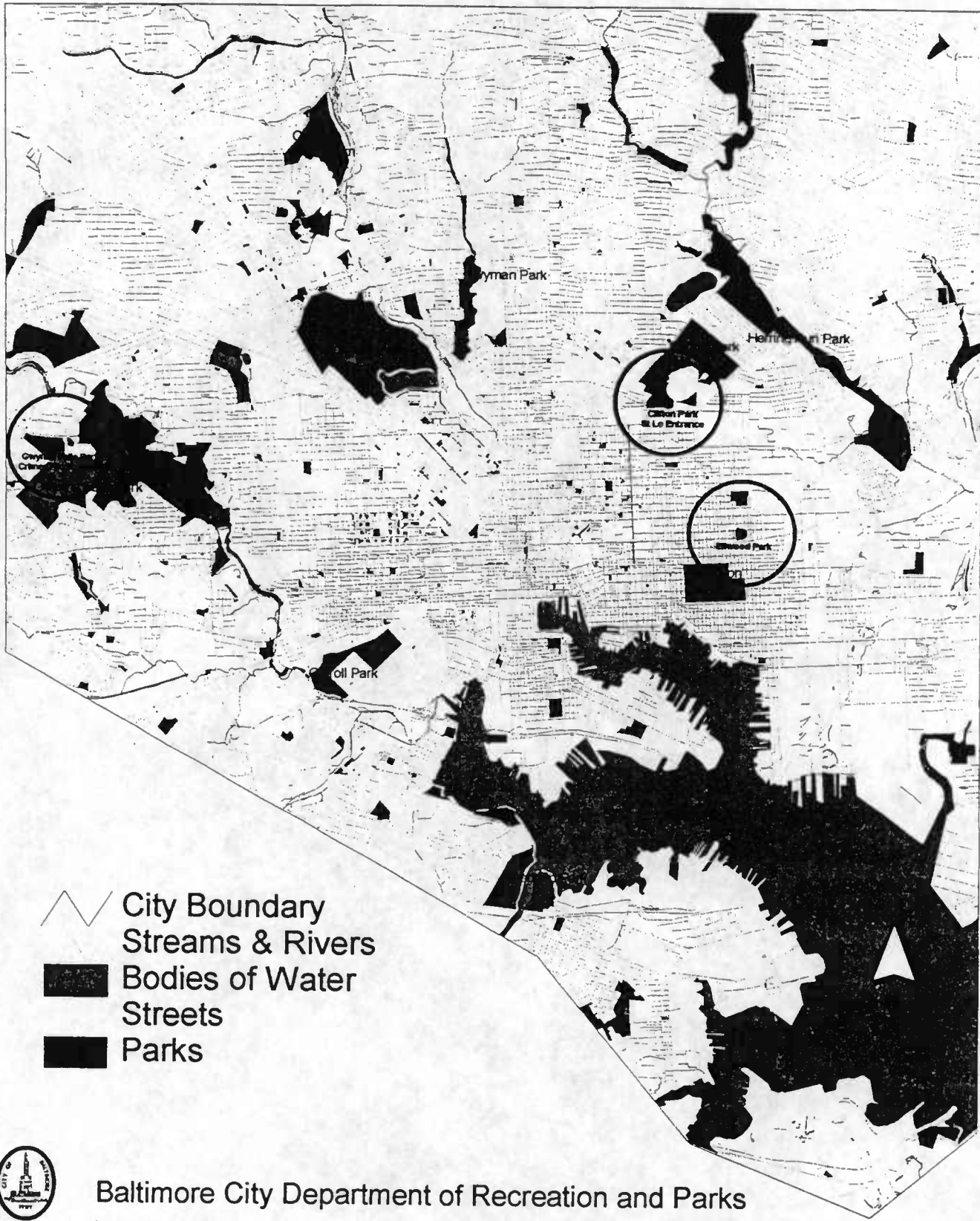
CHECK

INITIAL

- | | | |
|---|-------|------------|
| 1. The project does not conflict with the plans, programs or objectives of this Agency. | ✓ | Dm 12/3/01 |
| 2. The project does not conflict with this Agency's plans, programs or objectives, but the attached comments are submitted for consideration. | _____ | _____ |
| 3. The project conflicts with this Agency's plans, programs or objectives for the reasons indicated on the attachment. | _____ | _____ |

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

Baltimore City Consolidated Annual Program FY02: Park Rehabilitation



Baltimore City Department of Recreation and Parks

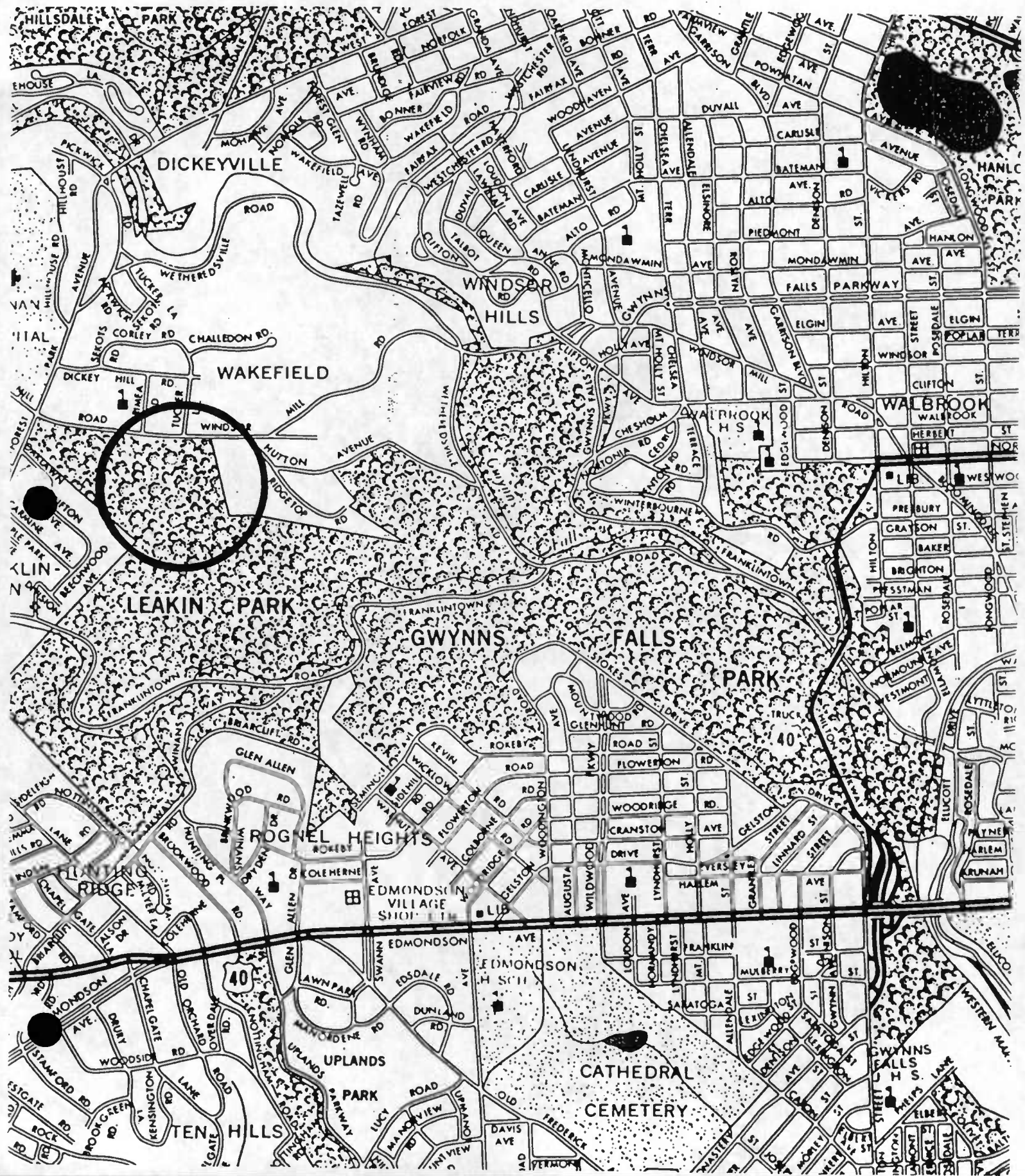
Mayor Martin O'Malley

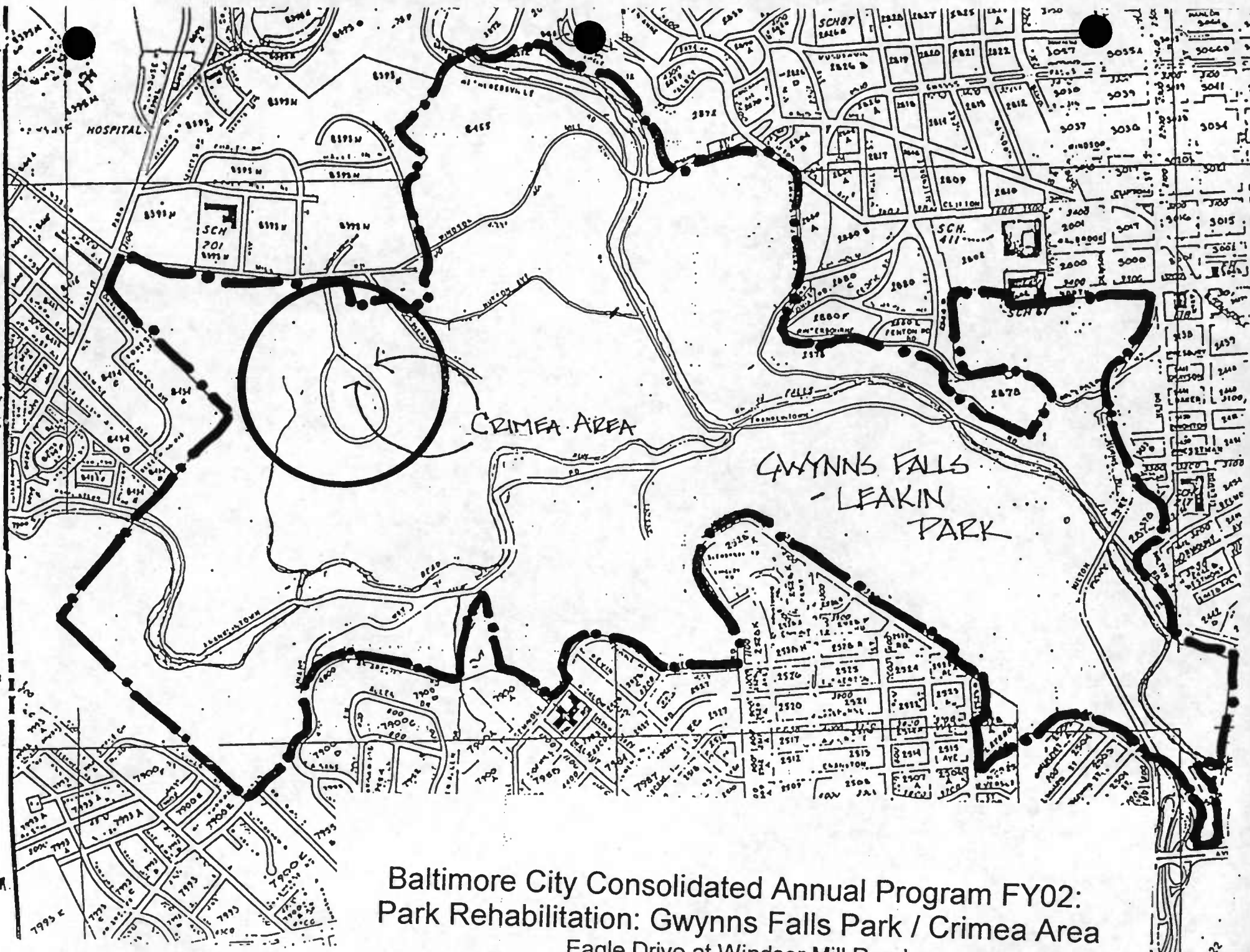
Marvin F. Billups Jr., Director

DRAFT, September 2001

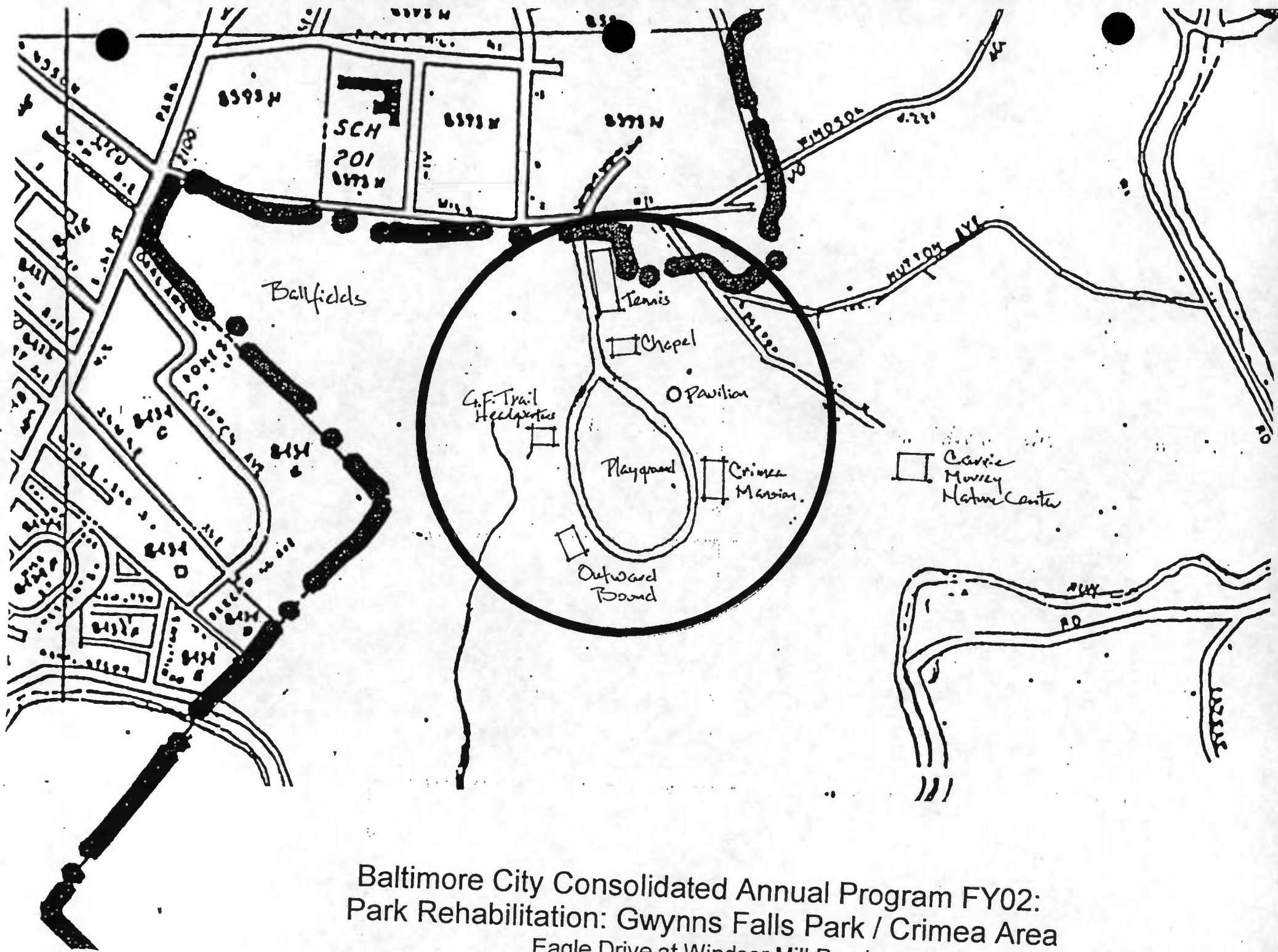
Park Rehab 2002 0411

Baltimore City Consolidated Annual Program FY02: Park Rehabilitation: Gwynns Falls Park / Crimea Area Eagle Drive at Windsor Mill Road



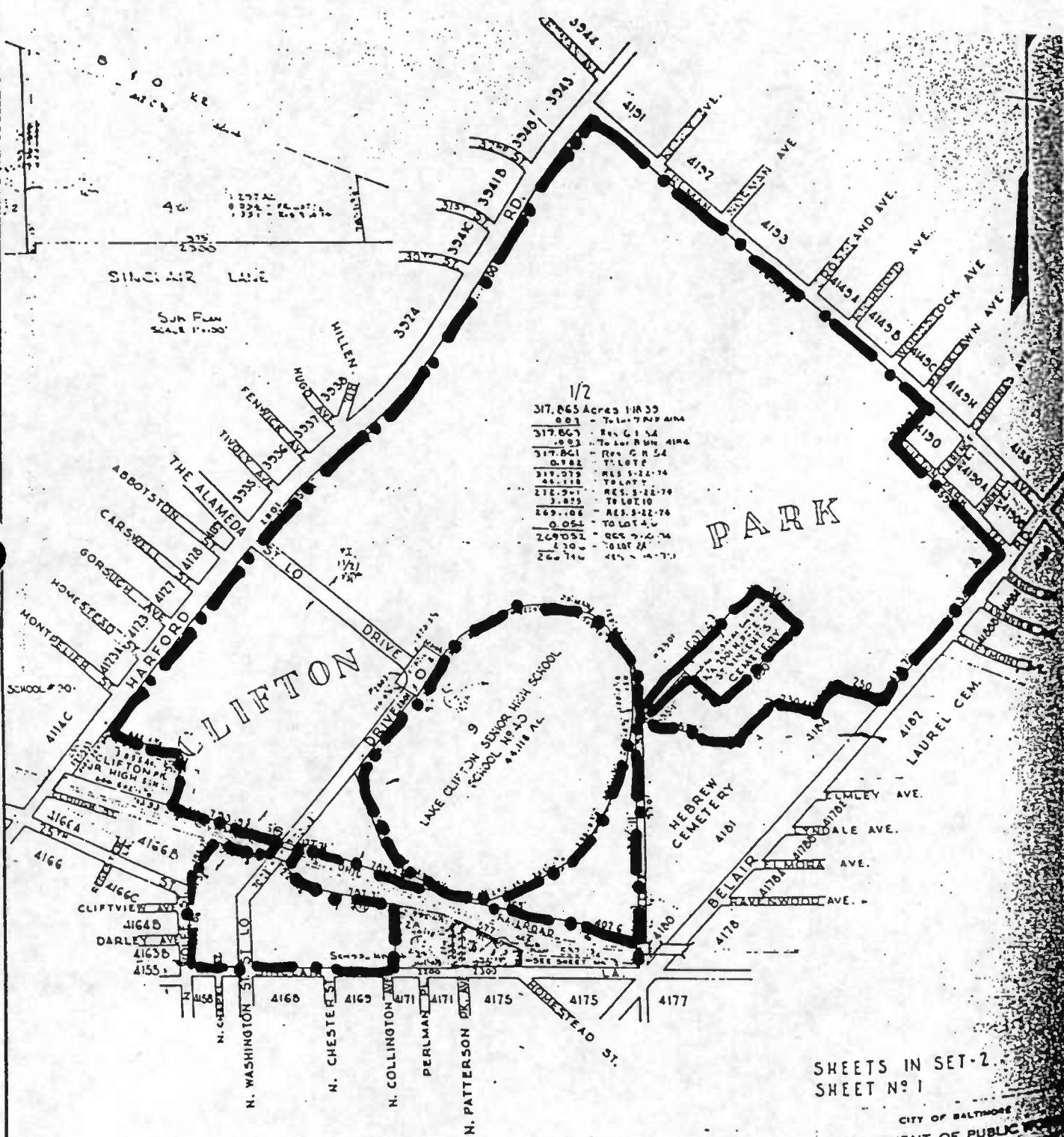


Baltimore City Consolidated Annual Program FY02:
Park Rehabilitation: Gwynns Falls Park / Crimea Area
Eagle Drive at Windsor Mill Road



Baltimore City Consolidated Annual Program FY02:
 Park Rehabilitation: Gwynns Falls Park / Crimea Area
 Eagle Drive at Windsor Mill Road

Baltimore City Consolidated Annual Program FY02: Park Rehabilitation: Clifton Park St Lo Drive and Sinclair Lane



1/2

317.865 Acres 11/239	
0.03	- Total 7th Area
317.867	- Res. G 1 S4
0.03	- To Lot R 11th 4114
317.861	- Res. G H S4
0.082	- Y-LOT 2
317.979	- RES. S-22-74
65.118	- TO LOT 7
272.9-1	- RES. S-22-70
3.875	- TO LOT 10
269.106	- RES. S-22-74
0.051	- TO LOT 4, 6
269.051	- RES. S-22-74
1.30	- TO LOT 2A
267.746	- RES. S-22-74

PARK

SHEETS IN SET - 2
SHEET NO 1

CITY OF BALTIMORE
DEPARTMENT OF PUBLIC WORKS
BUREAU OF SURVEY
PROPERTY LOCATION DIVISION

WARD 8 SECTION 1
BLOCK 4199

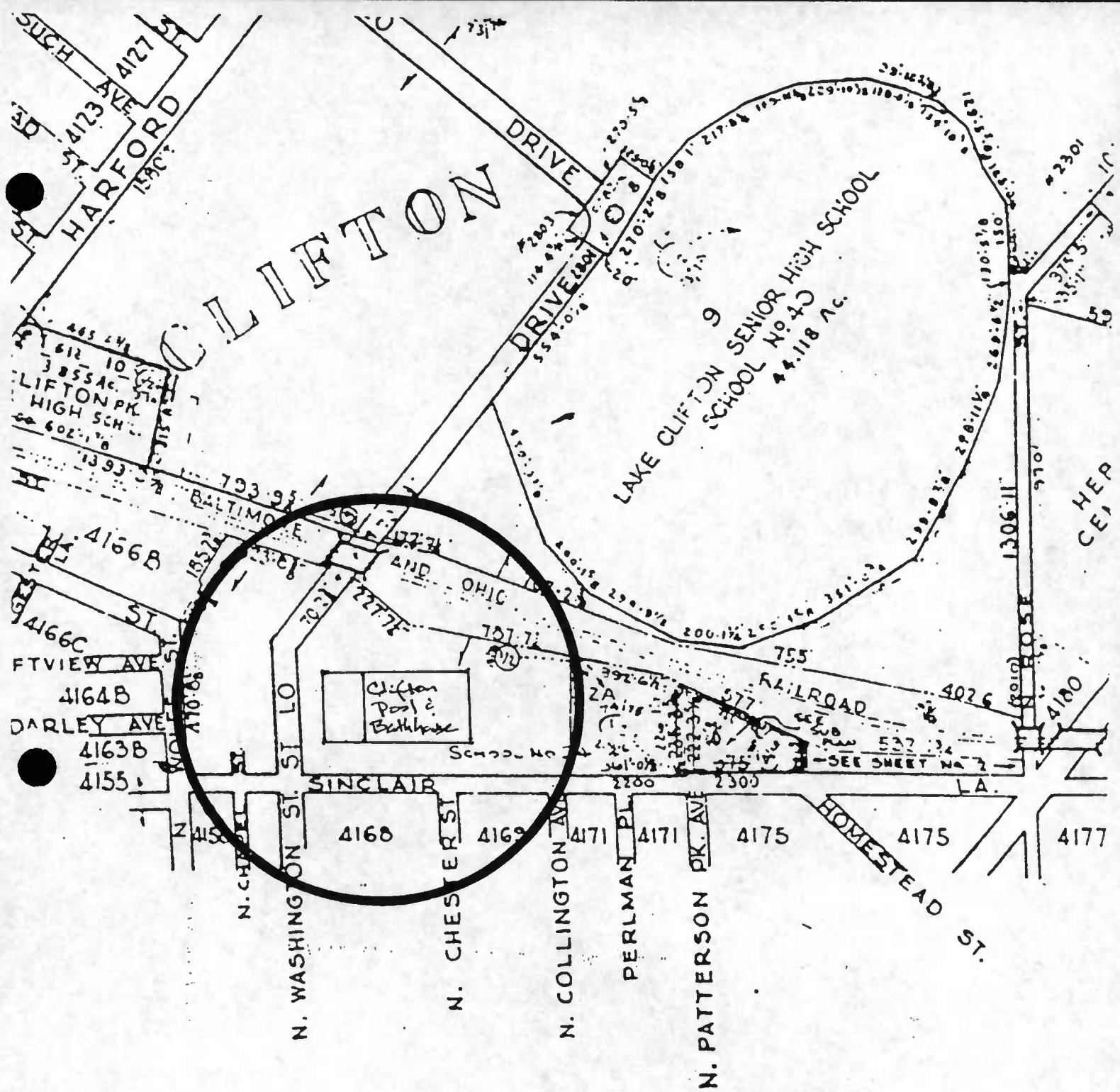
SCALE Approx. 1"=500'

NOTICE
THIS IS A REAL PROPERTY MAP FOR UNDER ARTICLE 70 OF THE BALTIMORE CITY CODE. IT IS COMPILED FROM THE RECORDS AND OTHER SOURCES AND IS NOT AN INSURANCE AGAINST LOSS.

TRACED BY J.P. Panufca
LETTERED BY J.P. Panufca
CHECKED BY

4199 lot 1

Clifton Park 2801 Harford Rd.



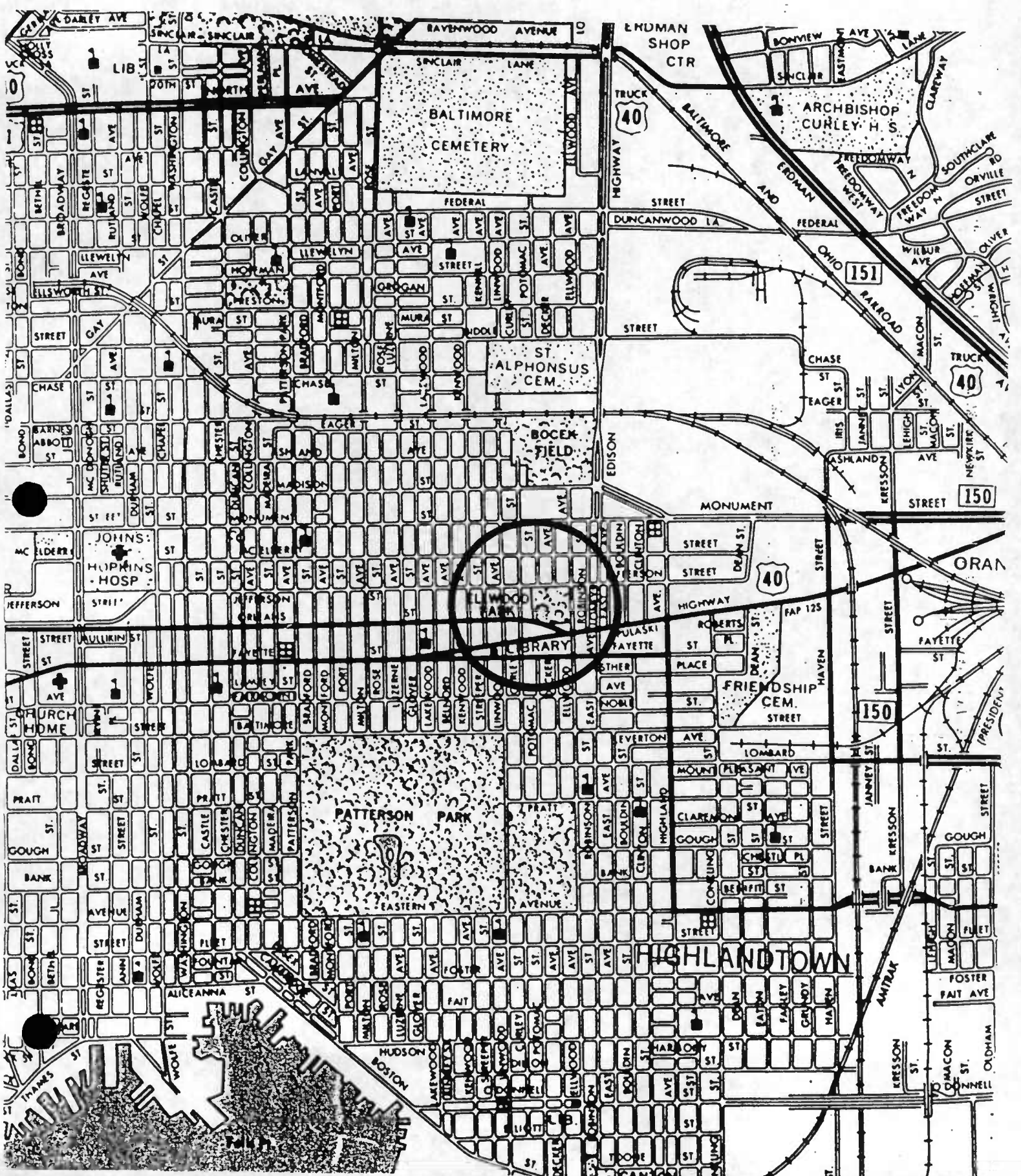
NOTICE

THIS IS A REAL PROPERTY...
 COD UNDER ARTICLE 70...

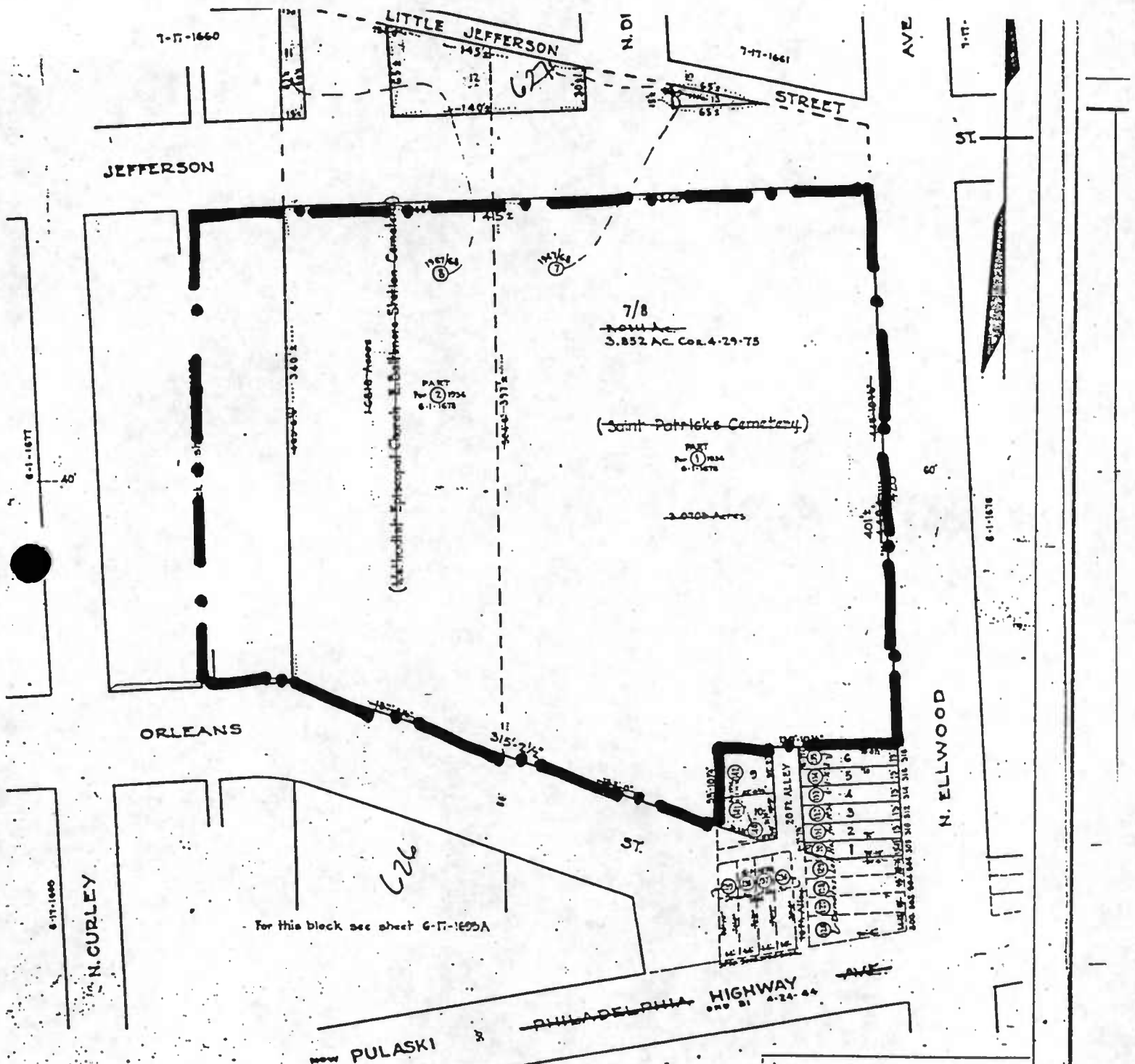
JMPANUSKA

Baltimore City Consolidated Annual Program FY02:
 Park Rehabilitation: Clifton Park
 St Lo Drive and Sinclair Lane

Baltimore City Consolidated Annual Program FY02:
Park Rehabilitation: Ellwood Park
420 N. Elwood Ave



Baltimore City Consolidated Annual Program FY02: Park Rehabilitation: Ellwood Park 420 N. Elwood Ave

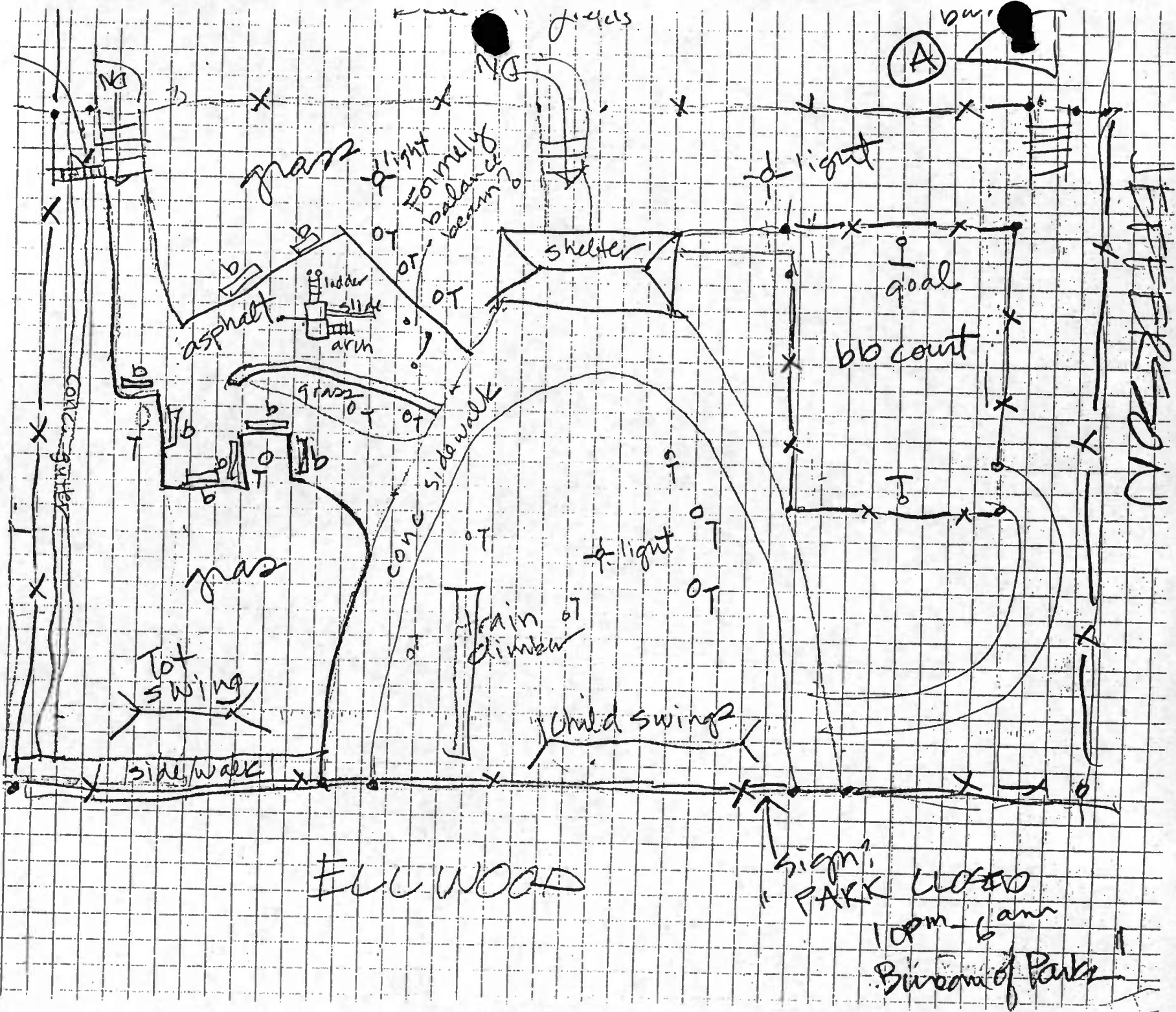


NOTICE
THIS IS A REAL PROPERTY MAP AS PROVIDED FOR UNDER ARTICLE 76 OF THE CITY CHARTER. IT IS COMPILED FROM TITLE AND STREET SOURCES AND IS NOT AN ALTERNATE SURVEY.

CITY OF BALTIMORE
DEPARTMENT OF PUBLIC WORKS
BUREAU OF PLANS & SURVEYS
PROPERTY LOCATION DIVISION
WARD 6 SECTION 1
BLOCK 1678-A
SCALE 1" = 60'-0" DATE Feb. 1996

PREPARED BY G.J. Moorehead
CHECKED BY G.J. Moorehead

TRAC
LEFT
CHECK



Baltimore City Consolidated Annual Program FY02:
 Park Rehabilitation: Ellwood Park
 420 N. Elwood Ave

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 30, 2001

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

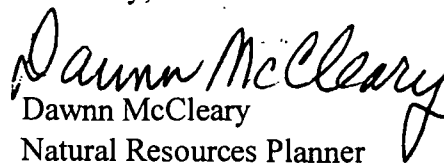
RE: August Woods Planned Unit Development (PUD)
Primose and Cove Road

Dear Mr. Torney:

This letter is a follow-up to a site visit on November 19, 2001. This office has reviewed the revised 64-Unit Townhouse Planned Unit Development (PUD) site plan (dated November 2001) which is outside of the Critical Area with the outfall and water quality stilling basin within the Resources Conservation Area (RCA). This office supports the current proposal to manage stormwater quality treatment for the August Woods PUD outside of the Critical Area's Resource Conservation Area. This office understands that maintenance of the existing stormwater outfall within the Critical Area will be necessary at sometime in the near future. Please keep us informed of any maintenance that is proposed in this area.

Please include this letter in your file and submit it as part of the record for the Board of Appeals. Please notify the Commission in writing of the Board's decision on this project. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely;


Dawnn McCleary
Natural Resources Planner

cc: Board of Appeals
Jon Arason
David Plott
AN 435-01

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

TTY For The Deaf:
Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450

CLEARINGHOUSE REVIEW

November 5, 2001

TO: Arnold Norden, Greenways and Resources Planning (E-4)
Glenn Therres, 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)
Matthew Fleming, 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 W. Price, ^{JWP} Director, Program Open Space

SUBJ: DNR Clearinghouse Review of Local POS Project #3998-12-187
Francis Silver Park - Restroom Building, Harford County

This project proposes to further develop this 18.5± acre park with a permanent 8 foot x 18 foot restroom facility. This improvement will accommodate the users of the soccer field, tennis courts, playgrounds and special events.

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

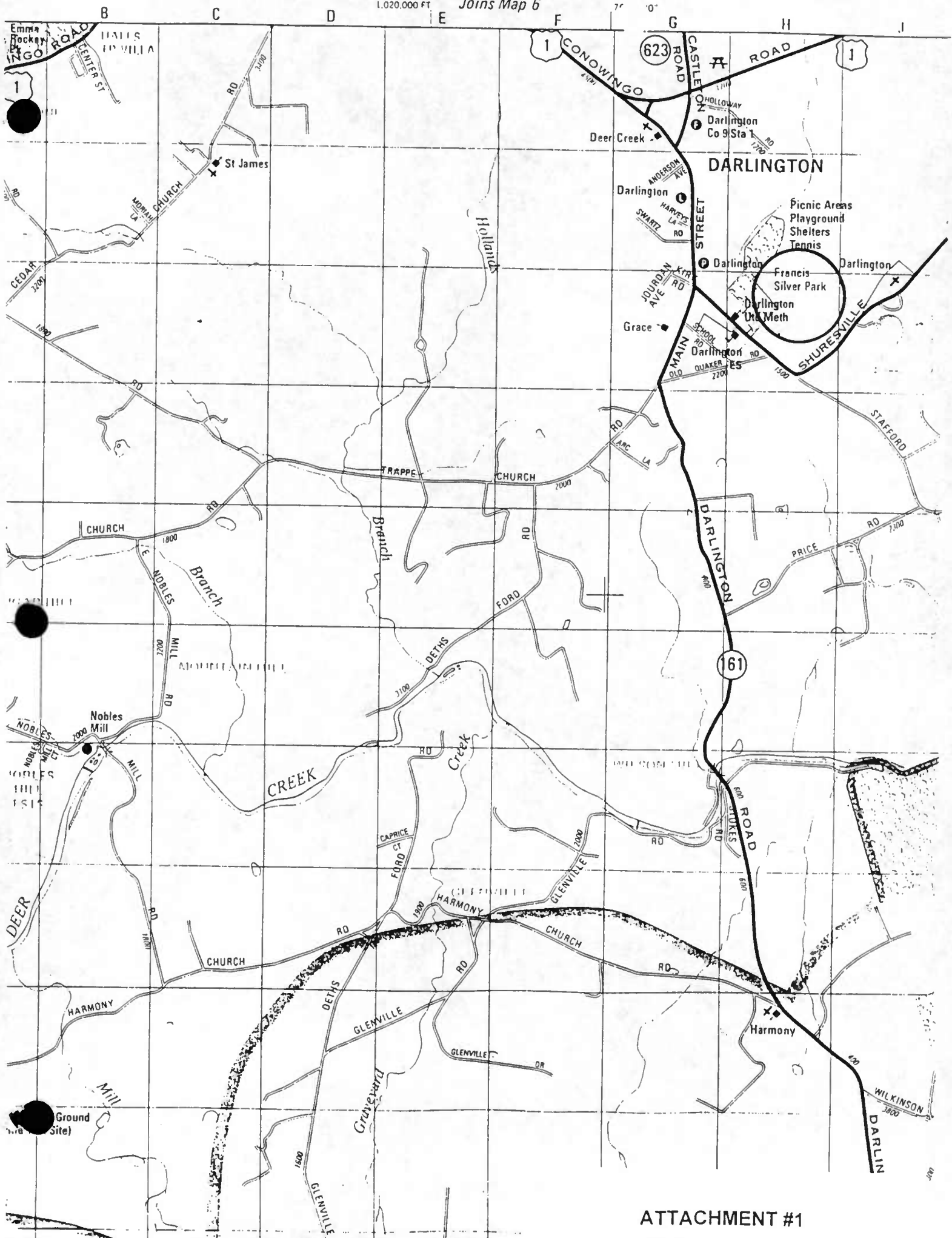
1. The project does not conflict with the plans, programs or objectives of this Agency.

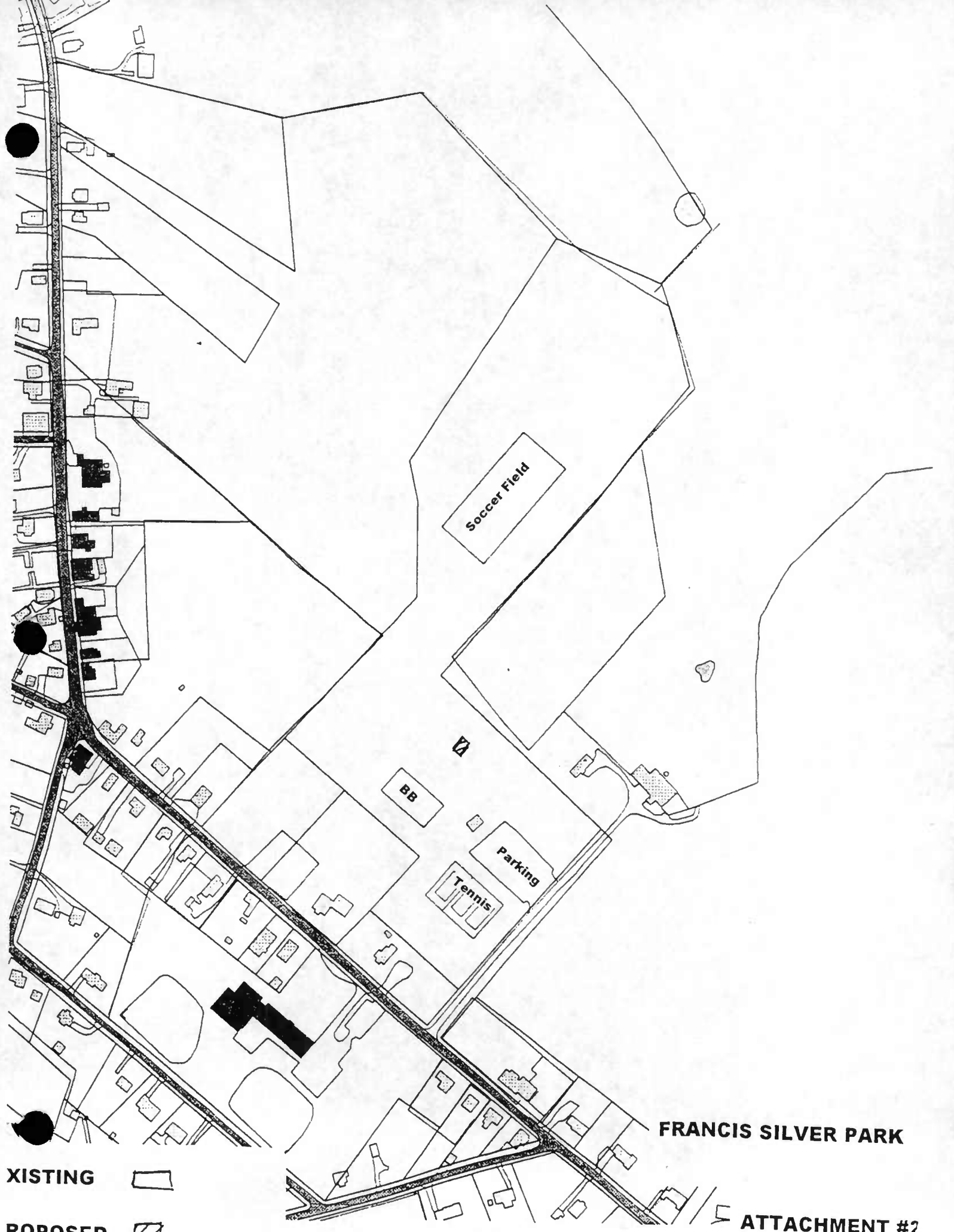
Dm 11/15/01



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.





EXISTING 
PROPOSED 

FRANCIS SILVER PARK

ATTACHMENT #2

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, 2001

Ms. Kalyna Nedilsky
Port Engineer
Maryland Port Administration
2310 Broening Highway
Baltimore, Maryland 21224-621

RE: Port Project Submission

Dear Ms. Nedilsky:

On November 6, 2001, Critical Area Commission staff met with your staff about various port projects. During that meeting, you informed us that your office would like to bring Berth 1-6 and Area 500-5b Projects in front of the Commission in January 2002. If this is still the plan, because of the holiday, our office would like a formal submittal of the both projects, site plans, descriptions of both projects, and any other pertinent information, sent to us by December 12, 2001. This deadline date will assist our staff in preparing for the January 2002 meeting.

If there are any questions, please feel free to call me at (410) 2603483.

Sincerely,

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

cc: Ren Serey
Regina Esslinger
MPA Files

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

TTY For The Deaf:
Annapolis: (410) 974-2609 D.C. Metro: (301) 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, 2001

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

RE: Park Place Stormwater Management Retrofit
City of Annapolis

Dear Mr. Torney:

Thank you for providing "Notification of Certification" that the above project is consistent with the City of Annapolis' Critical Area Program. Critical Area staff understands that the above project is located on the rear portion of the property known as Park Place which is located in the northeast corner of the intersection of Taylor Avenue and West Street in the City of Annapolis. This project will provide stormwater management for the City and the Park Place project. The Park Place developers plan to retrofit the existing City storm drain to provide adequate drainage for their proposed project and the City by constructing at Park Place shallow stormwater wetlands.

The project will temporarily impact 1,389 square feet of forested non-tidal wetlands, 9,901 square feet of regulated buffer, and 160 linear feet of stream channel that will drain into College Creek. Also, approximately 10,000 square feet of wetlands will be created in the basin. A bioretention facility will also be constructed with the triangular depression on the BG & E parcel. The open stream channel will be placed within a storm drain pipe, and flow splitters will be installed to divert the first flush into the created wetland marsh system.

The marsh will provide water quality control for the proposed development and will also serve as a regional stormwater management facility. This office also understands that the shape and size of the existing degraded wetland system will be modified to provide a larger and more diverse wetland.

Critical Area Commission staff also understands:

1. That proposed impact will be minimal due to the significant alterations that have occurred to these parcels during the construction of the now abandoned B and A railroad. The original disturbance was in the installation of existing 96" storm pipe and the existing BG & E power station;
2. That the impact will result from the installation of a storm drain that will tie into the existing 96" pipe currently conveying flow under Taylor Avenue and the B and A railroad bed;

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*Continued, Page Two
Park Place Stormwater
Management Retrofit
November 13, 2001*

3. That the installation of the pipe will require clearing of 4,800 square feet of existing forest, but after construction, the disturbed area will be allowed to re-vegetate. Impacts to the larger trees on the slope will be avoided to the greatest extent practicable;
4. That the water discharging from the pipe has eroded a channel that heads in an easterly direction to another culvert along the eastern property line and off the site;
5. That an emergent and scrub\shrub wetland has formed in the Central and northern sections of the depression, and drains in a southerly direction before discharge into the stream channel. The wetlands primarily function is to provide some water quality and quantity control for untreated runoff originating on the impervious surface to the north of the site;
6. That there were no Federal and State and rare, threatened and endangered plants and wildlife areas within the project vicinity. Invasive species present will be removed and native wetland vegetation will be planted; and,
7. That no forest clearing will be proposed on the BG & E parcel.

Due to the clearing of 4,800 square feet of existing trees, this office recommends mitigation for the area in the Critical Area disturbed at a 1:1 ratio, in native plantings, on site. This office would also like the City to show on a site plan, a planting plan listing the types of native plants species that will replace the forested area that will be cleared.

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

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

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
AN502-01



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 9, 2001

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


RE: Light Rail Buffer Mitigation Plantings
For Pier 14 Mitigation
MRA #2037

Dear Mr. Newton:

The purpose of this letter is to inform you that the Critical Area Commission staff has reviewed the planting plan and plant list for the proposed Buffer mitigation site. This site will provide Buffer mitigation for impacts to the second pier that will be constructed parallel to Pier No.14. This office has determined that the site for Buffer mitigation, the planting plan and the plant list will satisfy all requirements for Buffer impacts.

On the "Planting Agreement for State Projects" form, this office will still need the planting date and year the plants will be planted. When this information is available, please let our office know as soon as possible. We will be monitoring the plants once they have been planted. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: J. Kenneth Schmidtd
Regina Esslinger
State Project File : No. 24 & 25 -99

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

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Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

October 26, 2001

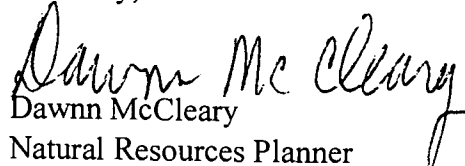
Mr. Duncan Stuart
Environmental Planner
Baltimore City Dept. of Planning
417 East Fayette Street, 8th Floor
Baltimore, Maryland 21202

RE" Lockwood Place Project Revision
600 East Pratt Street

Dear Mr. Stuart:

This office has reviewed the letter from Joseph Kadjeski of RKand K and the e-mail from Joe Kostow of the Dept. of Public Works in Baltimore City. According to the Dept. of Public Works, it appears that the sandfilters that were originally proposed by the consultant will not work due to elevation issues at the current site. This office understands that stormwater will not be treated on-site, therefore, we do not oppose the City accepting the offset fees at this time. If are any questions, please feel free to call me at (410) 260-3483.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Susan Williams
Mary Owens
Regina Esslinger

BA 92-01

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

TTY For The Deaf:
Annapolis: (410) 974-2609 D.C. Metro: (301) 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 25, 2001

Mr. Duncan Stuart
Environmental Planner
Baltimore Department of Planning
417 East Fayette Street, 8th Floor
Baltimore, Maryland 21401

RE: Fairfield Stormdrain
Consistency Request

Dear Mr. Stuart:

Thank you for providing "Notification of Certification" that the above project is consistent Baltimore City's Critical Area Management Program. Critical Area staff understands that the Dept. of Public Works is proposing to construct a stormsewer so that a portion of the Fairfield Ecological Industrial Park will have adequate drainage. The drainage of stormwater from the area is in need of attention. The existing roads will be reconstructed with the addition of a new closed drainage system with water being collected by a system of curb inlets and storm drain pipes. These pipes will consolidate the collected runoff to two future cross culverts under I-895 that will convey the runoff to a suitable outfall.

This project will consist only of the design of the main storm drain outfall. The primary outfall begins on the North side of Frankfurst Avenue (near the end of Sun Street) as a 60" diameter concrete pipe and continues under I-895. The secondary outfall will include extending an existing drainage system under I-895 to provide an outfall for future drains in Fairfield Avenue. This project will have no negative impacts on the Critical Area located within the project limits.

Critical Area Commission staff also understands:

1. That the last 1,000 feet of concrete box culvert are located within the Critical Area;
2. That the areas within the project limits and extending well beyond these limits are entirely impervious paved areas;

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

TTY For The Deaf:
Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450

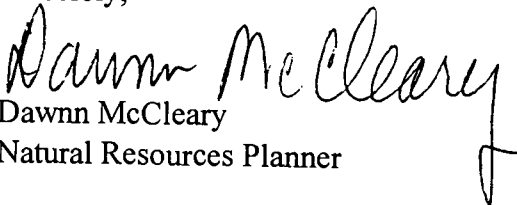
Continued, Page Two
Fairfield Stormdrain Consistency Report
October 25, 2001

3. That there are no existing wetlands, trees or vegetated areas that will be impacted by this construction;
4. That the proposed construction within the Critical Area will occur in the existing roadway;
5. That no new impervious surface will be created by this project and therefore, no City and State stormwater management requirements are applicable;
6. That the required stormwater management will be provided upstream, in conjunction with construction of the Fairfield Ecological Business Park;
7. That the upstream end of the outfalls will be closed temporarily with a bulkhead. When future upstream improvements are constructed, the storm drain system will connect to these outfalls as a means of conveyance to tidal waters; and,
8. That runoff quality during construction will be maintained via Sediment and Erosion Control plans which will be approved by the City's Public Works Environmental Engineering Department.

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 jurisdiction, and 3) is not considered by the Commission as major development. (See COMAR: Chapter Two, Regulations for Development in the Critical Area Resulting from State and Local Agency Programs) Therefore, formal approval of the above project by the Commission is not necessary.

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

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Susan Williams
Regina Esslinger
BA 485-01



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 25, 2001

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

RE: Caroline Street Reconstruction Project
Second Consistency Report Submittal

Dear Mr. Stuart:

Thank you for providing "Notification of Certification" that the above project is consistent with the City of Baltimore's Critical Area Program. Critical Area staff understands that the Dept. of Public Works is proposing to re-construct Caroline Street in the Fells Point area of Baltimore. The primary objective of this project is to replace and repair the street and construct streetscape improvements once the project is completed. The Caroline Street Reconstruction project is located in the Fell's Point area of Baltimore City with 3.03 acres entirely located in an Intensely Development Area (IDA) within the Critical Area. Because the project ran into several right-of-way issues, the City decided to re-design the project to keep all roadway improvements within the existing alignment of Caroline Street.

The City will complete reconstruction of Caroline Street from Thames Street to Aliceanna Street, and Thames Street from Philpot Street to Bond Street. Also, the proposed improvements include widening the roadway along its existing alignment to a 56' bituminous surface and provided 12' sidewalks that extend to the right-of-way. Additional improvements include constructing a new storm drain system, street lights, water and sanitary improvements as required, and signal conduits.

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

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Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450

Continued, Page Two
Caroline Street Reconstruction Project
Second Consistency Submittal
October 25, 2001

Critical Area Commission staff also understands:

1. That this project will reduce street flooding which has been the result of poor drainage. The reconstruction will maintain the existing drainage pattern within the project area;
2. That seventy (70) 4 x 9 feet landscaping pits containing trees and shrubs will add 2,520 square feet of green space. This will off set the addition of 1,900 square feet of pavement and the removal of 600 square feet of existing tree pit;
3. That part of the reconstruction will take place in the 100-foot Buffer as per the site plan;
4. That sediment control measures will be applied to the roadway runoff during construction to preclude the discharge of sediment into the Critical Area. This construction will be phrased to limit the area of disturbance during any time period; and
5. That the roadway reconstruction will not modify the drainage area to the Critical Area or add impervious area. It will add trees and shrubs to the landscaping for Caroline and Thames Street by improving water quality.

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

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

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Sue Williams
Regina Esslinger
BA 632-98

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 25, 2001

Mr. Duncan Stuart
Environmental Planner
Baltimore Dept. of Planning
417 East Fayette Street, 8th Floor
Baltimore, Maryland 21201

RE: Patapsco River Cable Crossing

Dear Mr. Stuart:

Thank you for providing information on a proposal to install conduits and electric cables within the 100-foot Buffer and the Resource Conservation area in the vicinity of Hanover Street and Patapsco River. BG and E is proposing to construct a new 34 kv feeder circuit from the Westport Substation to the South Baltimore Substation to improve electric reliability to customers in the South Baltimore area. This office understands that the applicant has to cross under the Patapsco River adjacent to the east side of Hanover Street South of Reedbird Avenue.

Critical Area Commission staff also understands:

1. That the river crossing will impact within the Chesapeake Bay Critical Area Buffer and the Resource Conservation Area;
2. That there will be an installation of 4-6 inch conduits from the South shore under the Patapsco River to the South Shore in order to minimize construction impact to the area;
3. That the majority of the construction set up will be on the North Shore in the grassy area adjacent to Hanover Street; and,
4. That upon completion, the areas disturbed especially in the 100 foot Buffer will be restored to their original lawn condition.

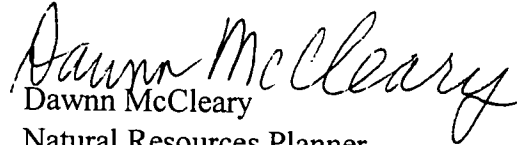
Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

TTY For The Deaf:
Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450

Continued, Page Two
Patapsco River Cable Crossing
October 25, 2001

Because there will be disturbance in the 100-foot Buffer within the RCA, this office recommends 2:1 mitigation of any disturbance in the 100-foot Buffer. (*See attached Buffer Mitigation Plan.*) Mitigation should occur within the area disturbed to the extent possible by using native woody species. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Susan Williams
Regina Esslinger
BA 578-01

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 25, 2001

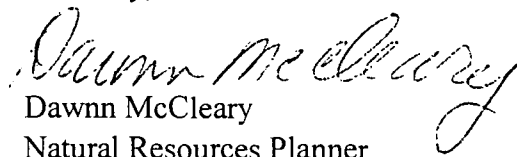
Mr. George Keller
Acting Program Administrator
Water Management Administration
Maryland Department of the Environment
2500 Broening Highway
Baltimore, Maryland 21224

RE: Water Main Replacement\DW01-166-13L
City of Havre de Grace

Dear Mr. Keller:

Thank you for the opportunity to review the proposed above project. This office understands that there is a proposal to replace and upgrade aged and deteriorated water mains throughout the City of Havre de Grace. This office does not oppose the proposed development activity. However, if the proposed development takes place in the Critical Area including the 100-foot Buffer, the development activity will need Critical Area review and may need Commission review. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Joe Bishop
Regina Esslinger
General File

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Chairman

Ren Serey
Executive Director

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

October 18, 2001

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

RE: August Wood Planned Unit Development (PUD)
Primrose and Cove Road

Dear Mr. Torney:

It is our understanding that there will be a Planning Commission hearing on Oct. 18, 2001 at 7:30 p.m. This office understands that the purpose of this hearing is to approve the entire proposed development which includes the 64-Unit Townhouse Planned Unit Development outside the Critical Area and the outfall and water quality stilling basin improvements in the Resource Conservation Area (RCA).

In August, 2001, we were informed that the stormwater management basins for the August Woods Planned Unit Development were proposed to be moved from outside the Critical Area to a site in the Critical Area designated as RCA. (See attached letter dated August 24, 2001.) We requested certain information regarding the proposed outfall and basins. Yesterday, October 17, 2001, we received a response to our questions via fax from your office. Our position on the proposed outfall has been and remains the following:

Stormwater management facilities, other than direct, piped outfalls, which treat stormwater from development outside the Critical Area cannot be located in the Resource Conservation Area without the use of the City's growth allocation.

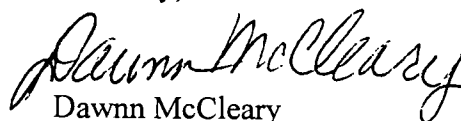
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Continued, Page Two
August Woods PUD
City of Annapolis
October 18, 2001

Please include this letter in your file and submit as it as part of the record for the Planning Commission. Please notify the Commission in writing of the Board's decision on this project. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,



Dawnn McCleary
Natural Resources Planner

cc: Planning Commission
Dirk Geratz
Jon Arason
AN 435-01

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 11, 2001

Mr. Ray Dintaman
Director
Environmental Review
Tawes State Office Building, B-3
Annapolis, Maryland 21410

RE: Integrated Natural Resources Management Plan
For U.S. Naval Academy and Annapolis Area Complex

Dear Mr. Dintaman:

Thank you for sending the revised changes that U.S. Fish and Wildlife Service made to the Natural Resources Plan for the U.S. Naval Academy and Annapolis Area Complex (USNA|AAC). This office has determined that the Section 5.2.3E on page 5-16 of the plan under the Fish and Wildlife Management Program, Forest Interior Dwelling Birds is consistent with our Criteria.

"Threatened and Endangered Species and Species in need of Conservation" and "Anadromous Fish Propagation Waters" are missing from pages 7-3 - 7-8, Section 7.2.1 - 7.2.3. We recommend that these sections be included in this plan. Also, on page 7-5, note that Nontidal Wetlands are now regulated by the Department of the Environment and not the Chesapeake Bay Critical Area Commission. This office also recommends that whenever possible, non water-dependent structures should not be located within the 100-foot tidal waters, tidal wetlands and tributary streams.

When the plan is revised, please send us a copy for final review. 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: Elder Ghigiarelli
Regina Esslinger
General File

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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October 11, 2001

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

RE: Comments for Baltimore City
Draft Critical Area City Council Bill 01-0471

Dear Mr. Stuart:

I have reviewed the latest draft of the Baltimore City Critical Area Council Bill 01-0471 which covers changes to your Critical Area Management Program and Zoning Ordinance. It appears that most of the Staff's comments have been addressed, however, there are minor issues that this office would like your office to address:

1. On page 4, under "Significant development" article § 8-301 Definitions, paragraph (f) should read as follows, "(1) disturb 5,000 or more square feet of land in the Buffer;"
2. On page 15, section B "Project Review", it is not clear how "public actions that trigger Critical Area requirements" relates to "when a development project is subject to Critical Area development requirements." It appears that one section addresses the need for a Critical Area review and the other section addresses the need for compliance with the City's Critical Area Management Program; however, this distinction is not clear.
3. On page 16, section C "Prohibited Uses in Intensley Developed Areas (IDA)" should read, "The following new development activities or the expansion of existing facilities are prohibited:" Grandfathering of existing uses can be addressed in this section or in Chapter V, Section C.
4. On page 17, section E "Criteria for Small Sites and Derelict Buildings", how is the word "renovation" defined? The definition should be included in the Critical Area Management Program.

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5. On page 18, the third paragraph in section F addresses situations where more than 50% of a project is in the Buffer, but it does not address situations where less than 50% of the project is in the Buffer. These situations should be addressed.
6. On page 18, section F appears to be missing some subparagraph numbers.
7. On page 19, section H "CAMP Marina Requirements", paragraph 1, add "regulations" after "Code of Maryland."
8. On page 21, in section A "Designation of Development Areas", in the third line, change the word "differential" to "different".
9. On page 22, in paragraph 4, delete "(i)" from this section.
10. On page 24, paragraph a states, "These requirements shall be met on-site unless the director of Planning determines that it would be infeasible due to site conditions. The developer is required to offset for any remaining pollution reduction required to meet the 10% standards." No information is provided about how offsets can be used to meet the requirements. References to other sections of the Critical Area Management Program or to the Critical Area Commission's guidance documents should be provided.
11. On page 30, in the second paragraph, it is stated that a developer that "rehabilitates" a building will not be required to pay a Buffer Offset fee. Is "rehabilitates" defined in the Critical Area Management Program? What if the building is expanded and Buffer impacts are increased?
12. On page 32, in section H.2 "Buffer Offset Program", the Buffer Offset fee is established at \$2.50 per square foot. Is this a realistic dollar amount and have funds that have been collected been used for habitat and water quality enhancement projects in the Buffer? How is it determined that a developer cannot comply with the Buffer requirements? Who makes this determination?
13. On page 33, below paragraph c., it is stated that, "At the discretion of the Baltimore City Planning staff, which may seek recommendations from the Critical Area Commission, a developer may elect to increase the pollutant reduction requirement to 20% for the entire Buffer on the site as an alternative to the payment of Buffer offset fees." How does this option work? Generally pollutant reduction requirements are calculated for the whole site and not just for the Buffer, so are additional calculations required? If a developer elects to use this option, is he required to provide a stormwater Best Management Practice on-site? This option appears to allow impacts to the Buffer without adequate mitigation.


Mr. Stuart
October 11, 2001
Page 3

Commission staff needs to better understand how this option works.

14. On page 34, paragraph 5 lists examples of Stormwater Offset and Buffer Fee Projects. This section would be more useful if it separated the projects accomplished with Stormwater Offset Fees and those accomplished with Buffer Offset Fees and included the list in Table B-1: "Examples of Acceptable Offset Opportunities" from the Technical Guide for 10% Rule Compliance.
15. On page 34, paragraph 5, after "projects" add "or studies."
16. On page 35, in section I. "Development in the Critical Area Resulting from State and Local Agency Programs", paragraph 2 should read, "Critical Area review of all such projects shall be as established in COMAR 27.02.02 - .08 ..."
17. On page 47, section D "Protection Requirements for HPAs and DHPAs" is not numbered correctly. .
18. Commission staff reviewed and made comments to § 8-301 through § 8-322 of Subtitle 3 of the City Code entitled, "Critical Area Overlay District." Bill 01-0471 does not reflect all of the comments and revisions that were discussed with City staff. Please incorporate the changes proposed to § 8-301 and § 8-322 of the City Code into City Council Bill 01-0471. A copy of the latest revisions to these sections was previously provided to you.

If you have any questions about these comments or the additional changes to the Baltimore City Code, please feel free to call me (410) 260-3483.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Susan Williams
Mary Owens
File: Comment Balto.

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 28, 2001

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

RE: Jabin's Yacht Yard
7310 Edgewood Road

Dear Mr. Torney:

This office has reviewed the revised Worksheet A for the 10% calculations, the additional information about the existing dry well's ability to treat additional runoff and the explanation sheet. The applicant is disturbing 26,092 square feet of the area with parcels 226 and 227 totaling 0.34 acres.

After reviewing all of the information submitted and discussing the stormwater quality design with Ms. Kim Amadio, of C.D. Meekins, this office has determined that the existing dry well meets the pollutant removal requirements for the proposed boat\yard marina expansion. Therefore, the proposed development activity and 10% calculations are 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 423-01

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

September 27, 2001

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

RE: Mr. Ferry Project
221 Wardour Drive

Dear Mr. Torney:

This office has reviewed the applicant's proposal to build an addition to an existing single family house and a new swimming pool. The entire site is approximately 0.77 acres in size with parts of the lot in both a Resource Conservation Area (RCA) and a Limited Development Area (LDA). Development activity for the entire project will take place in the LDA.

After reviewing the site plan, this office does not oppose the project. The proposed development activity will not exceed amount of impervious surface allowed; however, it is my understanding from the site plan that the applicant is proposing to use Uni-Ecostone material for the driveway. After reviewing the manufactures's literature that was sent from the consultant, this office will consider the material for the driveway 60 percent impervious and 40 percent pervious. This is based on the apertures in the paving material and the void ratio of the base and sub-base. Any deviation in the installation of the Uni-Ecostone from the manufacture's recommendation, could change the imperviousness of the material and should not be permitted.

In the future, if the applicant decides to pave their driveway at a later date, a variance may be required. 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 509-01

Branch Office: 31 Creamery Lane, Easton, MD 21601
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Chairman

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Executive Director

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

September 26, 2001


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

RE: Roderick Residence
205 Melvin Street

Dear Mr. Torney:

Thank you for submitting additional information showing a detailed breakdown of the existing and proposed impervious surface information. The revised sheet does not answer the questions previously asked for in my June 1, 2001 letter. This office still needs you to answer the questions in the second and third paragraph of my letter. Please forward this information to this office as soon as possible. I will provide additional comments if needed. 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 331-01

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

TTY For The Deaf:
Annapolis: (410) 974-2609 D.C. Metro: (301) 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 27, 2001

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

RE: Mr. Ferry Project
221 Wardour Drive

Dear Mr. Torney:

This office has reviewed the applicant's proposal to build an addition to an existing single family house and a new swimming pool. The entire site is approximately 0.77 acres in size with parts of the lot in both a Resource Conservation Area (RCA) and a Limited Development Area (LDA). Development activity for the entire project will take place in the LDA.

After reviewing the site plan, this office does not oppose the project. The proposed development activity will not exceed amount of impervious surface allowed; however, it is my understanding from the site plan that the applicant is proposing to use Uni-Ecostone material for the driveway. After reviewing the manufactures's literature that was sent from the consultant, this office will consider the material for the driveway 60 percent impervious and 40 percent pervious. This is based on the apertures in the paving material and the void ratio of the base and sub-base. Any deviation in the installation of the Uni-Ecostone from the manufacture's recommendation, could change the imperviousness of the material and should not be permitted.

In the future, if the applicant decides to pave their driveway at a later date, a variance may be required. 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 509-01

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Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
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September 14, 2001

Ms. Lori Schmick
Environmental Planner
Caroline County Department of Planning and Zoning
403 South 7th Street, Suite 210
Denton, Maryland 21629

RE: William Mullikin Variance
Local Case Number: 01-37V

Dear Ms. Schmick:

Thank you for providing information on the above variance application. The applicant is requesting a variance to construct a 28' x 48' house which will be located in the Limited Developed Area within the 100-foot Buffer. The property is 3.782 acres in size.

After reviewing the site plan, this office cannot support the variance at its current location as requested. It appears from the site plan that the house can be moved entirely outside of the 100-foot Buffer right next to the south end of the lot near the sewage reserve area. This office recommends that the applicant relocate the house to eliminate all impacts to the 100-foot Buffer.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for 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 501-01

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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

September 11, 2001

Mr. Joseph Kocy
Harford County Department of Planning and Zoning
220 South Main Street
Bel Air, Maryland 21014

RE: Harford County Four-Year Comprehensive Review

Dear Mr. Kocy:

On September 5, 2001, the Chesapeake Bay Critical Area Commission completed their review of Harford County's comprehensive review and unanimously approved Bills 00-53, 00-54, 00-55 which amend Harford County's Chesapeake Bay Critical Area Management Program. The Commission officially approved the revision of the Critical Area maps to reflect the new floodplain delineations that were adopted by the County in January 2000 and the changes to the County's Subdivision Regulations, Development Code, Critical Area Program Management Document, appendices, and maps. These Bills were approved with the following conditions:

Bill 00- 54 (Harford County Development Code: 267.41.1 Chesapeake Bay Critical Area Overlay District)

1. In Section 267-41.1.F (3)(a)(2) of the Harford County Development Code, revise paragraph (2) as follows:

*(2) Pollutant loadings associated with construction outside of the Critical Area Buffer of accessory structures and minor additions that **disturb** ~~increase the total impervious surfaces by~~ greater than 250 square feet on residential lots of record as of 12/31/85 in the IDA shall be mitigated by the use of stormwater management/best management practices (BMPs) as specified in Appendix C, as amended, and/or through the use of additional landscaped plantings on that lot or parcel.*

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2. In Section 267-41.1.F (3)(a)(2)(d) of the Harford County Development Code, revise paragraph (d) as follows:

Construction of accessory structures which ~~disturb~~ ~~cover~~ less than 250 square feet are exempt from mitigative planting requirements.

3. In Section 267-41.1.F (3)(c) of the Harford County Development Code, add the following language to paragraph (2):

*New industrial, **institutional**, and commercial development shall be prohibited and ...*

4. In Section 267-41.1.F(3)(c) of the Harford County Development Code, add the following language to paragraph (c):

Certain residential and non-residential uses may be permitted in the Resource Conservation Areas if it is determined by Harford County, with the concurrence of the Critical Area Commission, that the impacts of the proposed use on plant and wildlife habitat and water quality, would be minimized and that the proposed use would be consistent with the intent of the RCA classification and the County's Critical Area Program.

5. In Section 267-41.1.F (3)(d)(1) of the Harford County Development Code, revise paragraph (1) as follows:

*Clearing of forested areas ~~greater than 5,000 square feet~~ anywhere within the Critical Area, other than as set forth in this section and **in the Buffer as specified in Section 267-42.1.1.G(4)(a)(4)** prior to the issuance of a grading permit, or of areas exceeding the maximum amount allowed by this section, constitutes a violation of this section in addition to any other applicable County regulations.*

6. In Section 267-41.1.F(6)(a) of the Harford County Development Code, add the following language to paragraph (a):

Except as otherwise provided in this regulation, new or expanded water dependent activities may not be permitted in those portions of the Buffer which occur in the RCA.

7. In Section 267.41.1F(6)(d)(1)(c) of the Harford County Development Code, revise paragraph (c) as follows:

New or expanded community marinas and other noncommercial boating, docking and storage facilities may be located in the Critical Area Buffer in the RCA, LDA, and IDA, if they meet the following conditions:

8. In Section 267.41.1F (6)(d)(2) of the Harford County Development Code, revise paragraph (2) as follows:

Public beaches or other public water-oriented recreation or education areas. Public beaches or other public water-oriented recreation or education areas, including but not limited to publicly owned boat launching and docking facilities and fishing piers, are allowed in the Critical Area Buffer in the RCA, LDA, and IDA, provided that the allowing conditions are met:

9. In Section 267.41.1 F(6)(d)(3) of the Harford County Development Code, add the following language to paragraph (3):

Commercial water-dependent fisheries activities and shore based facilities necessary for aquaculture operations may be located in the Buffer in RCA, LDA, and IDA.

10. In Section 267-41.1 F(6)(b) of the Harford County Development Code, revise paragraph (b) as follows:

Expansion of existing water-dependent facility includes: expansion of services, extension or construction of additional slips or piers, construction of new buildings, expansion of existing impervious surfaces ~~which increase the total impervious surfaces by more than 5,000 square feet~~, or installation of new or additional boat storage facilities.

11. In Section 267-41.1 G (3)(b) of the Harford County Development Code, revise paragraph (b) as follows:

*The location of roads, bridges or utilities shall be prohibited within the boundaries of a Habitat Protection Area unless there is no **feasible reasonable** alternative, as determined by the Zoning Administrator ...*

12. In Section 267-41.1.H of the Harford County Development Code, add the following language as the first condition for the granting of variances:

That special conditions or circumstances exist that are peculiar to the land or structure within the County's Critical Area, and a literal enforcement of the Critical Area Program would result in an unwarranted hardship;

13. In Section 267-41.1.M of the Harford County Development Code, revise paragraph (1) as follows:

Such areas shall be located adjacent to an existing Limited Development Area or Intensely Developed Area. New Intensely Developed Areas must be a minimum of 20 acres in size unless they are adjacent to an existing IDA or LDA or are an existing grandfathered commercial, industrial, or institutional use that existed as of the date of the original local Program approval.

Bill 00-55 (Chesapeake Bay Critical Area Program Management Document, Appendices, and Maps)

1. On Page 1-3 of the Critical Area Management Program, revise the language as follows:

Large forested areas (~~100 acres or greater~~ as described and defined in the Critical Area Commission's guidance on Forest Interior Dwelling Birds, dated June 2000) utilized as breeding areas by forest interior dwelling birds and other wildlife species;

2. On Page 2-1 of the Critical Area Management Program, revise the language as follows:

Riparian forest areas, and large forested areas (~~100 acres or greater~~ as described and defined in the Critical Area Commission's guidance on Forest Interior Dwelling Birds, dated June 2000) utilized as breeding areas by forest interior dwelling birds and other wildlife species;

3. On Page 2-4 of the Critical Area Management Program, revise the language as follows:

Prohibit new industrial, institutional, and commercial uses in RCA; and ...

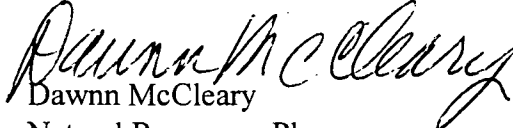
4. On Page 2-20 of the Critical Area Management Program, revise the language as follows:

~~Strict~~ Compliance with the guidelines for growth allocation listed in the Criteria will generally be required; however, alternatives determined to meet the general spirit and intent of the guidelines may be considered.

In accordance with §8-1809(o)(2), please incorporate the changes resulting from the comprehensive review, as amended by the conditions herein, into the Harford County Program within 120 days of the date of this letter. Please provide two copies of all reprinted documents, maps and or revised pages to Commission staff as soon as they are available.

Finally, Critical Area staff would like to thank Janet Gleisner and Pat Pudelkewicz for all their help and patience in getting the above bills approved. If you have any questions, please feel free to call me at (410) 260-3483.

Sincerely,


Dawnn McCleary
Natural Resources Planner

Cc: Pat Pudelkewicz, Harford County
Janet Gleisner, Harford County
Ren Serey, CBCAC
Mary Owens, CBCAC
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

September 10, 2001

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

RE: Lockwood Place Project
600 East Pratt Street

Dear Mr. Stuart:

This office has reviewed the revised site plan. This office has confirmed with the Maryland Department of the Environment (MDE), that the design of the DC sandfilter is an acceptable BMP for its treatment of the runoff for the retail roof.

This office also understands that the oil/sand interceptor for treating runoff from the parking garage will not be included as a BMP to address the 10 % rule. The proposed development activity and 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 92-01

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

TTY For The Deaf:
Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450

Chesapeake Bay Critical Area Commission

STAFF REPORT

September 5, 2001

APPLICANT: Department of General Services

PROPOSAL: Tawes Daycare Center

JURISDICTION: City of Annapolis

COMMISSION ACTION: Vote

STAFF RECOMMENDATION: Approval

STAFF: Dawnn McCleary

APPLICABLE LAW/

REGULATIONS:

COMAR 27.02.05.03 – State Agency Actions Resulting in Development on State – Owned Lands

DISCUSSION:

Department of General Service (DGS) is proposing to remodel the existing B-Wing and install and grade the existing garden\pond area in front of the Tawes State Office complex for a future new playground. The proposed project is outside of the 100-foot Buffer but within the 1,000 Critical Area boundary.

The entire parcel of land is approximately 16.1 acres. The day care will disturb ⁴⁷0.69 acres, which is 4.2 % of the entire property. The existing pond in the area is surrounded by landscaping. DGS is proposing to backfill the existing pond and construct a play area that will be surrounded by a fence. The majority of the area will be grass with a small area that will be covered by a rubber matting. The rubber matting acts as a safety device.

DGS is proposing to construct a Best Management Practice (BMP) device which will provide water quality treatment for stormwater. The specifics are still forthcoming. The BMP will be located around the seamless play surface area. The consultant will submit a revised 10 % worksheet to satisfy the pollutant removal requirement. This proposed BMP will treat water quality and comply with the 10% pollution reduction requirements. There will be no impacts to the habitat within the area. No existing trees will be removed.

As of the date of this report, I expect to receive a revised site plan and 10 % calculations before the September meeting. The Maryland Department of the Environment, will also be reviewing the revised plan and I will apprise you of the status of their review at our Commission meeting.



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, 2001

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

RE: August Woods Project
Primrose and Cove Road

Dear Mr. Torney:

This office has reviewed the applicant's proposal to reconstruct an outfall in the Resource Conservation Area that is located in the Critical Area. This office understands that the project was previously approved for a special exception to establish a 64-Unit Townhouse Planned Unit Development last year. The project is a new submittal due to a change in the developer and the expiration of the previous approval. The proposed 64-Unit Townhouse is entirely outside the Critical Area except for the area of the outfall. I have reviewed the project and have the following questions:

1. How much of the outfall falls in the Critical Area?
2. Is the outfall owned by the developer or does the City hold an easement to the area of the outfall?
3. Are streams and nontidal wetlands located in the area where there will be grading?
4. Why is so much grading need?

Please forward the additional information requested when you receive it, and I will provide additional comments. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

Dawnn McCleary
Natural Resources Planner

cc: Dirk Geratz
Regina Esslinger
AN 435-01

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

TTY For The Deaf:
Annapolis: (410) 974-2609 D.C. Metro: (301) 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 24, 2001

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

RE: Market Street Neighborhood City Project
Market Street

Dear Mr. Torney:

This office has reviewed the City's proposal to convert an existing City street to a neighborhood park. The area is currently paved down to the water and is located in a Buffer Exemption Area (BEA). There is also a proposal to convert the foot of the street to a play area. The City erected bulkhead marks the foot of the Market Street.

The lower part of Market Street is steep, however the foot area is flat. The proposed area for the park is city owned and used primarily for water access. Proposed improvements to the area are improvement of the bulkhead including installation of cleats for boat tie-ups and the redesign of the bulkhead area to absorb some of the storm water run-off from the street. In order for this office to complete our review, the following additional information is needed:

1. The Critical Area designation of the proposed neighborhood park if applicable;
2. The 10% calculations for stormwater management;
3. The acreage within the Critical Area;
4. The existing and proposed impervious surface area for the park;

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

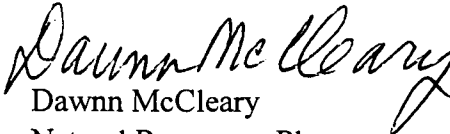
TTY For The Deaf:
Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450

*Continued, Page Two
Market Street Park
August 24, 2001*

5. The design plans for the bulkhead area for the treatment of stormwater run-off; and ,
6. Findings relating to BEA standards and mitigation provisions outlined in your ordinance.

Finally, since this project is City owned, this project falls under COMAR 27.02.02 because the development activity is on City owned land. Please see Attachment A (*COMAR 27.02.02, State and Local Agency Actions Resulting in Development of Local Significance on Private Lands or Lands Owned by Local Jurisdictions*) which outlines requirements for development on locally owned land. 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
Mary Owens
AN 431-01

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, 2001

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

RE: AHEPA Senior Housing Project
Local Case Number: 00522

Dear Mr. Stuart:

This office has received and reviewed the August 21, 2001 letter from Cindy Chamberlain at Enterprise Homes, Inc. Ms. Chamberlain's letter discussed what best management practices were evaluated for use either on site or off site, and how a decision to pay into the offset fund was made. This office understands that the applicant is proposing to pay the offset of \$ 5,136.12.

This office concurs with the determination that the offset fee is appropriate for this site. The proposed development activity, 10% calculations and offset fees are consistent with the local Critical Area Program. 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: Cindy Chamberlain
Regina Esslinger
BA 173-01

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

TTY For The Deaf:
Annapolis: (410) 974-2609 D.C. Metro: (301) 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, 2001

Mr. Kevin Scott
Planner
City of Annapolis Planning and Zoning
160 Duke of Gloucester Street
Annapolis, Maryland 21410

RE: Special Exemption for Annapolis SPCA
1815 Bay Ridge Avenue

Dear Mr. Scott:

This office has reviewed the revised site plan in which 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. It appears on the site plan that the applicant is proposing to clear 0.21 acres and mitigate for an additional 0.11 acres. Please provide the following information:

- 1) Show where the mitigation area is located on the site plan. It appears that the applicant is only required to mitigate 1:1 for the amount cleared, which is 0.21 acres;
- 2) Show on the site plan a planting plan listing the types of native plant species that will replace the forested area that will be cleared; and,
- 3) Show two separate sections explaining the required mitigation for Critical Area versus the mitigation required under the City's Forest Conservation provisions..

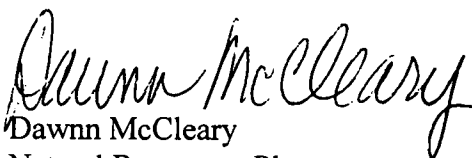
On the site plan under "Critical Area Calculation Chart for Impervious Surface", it appears that the project will go over the impervious surface limit by 0.02 acres or 779 square feet. The applicant must either reduce impervious area on site or request a variance for the amount that is over the limit. This office will not support a variance to go over the impervious surface limit.

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

Continued, Page Two
Special Exemption for Annapolis SPCA
August 23, 2001

Please forward a revised site plan with the additional information. 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: Jeff Torney
Tom Smith
Regina Esslinger
AN 431-01

CLEARINGHOUSE REVIEW

August 10, 2001

REC'D

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)
Sandi Olek, 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)

1455
CRITICAL AREA

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

SUBJ: DNR Clearinghouse Review of Local POS Project #3948-12-186
Reconstruction of Tennis Courts - C. Milton Wright High School, Harford County

This project proposes the reconstruction of tennis courts previously constructed 18 years ago. The repairs to the tennis courts and fencing will provide a safe and usable facility for the community.

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

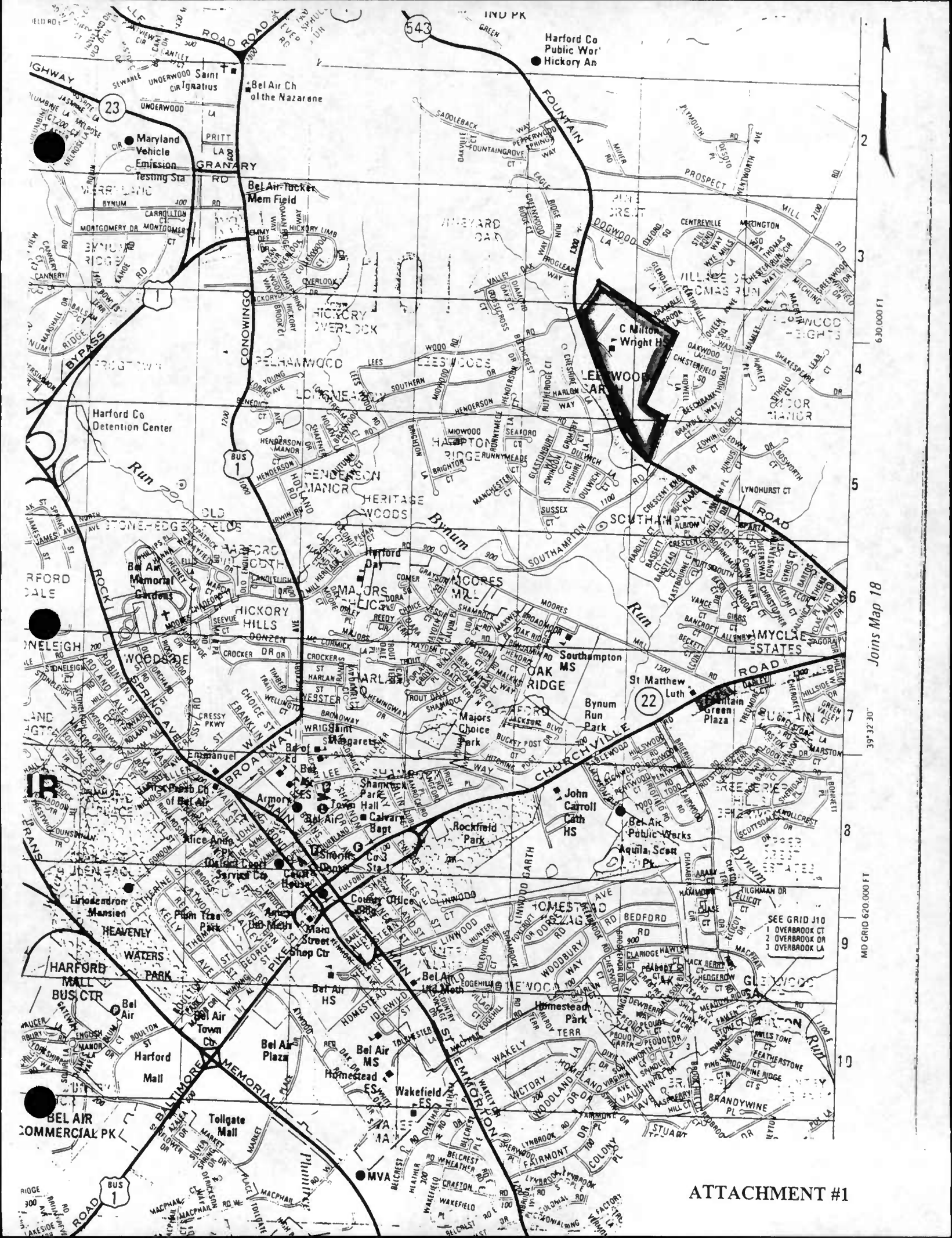
1. The project does not conflict with the plans, programs or objectives of this Agency.

Dm 8/20/01

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.



Harford Co
Public Wor'
● Hickory An

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630,000 FT

Joins Map 18

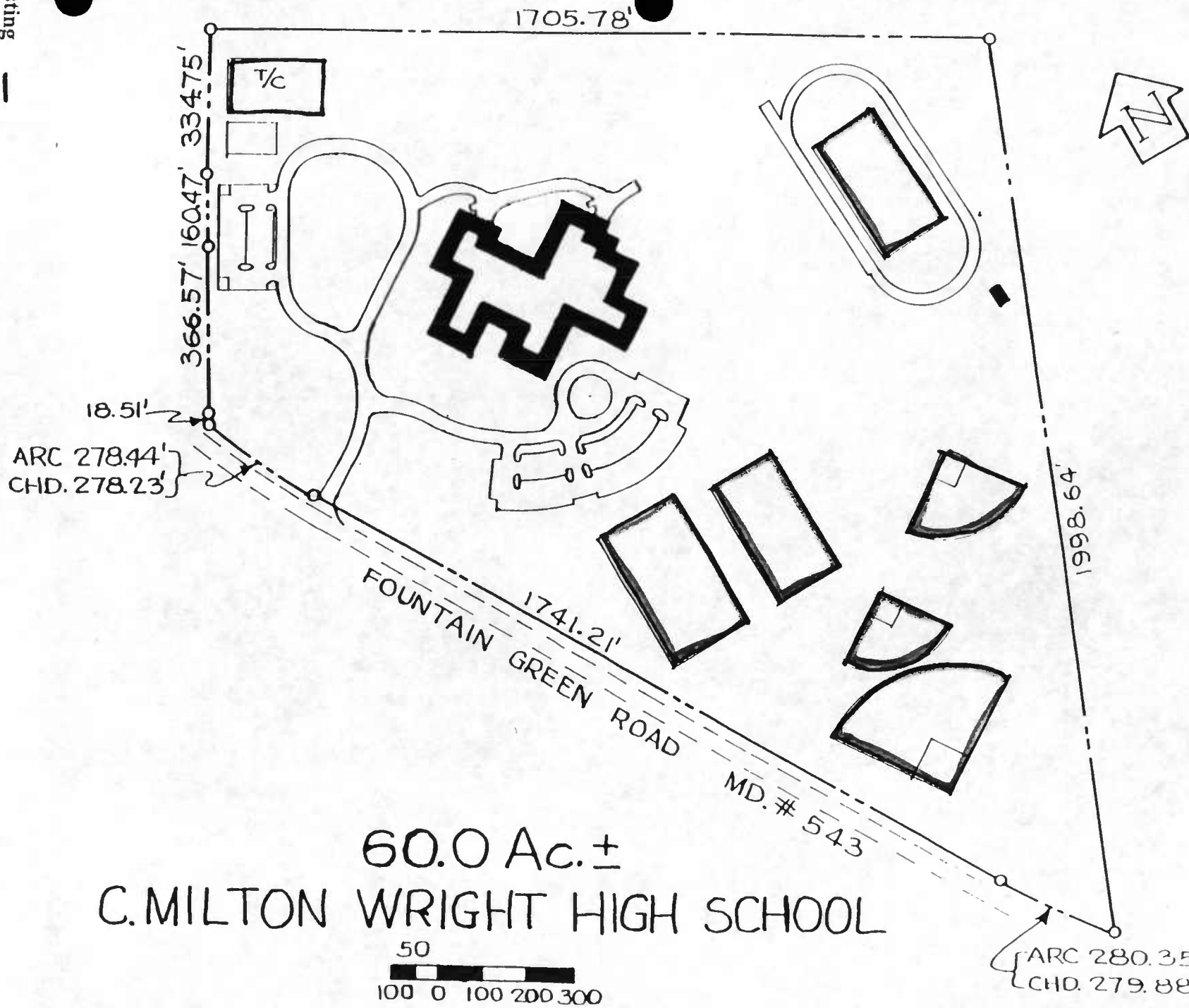
39° 32' 30"

MD GRID 620,000 FT

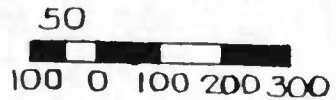
ATTACHMENT #1

Proposed

Existing



60.0 Ac. ±
 C. MILTON WRIGHT HIGH SCHOOL



ATTACHMENT #2

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 16, 2001

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

RE: Lockwood Place Project
600 East Pratt Street

Dear Mr. Stuart:

This office has reviewed the revised 10% calculations and the various Best Management Practices (BMP) in Step 5 of Worksheet A. According to the Maryland Department of the Environment (MDE), the proposed Delaware sandfilter is a suitable BMP for treating the loading dock\trash compactor run-off since it is similar in design as the perimeter sandfilter.

For the DC sandfilter, the applicant needs to show what Best Management Practice (BMP) in MDE's manual is similar in design and its treatment of the runoff for the retail roof. MDE is no longer accepting oil\sand interceptor's as suitable BMPs. All proposed BMPs need to be selected from the list of choices in MDE's manual. An additional Delaware sandfilter or bioretention may be a suitable BMP for treating runoff from the parking garage. (See 2000 Maryland Stormwater Design Manual, Section 3.4, page3.31)

Please forward a revised site plan with more information on the DC sandfilter and an acceptable BMP for treating the runoff from the parking garage and retail roof. I will provide comments at that time. 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
BA 92-01

Branch 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 16, 2001

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

RE: Jabin's Yacht Yard
7310 Edgewood Road

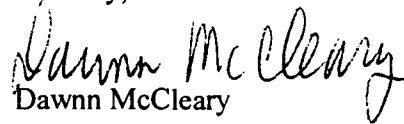
Dear Mr. Torney:

This office has reviewed the applicant's proposal to expand the existing boat yard\marina within an Intensely Developed Area (IDA). This office understands that the expansion is possible with the purchase of four additional parcels.

After reviewing the site plan, this office does not oppose the expansion of the boat yard\marina. However, it appears from the site plan that the applicant is proposing to use the existing infiltration trench to treat the proposed expansion of the existing boat yard\marina. The existing infiltration trench is already treating the existing on-land boat storage yard area. It is our understanding that the existing trench was designed to treat the first half inch of runoff. MDE's new requirements mandate treatment of the first inch. How will the existing trench accommodate this change? The 10% Worksheet needs to be revised and more information about the existing trench's ability to treat additional runoff must be provided. In addition, please provide the exact acreage of the parcels in the IDA and the amount of area disturbed.

Please forward a revised site plan and Worksheet A to our office for comments. 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 423-01

Branch 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, 2001

Mr. Mark W. Shafer
Vice President
Whitney, Bailey, Cox, Magnani, LLC
849 Fairmount Avenue, Suite 100
Baltimore, Maryland 21286

RE: Rehabilitation of Berths 1 through 6
WBCM Job NO.: 2000-0055.01.0

Dear Mr. Shafer:

Thank you for submitting the Maryland Port Administration's (MPA) proposal to rehabilitate the existing wharf along Colgate Creek. Berths 1, 2, 3, 4, 5 and 6 are all scheduled to be rehabilitated by replacing the existing bulkhead and timber piles. The rehabilitation will accommodate deeper dredging depths and provide additional wharf capacity. This project also includes the replacement of the existing paved area with new paved areas.

In the third paragraph of your letter, you stated that the "existing bulkhead is the Critical Area boundary (mean high water) and the wharf expansion is not within the 100-foot Critical Area Buffer since it is channelward of mean high water." This statement is incorrect. The Critical Area is defined in the Law as all waters of and lands under, the Chesapeake Bay and all land and water areas within the 1,000 feet beyond the landward edge of tidal waters, tidal wetlands, and tributary streams up to the head of tide. Because the proposed port related activity and development will occur in the 100-foot Buffer, COMAR 27.02.05.04 B(4) states that:

New, expanded, or redeveloped water dependent industrial or port-related facilities, may only occur in the Buffer in areas of intense development and only if:

- a. *The facility is subject to the requirements of Article B(1), above; and*
- b. *The area proposed for the facility has been exempt from the Buffer requirements by the Commission as set forth in Regulation .09 of this chapter. (See attachment)*

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

Continued, Page Two
Berths 1-6 at Dundalk Marine Terminal
August 8, 2001

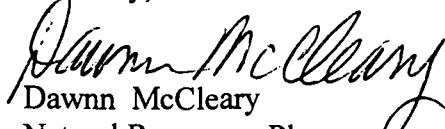
There are provisions to designate areas as Buffer Exempt, as stated in COMAR 27.02.05.09 (B)(8), which say:

The agency may request an exemption from the Commission, of certain portions of the Critical Area, from the Buffer requirements if it can be sufficiently demonstrated that the existing pattern of development in the Critical prevents the Buffer from fulfilling the functions stated in COMAR 27.01.09.01B(1) – (5). If an exemption is requested, the agency shall propose other measures for achieving the water quality and habitat protection objectives of the policies. An exemption shall also be requested for the Commission if the Buffer area is proposed to be used for industrial, and port-related water dependent facilities, water-use industries, and the intake and outfall structures of power plants and sewage treatment plants.

Critical Area Commission staff has determined that the replacement of the existing paved area with new paved area is not exempt from Critical Area requirements, but is consistent with Appendix A, (B)(2) of the Maryland Department of Transportation and the Chesapeake Bay Critical Area Commission's Memorandum of Understanding (MOU). B (2) allows for pavement resurfacing, replacement and rehabilitation within the Critical Area.

Therefore, formal approval of the project by the Commission for the wharf, bulkhead and pile work is required. Thank you for the opportunity to comment. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,


Dawnn McCleary
Natural Resources Planner

Cc: Kalyna Nedilsky
P. Vasanth
Regina Esslinger
17-01 (State Project)

CLEARINGHOUSE REVIEW

July 24, 2001

RECEIVED

JUL 30 2001

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)
Sandi Olek, 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 # 3932-5-119
Goldsboro Community Park Renovation Project, the Town of Goldsboro, Caroline County,

This project proposes the renovation of existing playground equipment that is out-dated and not up to current ADA requirements. The Goldsboro Community Park is the principle and only in-town recreational area for the residents of Goldsboro and is an important recreational facility in the northern portion of Caroline County.

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 7/30/01

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.

To be removed & replicated

Swing



Jungle Jim

Pathway to Road

RTE 287

MD

RTE 287

(SAPROLINES)

Fence

Fence

PARKING

BASKETBALL
CRACKS
CRACKS
CRACKS

CRACKS
CRACKS
CRACKS

Fence

TAX MAP 11A B, PARCEL 66

Pavillion

Picnic Table

PAV.



Picnic Table

PAV.



Picnic Table

MD

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 30, 2001

Ms. Marti Sullivan
Program Open Space
Department of Natural Resources
(DNR), E-4
Annapolis, Maryland 21401

RE: POS Project # 3910-5-117
Greensboro Lion Club Park Pavilion,
Caroline County

Dear Ms. Sullivan:

Thank you for the opportunity to review proposed the above Program Open Space project. This office understands that there is a proposal to build a picnic pavilion to augment the existing ballfields, concession stand, bleacher seating, championship horseshoe pits and large grill area.

It appears from the attachment you sent showing the location of the Greensboro Lion Club Park Pavilion and from Caroline County's Critical Area maps that the parcel is in the County's Critical Area. Because of this, any proposed development will need Critical Area review and may need Commission review. If there are any questions, please feel free at call me at (410) 260-3483.

Sincerely,

Dawnn McCleary
Dawnn McCleary
Natural Resources Planner

Cc: Lori Schmick
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

Received and Read DM
7/13/01

CLEARINGHOUSE REVIEW

CA

July 5, 2001

RECEIVED

JUL 9 2001

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. Price, Director, Program Open Space

SUBJ: DNR Clearinghouse Review of Local POS Project # 3910-5-117
Greensboro Lion's Club Park Pavilion, Caroline County

This project proposes the development of a picnic pavilion to augment the existing ballfields, concession stand, bleacher seating, championship horseshoe pits and large grill 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.

7/30/01

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

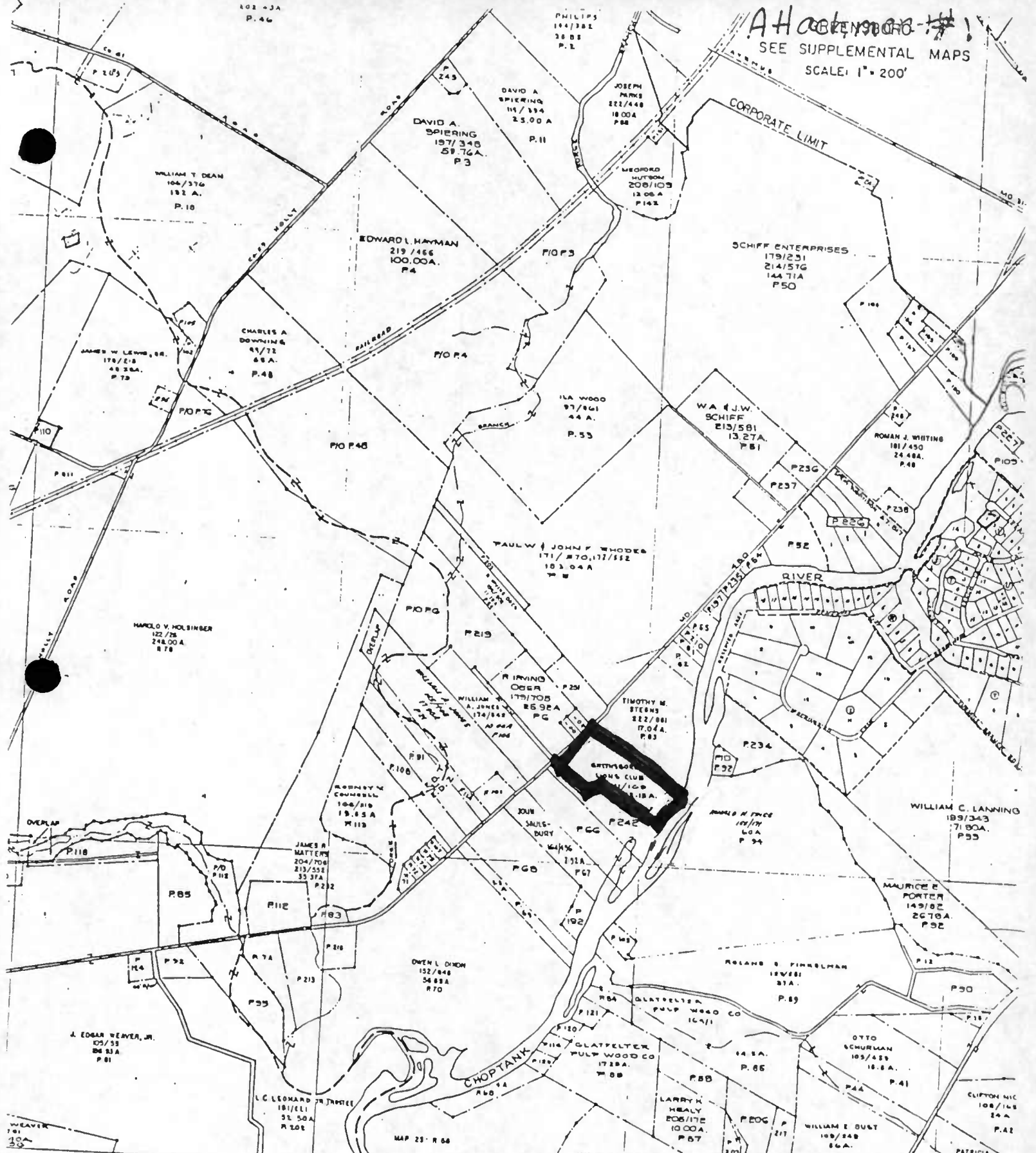
DM

Comments Attached
7/30/01

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

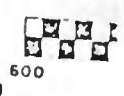
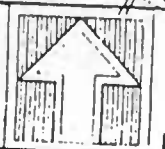
Please return to Marti Sullivan, Program Open Space, Tawes State Office Building (E-4) Annapolis, upon completion of review.

A. H. ...
 SEE SUPPLEMENTAL MAPS
 SCALE: 1" = 200'



DEPT. OF ASSESSMENTS & TAXATION
 PROPERTY MAP DIVISION
 THIS MAP IS A SUMMARY OF THE RECORDS OF THE DEPARTMENT OF ASSESSMENTS & TAXATION AND IS NOT AN OFFICIAL RECORD. IT SHOULD NOT BE USED TO DETERMINE EXACT BOUNDARIES OR OWNERSHIP. FOR THIS PURPOSE, THE OFFICIAL RECORDS OF THE DEPARTMENT OF ASSESSMENTS & TAXATION SHOULD BE CONSULTED.
 REVISED TO DATE 1/87
 LINE 230

PROPERTY LINE
 SUB-DIVISION BOUNDARY
 CONTINUING OWNERSHIP
 PARCEL NUMBER P 349
 SCALE: 1" = 600'
 L.T. 290 467 209



1133
 (23)

1139

CAROLINE

CLEARINGHOUSE REVIEW

July 13, 2001

RECEIVED

JUL 16 2001

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)

Sandi Oles

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

J.W.P.

SUBJ: DNR Clearinghouse Review of Local POS Project # 3911-5-118
Robinson Estate Acquisition, Caroline County

This project proposes the acquisition of 82.75 ± acres that will serve as a regional park serving the Communities of Federalsburg and Preston. The site is located within a projected growth area according to the County Comprehensive Plan.

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.

7/12/01

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

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

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

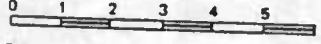
CAROLINE COUNTY, MD.

INDEX TO MAPS

Pages 2, 3 and 4 provide you a complete Step-by-Step guide to using your Street Map Book, Map Legend, Table of Contents and Key to Abbreviations. Take a few minutes to familiarize yourself with this time saving information.

CAROLINE COUNTY, MD

SCALE IN MILES



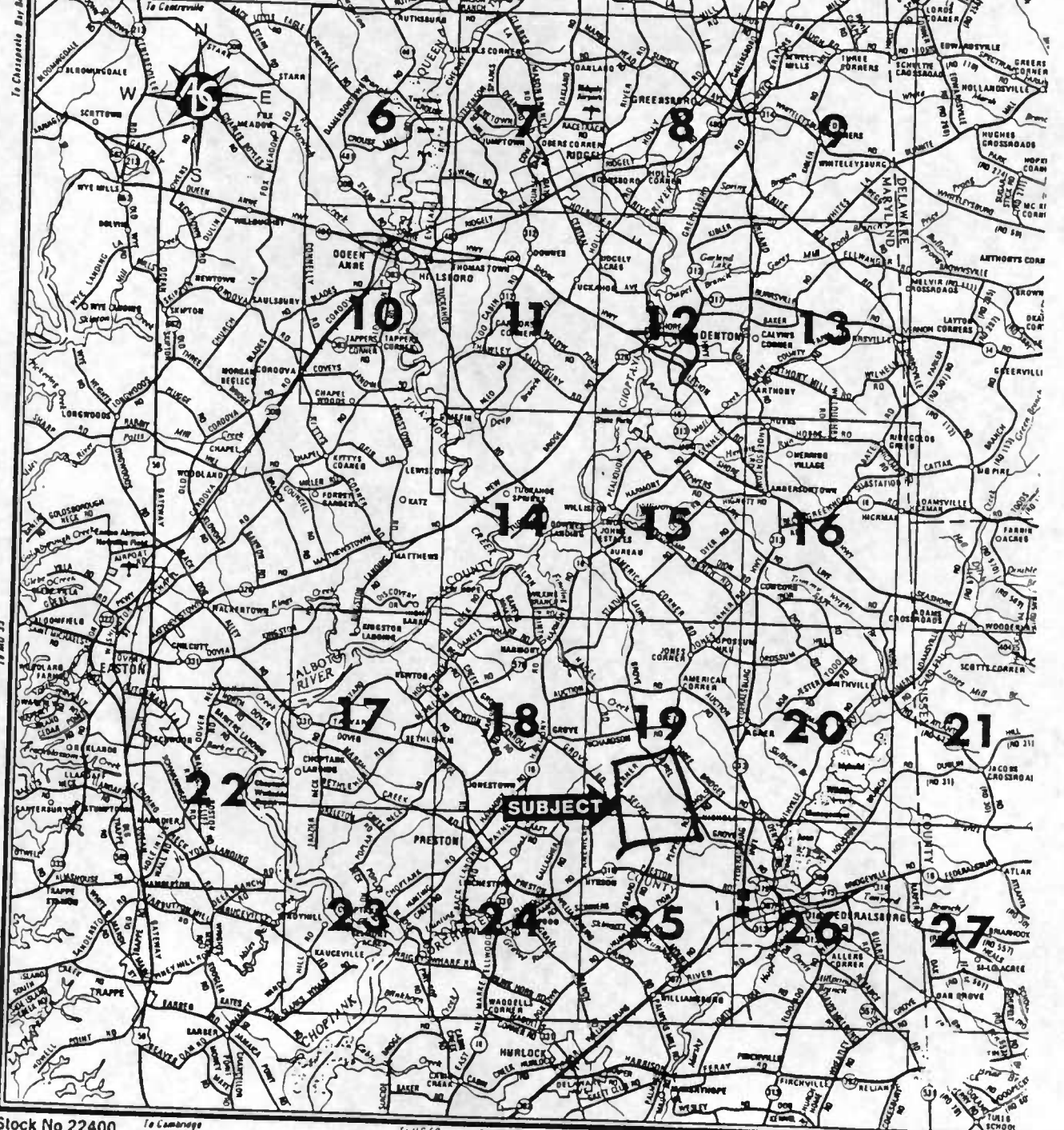
EXIT

© 2000 Alexandria Drafting Company, 6440 General Green Way, Alexandria, VA 22312-2447. All rights reserved. This publication may not be reproduced, in any form or by any means, without written permission of the copyright owner.

To Chesapeake Bay Bridge

To MD 33

To District



Stock No 22400

To Cambridge

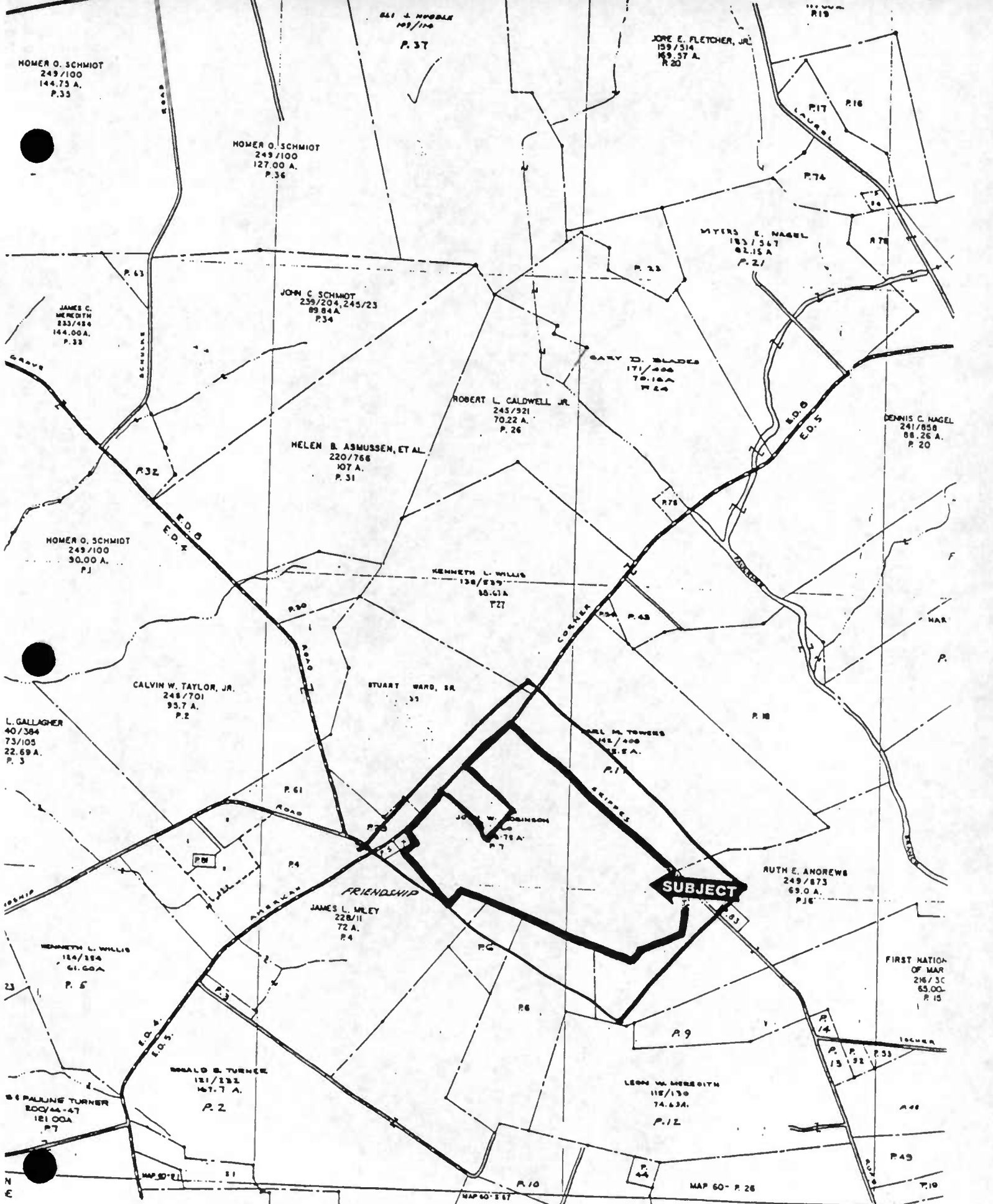
To US 50

To US 50

To Elwood

For additional AOC Maps and Charts please see the inside back cover

3911-5-118



HOMER O. SCHMIOT
249/100
144.73 A.
P.33

HOMER O. SCHMIOT
249/100
127.00 A.
P.36

ELI J. HOODER
103/110
P.37

JORE E. FLETCHER, JR.
139/314
149.37 A.
P.20

JAMES C. MEREDITH
233/484
144.00 A.
P.33

JOHN C. SCHMIOT
239/204, 245/23
89.84 A.
P.34

MYERS E. NAGEL
183/567
82.15 A.
P.21

GARY D. BLADES
171/400
70.10 A.
P.24

ROBERT L. CALDWELL JR.
245/921
70.22 A.
P.26

HELEN B. ASMUSSEN, ETAL.
220/766
107 A.
P.31

DENNIS C. NAGEL
241/858
88.26 A.
P.20

HOMER O. SCHMIOT
249/100
30.00 A.
P.1

KENNETH L. WILLIS
138/839
86.61 A.
P.27

CALVIN W. TAYLOR, JR.
248/701
93.7 A.
P.2

STUART WARD, SR.
33

PAUL M. TOWERS
145/400
72.5 A.
P.1

L. GALLAGHER
40/384
73/105
22.69 A.
P.3

JOHN W. ROBINSON
100/178 A.
P.7

RUTH E. ANDREWS
249/873
69.0 A.
P.16

FIRST NATION
OF MAR
216/30
63.00
P.15

KENNETH L. WILLIS
114/184
61.00 A.
P.5

JAMES L. WILEY
228/11
72 A.
P.4

RONALD B. TURNER
121/132
147.7 A.
P.2

LEON W. MEREDITH
118/130
74.63 A.
P.12

B. E. PALMINE TURNER
200/44-47
181.00 A.
P.7

5-40°15'00"E

656.30

Centerline

Simple Subdivision E11

5-40°15'00"E

363.42

40' B.R.L.

593.37

699.07

Map 54

Block 14

Parcel 7

Robinson Est

Subject

PARCEL 7
Remaining Land
82.75 Acres
John W. & Eileen D. Robinson
153/60

LOT 1
6.004 AC
Not Included

PARCEL 7
Remaining Land
82.75 Acres
John W. & Eileen D. Robinson
153/60

Subject

N. 49°37'20"E
65.60

25'

25'

S. 49°30'00"W

S-78°25'30"E
65.60

25'

25'

25'

N. 43°44'00"W

357.30

PARCEL 7
Remaining Land
82.75 Acres
John W. & Eileen D. Robinson
153/60

subject



FR. SH

BLACK SH

BARN

434

PROPOSED WELL

LOCATION BY OWNER

SHALLOW (TO BE ABANDONED) WELL

FR. SH

2 STY HOUSE

BLACK BLDG

SEPTIC TANK

FR. SHED.

NEW LINE

OLD LINE

SPIKE

CLEARINGHOUSE REVIEW

July 5, 2001

RECEIVED

JUL 9 2001

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: J.W.P. James W. Price, Director, Program Open Space

SUBJ: DNR Clearinghouse Review of Local POS Project # 3908-5-115
Preston Tennis Courts , Caroline County

This project proposes the reconstruction of two existing tennis courts in the Town of Preston that were originally constructed in 1989. The tennis courts support community recreational use, instructional clinics and are available to the physical education program at the Preston Elementary 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 7/12/01

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.

76°55'00" 1,110,000 FT

ATTACHMENT #3

A B C D



PRESTON

Preston Lions Club Park

Preston ES

Linche Mill Pond

LINCHESTER

Linchester Mill

CREEK

ROAD

331

16

16

331

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 20, 2001

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

RE: Lunsford Subdivision
Claude Street and Giddings Avenue

Dear Mr. Torney:

This office has reviewed the applicant's proposal to reconfigure an existing five lot subdivision. This office understands that the applicant will give lot 5 and lot 7 to the City to tie into the City's existing stormdrain. Lots 9 R, 11R and 13 R will be reconfigured to front Giddings Avenue. The subdivision is 0.6424 acres and is in a Limited Developed Area.

After reviewing the subdivision plan, this office has determined that the reconfiguring of the five lots is consistent with Section 21.67.140(E) of the City's Grandfathering Provisions. After reviewing the impervious surface tabulation chart on the subdivision plan, Lots 9R and 11R are slightly over the 25 % impervious surface limits. Section 21.67.080 (H)(5) of the City program allows an applicant to exceed the impervious surface limits. Because of this, Lots 9R and 11R are consistent with the City's impervious surface provisions which allows an applicant to exceed the impervious surface limits.

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: Jon Arason
Ren Serey
Regina Esslinger
AN 407-01

Branch 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 16, 2001

Mr. Michael Hild, P.E.
Chief Engineer
Maryland Port Administration (MPA)
Maritime Center II
2310 Broening Highway
Baltimore, Maryland 21224

RE: Dundalk Marine Terminal
Colgate Creek Shoreline Protection

Dear Mr. Hild:

On July 11, 2001, the Chesapeake Bay Critical Area Commission unanimously approved the MPA to use an articulated concrete mat revetment, vegetated filter strip and landscaped plantings at the waters edge. The mat revetment is similar to traditional revetment except it is a smooth surface. The 5,600 square foot filter strip will be vegetated with native grasses, wood shrubs and flowers. The plantings approved by the Maryland Department of the Environment will be located within the open cell blocks at the waters edge.

I would like to thank Pavagada Vasanth and Kalyna Nedilsky for working diligently with the Commission staff since last year. If there are any questions, please do not hesitate to call me at (410) 26-3483. Thank you for your cooperation.

Sincerely,

Dawnn McCleary
Natural Resources Planner

cc: P. Vasanth
K. Nedilsky
Regina Esslinger
25-01 (State Project)

Branch 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 16, 2001

Ms. Cynthia Simpson
Deputy Director
Office of Planning and Preliminary
Engineering
Maryland Department of Transportation
State Highway Administration (SHA)
P.O. Box 717
Baltimore, Maryland 21203

RE: College Creek Channel Stabilization
City of Annapolis

Dear Ms. Simpson:

On July 11, 2001, the Chesapeake Bay Critical Area Commission unanimously approved with conditions, State Highway Administration (SHA) proposal to repair an existing concrete ditch to eliminate the continuing erosion of the channel into the cemetery property. The stabilization project will repair the scour hole with a gabion system as well as replace a length of the remaining existing concrete channel with a greater capacity gabion channel.

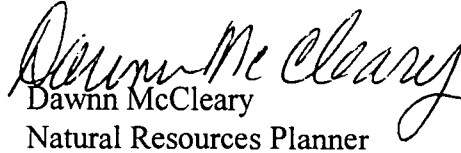
The project is intended to control erosion within the 100-foot Buffer of the Critical Area and reduce sediment loading into College Creek. The condition is: 1) For SHA to revise the landscaping plans to show more native species in the 100-foot Buffer and in the Critical Area to mitigate for impacts to the forest in the areas disturbed during construction, and 2) For SHA engineers to re-check the calculations for the amount of mitigation required and proposed in the Buffer and outside the Buffer and to have it submitted to the Critical Area staff for review and approval.

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

Continued, Page Two
College Creek Channel Stabilization
July 16, 2001

I would like to thank Van Funk, SHA-PPD, and Michael Lynch, SHA-HHD for working diligently with the Commission staff. If there are any questions, please do not hesitate to call me at (410) 260-3483.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Van Funk
Michael Lynch
Jeff Torney
Regina Esslinger
26-01 (State)

CHESAPEAKE BAY CRITICAL AREA COMMISSION

A panel of the Chesapeake Bay Critical Area Commission will conduct a public hearing for the purpose of hearing public comment on revisions to Harford County's Critical Area Program resulting from the County's comprehensive review of applicable ordinances, plans, and maps. The public hearing is scheduled for Thursday, July 12, 2001 at 6:00 p.m. in the second floor conference room at the Harford County Department of Planning and Zoning, located at 220 South Main Street in Bel Air, Maryland. The Critical Area Commission panel will be reviewing the following amendments: 1) Bill 00-53 which amends the subdivision regulations; 2) Bill 00-54 which amends Section 267-41.1 of the Harford County Development Code and includes all amendments to the Critical Area Overlay District; and 3) Bill 00-55 which amends the County's Critical Area Program Management Document, appendices, and maps. The Critical Area resource inventory has been updated, and the Critical Area maps have been revised in the expansion areas to be consistent with the new floodplain delineations that were adopted by the County in January 2000. Public comments are encouraged prior to or at the public hearing. Copies of Bills 00-53, 00-54, 00-54 and the updated maps are available at the Harford County Department of Planning and Zoning at 220 South Main Street in Bel Air and will be available at the public hearing. For additional information, please call the Critical Area Commission in Annapolis at (410) 260-3460 or the County staff at (410) 638-3103. 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 10, 2001

Ms. Kate Meade,
Environmental Review Unit
Dept. of Natural Resources
580 Taylor Avenue, B-3
Baltimore, Maryland 21401

RE: Littoral Warfare Environmental Facility
Environmental Assessment - Aberdeen Proving Ground

Dear Ms. Meade:

Thank you for sending the "Draft Environmental Assessment of the Littoral Warfare Environment Facility" for review. This office has reviewed the draft proposal to build a 500 feet by 300 feet Littoral Warfare Environmental Facility at Aberdeen Proving Ground (APG). This office understands that the proposed location of the facility at APG is relatively a flat open field containing upland vegetation.

The field encompasses approximately 35 acres near the southeast shoreline of the Bush River, in the southwest region of APG. This office also understands that the project area is an undisturbed except for a road and is vegetatively covered with tall grasses, saplings and briars. The propose of this draft plan is look at alternative sites due to unacceptable sea state conditions and increased cost due to environmental constraints that are inhibiting current testing on beaches and open water.

After reviewing the draft plan, this office recommends that the Critical Area provisions specifically be addressed in Section 5. The report currently does not address clearing and replanting of vegetation within the Critical Area during and after construction of the facility.

Branch Office: 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
Littoral Warfare Environmental Facility
July 6, 2001

Please inform the preparers of the draft plan that the specific information on these issues can be found on our web site at www.dnr.state.md.us/criticalarea/. When the draft plan is revised, please send us a copy of the review. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,



Dawnn McCleary
Natural Resources Planner

cc: Elder Ghigiarelli
Ray Dintaman
Regina Esslinger
General 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

July 9, 2001

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

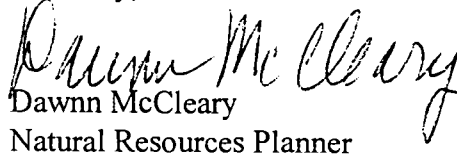
Dear Mr. Torney:

A few weeks ago, you sent this office a project in which the applicant has proposed a development activity on a lot designated a Buffer Exemption Area (BEA). You have requested our guidance several times on the phone on how to review such applications.

All proposals for development within a BEA must follow the BEA provisions in your ordinance. This office recommends that you go through each item of the BEA provisions that may apply in III. C and III. D of the "Residential Buffer Exemption Area Policy". You must provide enough information to determine whether the applicant is properly following the BEA provisions. If not, then the applicant should apply for a variance.

Our office is willing to assist you in reviewing III. C and III. D of the BEA provisions for future projects that come into your office. 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 332-01

Branch Office: 31 Creamery Lane, Easton, MD 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 6, 2001

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

RE: Ritz Carlton Project
Key Highway

Dear Mr. Stuart:

This office has reviewed the applicant's proposal to build a 225-room hotel and condominiums, an underground parking facility for 400-500 vehicles and a small marina. The entire site consists of 5.56 acres and is in an Intensely Developed Area.

After reviewing the site plan, this office does not oppose the development activity. The proposal and 10% calculations are correct and consistent with the local Critical Area Program. This office understands that this project received approval from the Maryland Department of the Environment to fill in some areas of open water. There is also a proposal to extend the promenade, build a small marina with piers and or berths for small boats, and build a new bulkhead to interface with the new facility and landscaping that was not part of this submittal. When you receive this marina and pier proposal, please forward a copy to this office for review.

Please forward a copy to this office for review. I will provide additional comments at that time. 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: Robert Cuthbertson
Regina Esslinger
BA 321-01

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

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

CLEARINGHOUSE REVIEW

July 5, 2001

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)

RECEIVED

JUL 9 2001

CHESAPEAKE BAY
CRITICAL AREA COMMISSION

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

SUBJ: DNR Clearinghouse Review of Local POS Project # 3919-12-184
Leight Park (Hirshauer), Harford County

This project proposes the acquisition of 32± acres of improved land as an addition to the existing 61.24 acre Leight Park and Anita C. Leight Estuary Center. The property is wooded with rolling to steep hills and borders Otter Point Creek.

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

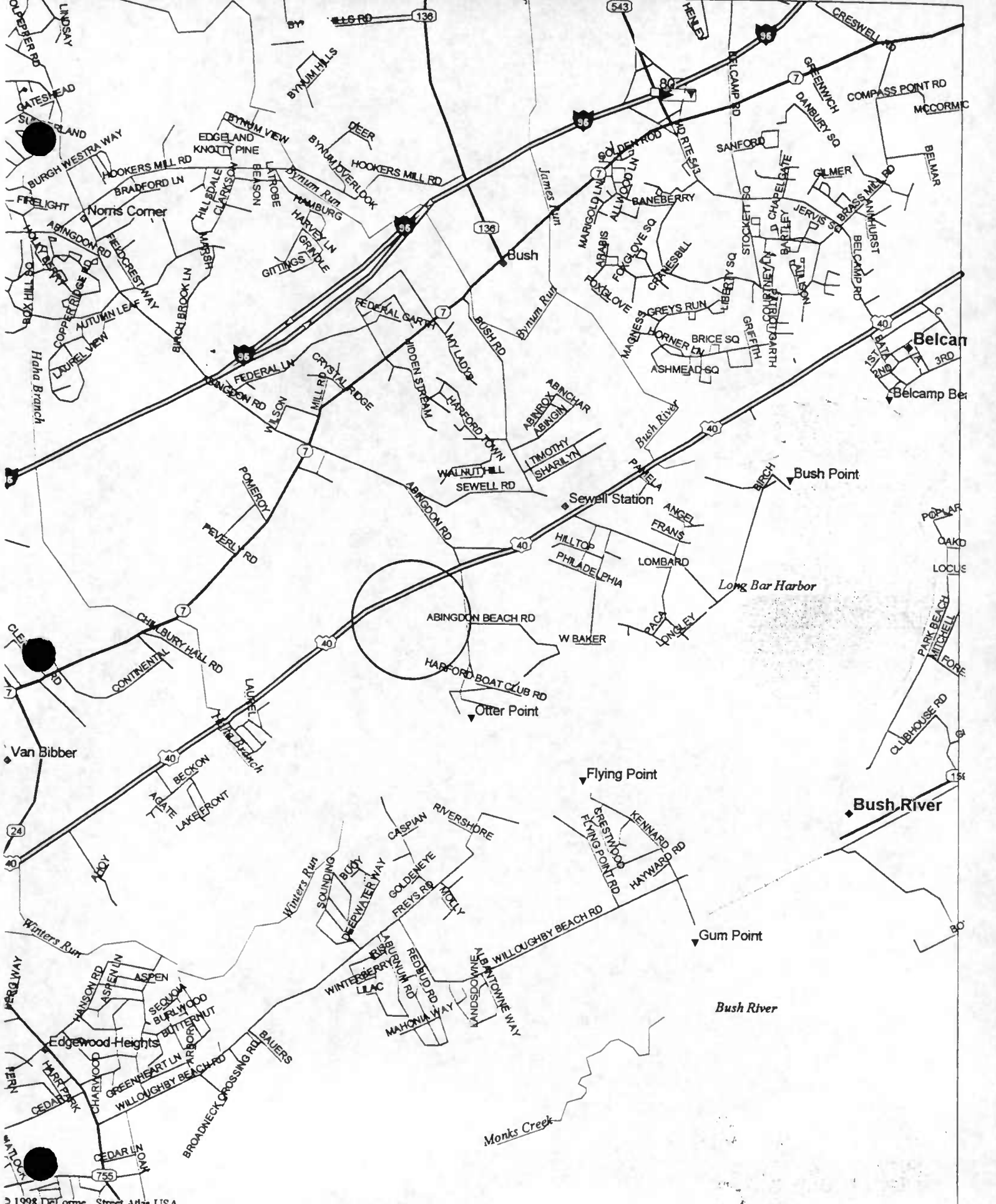
1. The project does not conflict with the plans, programs or objectives of this Agency.

DM 7/9/01

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

July 5, 2001

RECEIVED
JUL 9 2001
DUREN STATE OFFICE
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)
Sandi Olek, 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 W. Price, Director, Program Open Space

SUBJ: DNR Clearinghouse Review of Local POS Project # 3909-5-116
Ridgely Athletic Field Complex, Caroline County

This project proposes the first of several phases in the development of a regional athletic complex in the Town of Ridgely. The park master plan details the construction of seven ballfields and three soccer/lacrosse/football fields along with a concession stand/restroom facility, playground, picnic area and walking trail in the future. This phase will encompass the original grading of the site, construction of two ballfields, park entrance and parking lot.

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

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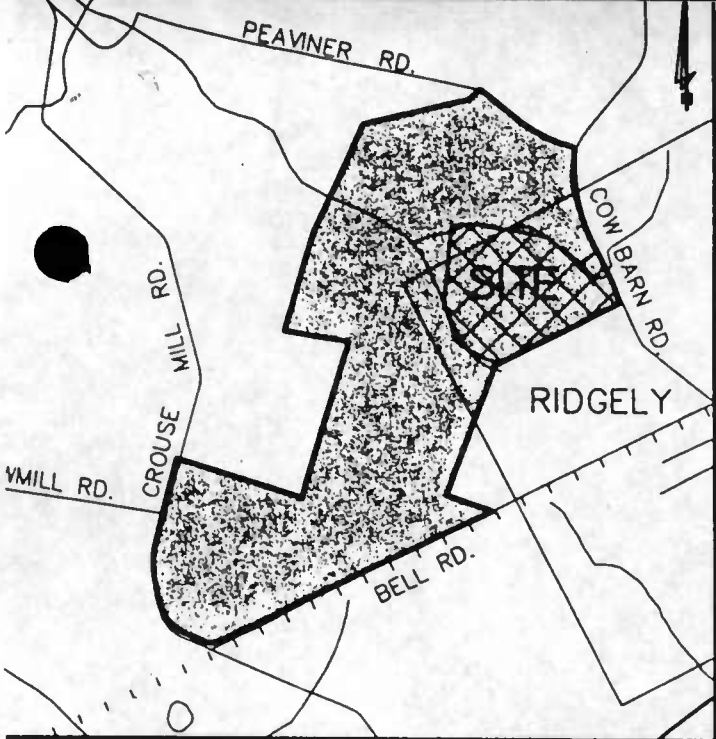
Dm n/a/01

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

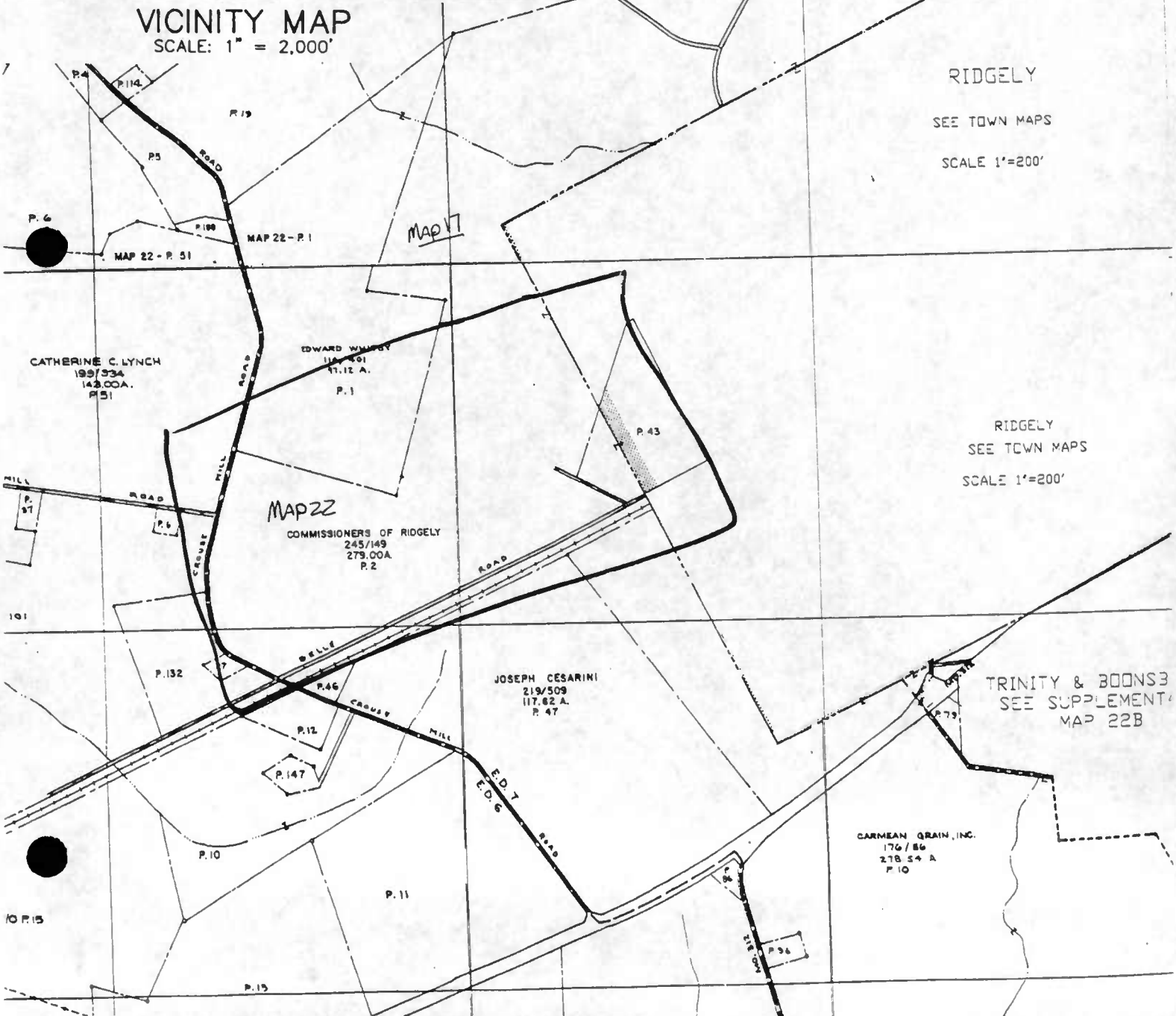
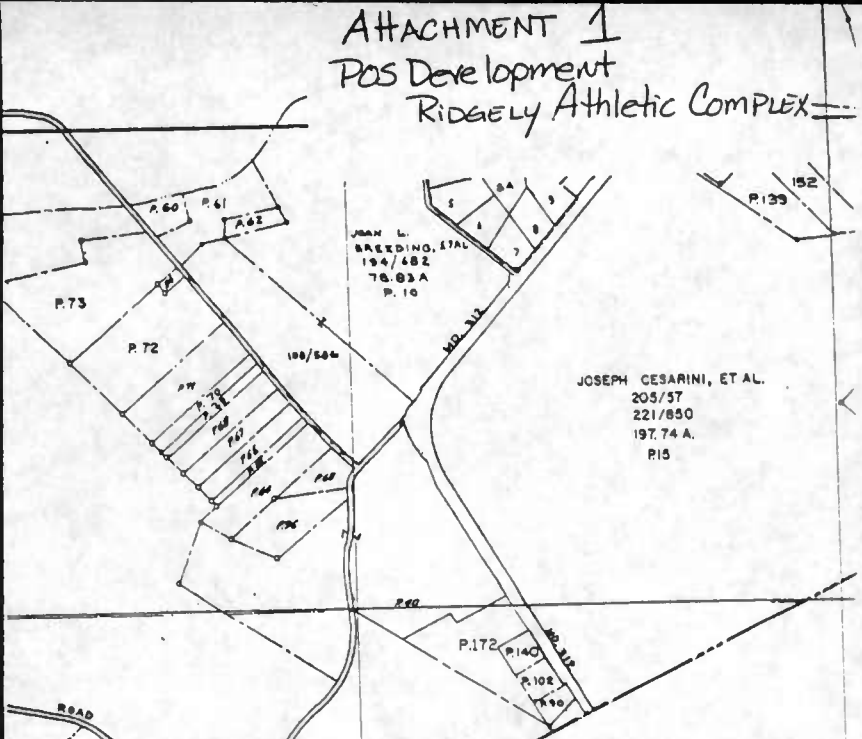
3. The project conflicts with this Agency's plans, programs or objectives for the reasons indicated on the attachment.

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

ATTACHMENT 1
POS Development
Ridgely Athletic Complex



VICINITY MAP
 SCALE: 1" = 2,000'



RIDGELY
 SEE TOWN MAPS
 SCALE 1"=200'

RIDGELY
 SEE TOWN MAPS
 SCALE 1"=200'

TRINITY & BOONS3
 SEE SUPPLEMENT
 MAP 22B



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 9, 2001

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


Dear Mr. Torney:

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All proposals for development within a BEA must follow the BEA provisions in your ordinance. This office recommends that you go through each item of the BEA provisions that may apply in III. C and III. D of the "Residential Buffer Exemption Area Policy". You must provide enough information to determine whether the applicant is properly following the BEA provisions. If not, then the applicant should apply for a variance.

Our office is willing to assist you in reviewing III. C and III. D of the BEA provisions for future projects that come into your office. 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 332-01

Branch Office: 31 Creamery Lane, Easton, MD 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

June 13, 2001

Mr. Raymond Skinner
Secretary
Department of Housing and
Community Development
100 Community Place
Crownsville, Maryland 21032

Dear Mr. Skinner:

On June 6, 2001, the Chesapeake Bay Critical Area Commission approved your agency's request that the site for the future Bloomsbury Square townhouses in Annapolis, next to St. John's College, be designated as a Buffer Exemption Area. The existing parking lot is approximately 3.908 acres (170,232 square feet) and accommodates 484 vehicles. The parking lot is currently heavily used by pedestrians and vehicles.

Since a portion of Lot D is located in the 100-foot Buffer and the existing development consists of a paved parking area, the Commission determined that the existing pattern of development prevents the Buffer from fulfilling the functions set forth in Section 27.01.09.01 of the Critical Area Criteria. Attached, is a copy of these Buffer Exemption Area findings for Lot D for your records.

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

Sincerely,


Dawnn McCleary
Natural Resources Planner

Cc: Robert Goodman
Mary Owens
Regina Esslinger

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

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

CITY OF ANNAPOLIS
Buffer Exemption Area Evaluation
Bloomsbury Square Site

The State of Maryland is requesting that the Bloomsbury Square site next to St. Johns College and identified as Area 2 on Map 4-6 be designated as a BEA because the existing pattern of development prevents the Buffer from fulfilling the functions set forth in Section 27.01.09.01 of the Critical Area Criteria. Existing development on this site includes a paved parking lot that provides parking for State employees and is heavily used on a daily basis. A portion of the parking lot is located within the Buffer. There is a narrow strip of grass, approximately 15 feet wide adjacent to the parking lot, and a band of natural vegetation that is approximately 25 feet wide adjacent to College Creek. The vegetated area is a mixture of trees and shrubs and the topography within this area falls off steeply to the water.

In evaluating the site for designation as a BEA, the following factors were considered:

The Buffer's ability to provide for the removal of sediments, nutrients, and harmful or toxic substances has been compromised because there is an existing asphalt parking lot within the Buffer. The existing pavement is located approximately 40 to 60 feet from the shoreline. Existing vegetation consists of a mowed grassy area and a vegetated strip approximately 25 feet wide. The vegetated area does provide some water quality benefits, but lacks the width and structural diversity to function optimally. Currently, there are no best management practices for treating stormwater runoff from the parking lot, so untreated runoff makes it way through the Buffer to College Creek.

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 near the shoreline because of the location of existing development. The site is adjacent to the heavily traveled Rowe Boulevard and the College Creek Bridge. The area is located in downtown Annapolis and is generally urban in character. The existing parking lot is approximately 3.908 acres (170,232 square feet) and accommodates 484 vehicles. It is heavily used by pedestrians and vehicles.

The Buffer does not function optimally as an area of transitional habitat between aquatic and upland communities because the area is an Intensely Developed Area near downtown Annapolis and is generally urban in character. Throughout this general area, there are only fragments of natural areas interspersed among intensely developed properties. On the property proposed for BEA designation, a portion of the Buffer is developed with a parking lot. The Buffer on adjacent properties is developed with the College Creek Bridge and athletic fields. Heavy vehicle and pedestrian traffic characterize the area, which is not conducive to many species of wildlife. The limited width of natural vegetation within the Buffer is not sufficient to provide optimal food or cover for most types of wildlife.

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

June 12, 2001

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

RE: Rukert Terminal Project
1811 South Clinton Street
Local Case Number: 000811

Dear Mr. Stuart:

This office has reviewed the applicant's proposal to construct a warehouse on an existing asphalted lot. The site consists of 9.41 acres in an Intensely Developed Area.

After reviewing the site plan and 10 % calculations, this office does not oppose this project. The proposed re-development and 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,

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

Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
BA 323-01

Branch 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

June 12, 2001

Mr. David Marc
Baltimore City Department of Public Works
Transportation Division
417 East Fayette Street, Room 730
Baltimore, Maryland 21202

Dear Mr. Marc:

On June 6, 2001, the Chesapeake Bay Critical Area Commission granted conditional approval to the proposed Potee Street Bridge replacement project. The Department of Public Works Transportation Division and the Planning Department Critical Area coordinator demonstrated that the project met the requirements outlined in COMAR 27.01.02.06. Please notify our office when the plantings for both mitigation sites are completed and in place.

I would like to thank Laura Moran Danko from KCI, Inc. and Duncan Stuart from the Baltimore Department of Planning for working diligently with the Commission staff. If there are any questions, please do not hesitate to call me at (410) 260-3483. Thank you for your cooperation in this project.

Sincerely,

Dawnn McCleary
Natural Resources Planner

cc: Laura Moran Danko
Duncan Stuart
Regina Esslinger

Branch 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

June 11, 2001

Ms. Linda Dobbs
Engineer
Davis, Bowen, & Friedel, Inc.
One Plaza East, Suite 200
P.O. 93
Salisbury, Maryland 21803

RE: Tawes Daycare Center

Dear Ms. Dobbs:

Thank you for the opportunity for our office to review the proposed plans for the Tawes Day Care Center. This office understands that the applicant proposes to remodel the existing B-Wing and install and grade the existing garden\pond area in front of the Tawes building for a future fenced new playground.

It appears from the City's Critical Area maps that the proposed project is outside of the 100-foot Buffer, but within the 1,000 foot Critical Area boundary. This office does not oppose the proposed development activity, but additional information is needed such as Worksheet A that will show the 10 % pollution reduction requirements (See attached copy of Worksheet A and booklets.) What is the "Seamless play surface"? Is it pervious? If it is made of rubber material, it will be considered impervious and will need to be included in Worksheet A.

Because this is a State project on State land, the proposed development will need formal Critical Area Commission approval. Attached, you will find a copy of the Project Application Checklist for State Agency Actions Resulting in Development on State-Owned Lands in the Critical Area. While some items do not apply, the agency\applicant should review each item that applies.

Branch Office: 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
Tawes Day Care Center
June 11, 2001

Please complete the checklist and send it with all completed information to this office prior to Commission review. I will provide comments once we receive this information. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
State 16-01



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

June 13, 2001

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

RE: Frank and Kathy Eisenhart:
216 Norwood Road

Dear Mr. Torney:

This office has reviewed the applicant's request for an administrative variance to the 100-foot Buffer to construct an 8' x 21' kitchen addition on the water side of the existing house, parallel to the existing structure, and 47 feet from the bulkhead. The site consists of 1.06 acres and is in the Limited Development Area.

After reviewing the City's findings for the administrative variance, this office has determined that the proposed development activity is consistent with the conditions under the City's Administrative Variance section in your program. The expansion of the proposed addition is parallel to the shoreline and does not further encroach into the Buffer. The applicant is required by the City to plant two 1 1/2" caliper trees to mitigate the proposed disturbance in the Buffer.

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 357-01

Branch 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

June 12, 2001

Ms. Lori Schmick
Environmental Planner
Caroline County Planning and Zoning
403 South 7th Street, Suite 200
Denton, Maryland 21629

RE: William and Frieda Suter
Local Case No. 01-30V

Dear Ms. Schmick:

Thank you for the opportunity to review the above variance application. This office has reviewed the applicant's proposal to build a 12' x 24' (288 square foot) shed within the 100-foot Buffer. The property is 1.09 acres and is designated in a Limited Development Area.

After reviewing the site plan, this office opposes the granting of the variance for the shed at its current location. It appears that there are alternative locations for the shed outside the Buffer. Example locations are the open area northwest, near Lot 3, or in the open area near the stone driveway. Currently, the site plan does not show the location of the septic area. In order to determine a good location for the shed, the applicant must show the septic area.

Thank you for the opportunity to comment. Please include this letter in you 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 352-01

Branch 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

June 11, 2001

Ms. Linda Dobbs
Engineer
Davis, Bowen, & Friedel, Inc.
One Plaza East, Suite 200
P.O. 93
Salisbury, Maryland 21803

RE: Tawes Daycare Center

Dear Ms. Dobbs:

Thank you for the opportunity for our office to review the proposed plans for the Tawes Day Care Center. This office understands that the applicant proposes to remodel the existing B-Wing and install and grade the existing garden\pond area in front of the Tawes building for a future fenced new playground.

It appears from the City's Critical Area maps that the proposed project is outside of the 100-foot Buffer, but within the 1,000 foot Critical Area boundary. This office does not oppose the proposed development activity, but additional information is needed such as Worksheet A that will show the 10 % pollution reduction requirements (See attached copy of Worksheet A and booklets.) What is the "Seamless play surface"? Is it pervious? If it is made of rubber material, it will be considered impervious and will need to be included in Worksheet A.

Because this is a State project on State land, the proposed development will need formal Critical Area Commission approval. Attached, you will find a copy of the Project Application Checklist for State Agency Actions Resulting in Development on State-Owned Lands in the Critical Area. While some items do not apply, the agency\applicant should review each item that applies.

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

Continued, Page Two
Tawes Day Care Center
June 11, 2001

Please complete the checklist and send it with all completed information to this office prior to Commission review. I will provide comments once we receive this information. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
State 16-01



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

June 8, 2001

Ms. Kalyna Nedilsky
Transportation Engineer V
Maryland Port Administration
Maritime Center II
2310 Broening Highway
Baltimore, Maryland 21224

RE: Colgate Creek Mitigation Proposal

Dear Ms. Nedilsky:

Thank you for clarifying your May 22, 2001 letter today during a telephone conversation regarding the 1 pound of phosphorus removal you will be achieving at the Colgate Creek mitigation site. This office understands that Maryland Port Administration wants to bank it and apply it towards unspecified future projects. We agree that the Maryland Port Administration can bank the 1 pound of phosphorus for future projects in the Critical Area at the port. Please notify us in the future of an area that will be credited for the 1 lb. of phosphorus for pollutant reduction.

When you have found a project where you would like to use this bank, please notify me. We support your efforts to look at this area comprehensively and to plan for future phosphorus removal.

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

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: D. O'Leary
P. Vasanth
M. Kreafle
R. Esslinger

Branch 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

June 8, 2001

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

RE: Port Annapolis Marina
7074 Bembe Beach Road

Dear Mr. Torney:

This office has reviewed the applicant's proposal to grade and construct a boat storage and boat storage lockers. The site consist of 1.31 acres and is in an Intensely Developed Area.

After reviewing the site plan, this office does not oppose the development activity. The proposed development activity and the 10% calculations are correct and consistent with the local Critical Area Program. If there are any questions, please call me (410) 260-3483.

Sincerely,

Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
AN 333-01

Branch 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

June 7, 2001

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

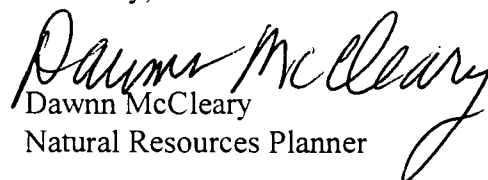
RE: Fire Station Project
Fort Avenue

Dear Mr. Stuart:

This office has reviewed the applicant's proposal to build a new fire station, parking lot, sidewalks, driveway and a small grassed area. The existing site is a gravel lot used for parking. The entire site is approximately 0.9 acres with 0.88 acres within the City's Critical Area. The site is in the Intensely Developed Area. The proposed impervious surface will be less than the existing impervious surface.

After reviewing the site plan and report, this office does not oppose the re-development of this site. The proposed re-development 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
BA322- 01

Branch 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

June 7, 2001

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

RE: Arundel Station
900 South Wolf Street

Dear Mr. Stuart:

This office has reviewed the applicant's proposal to build a building that will cover the entire lot. The building will be used as a parking deck for the residential apartment across the street. The site consists of 0.311 acres and is in an Intensely Developed Area..

After reviewing the site plan and report, this office does not opposed the re-development activity. The proposed re-development 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 336-01

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

2001 Staff Correspondence Vol II : Serey

51832-148-4

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

December 21, 2001

Mr. Frank Ward
Department of Planning and Zoning
2664 Riva Road, MS 6001
Annapolis, Maryland 21401

Re: Buffer Exemption Areas
Interpretation of Section 1A-109 of the Zoning Ordinance

Dear Mr. Ward;

Recently it has come to our attention that two properties in the Critical Area were issued building permits for new development activities that appeared to require a variance. Both properties were in mapped Buffer Exemption Areas (BEA). Both also involved the installation of a swimming pool. In each case the County issued permits without the need for variances due to what we believe is an incorrect interpretation of the Zoning Ordinance.

In the first case, the McCleary property in Linstead, the applicant was not required to seek a variance due to an existing retaining wall in the Buffer. A permit for a pool waterward of the principal structure was issued based on the County's interpretation that a retaining wall could act as the setback.

In the second case, in Highland Beach, a pool was permitted in the 100-foot Buffer waterward of the principal structure, possibly due to the interpretation that the pool was part of the principal structure since it was connected by a deck. Such an interpretation resulting in the construction of a pool approximately 25 feet from tidal wetlands would be inappropriate.

Commission staff believe these interpretations are not correct. The Critical Area Commission approved the County's Buffer Exemption Area language in 1995 with the understanding that intrusions into the 100-foot Buffer would be minimized in all cases. Therefore, we invite you to meet with the Program Subcommittee of the Chesapeake Bay Critical Area Commission at its meeting on Wednesday, January 9, 2002 at 9:0 a.m. at the Department of Housing and Community Development Building in Crownsville to discuss these issues.

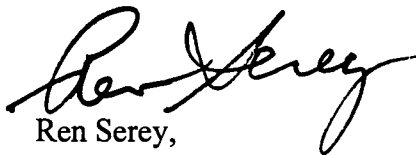
Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

TTY For The Deaf:
Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450

Mr. Ward
Page Two
December 21, 2001

Thank you for your attention to this matter. Please telephone me with any questions or concerns at (410) 260-3462.

Sincerely,



Ren Serey,
Executive Director

cc: Denis Canavan, Director, Anne Arundel County Planning and Zoning
Judge John C. North II, Chairman, Chesapeake Bay Critical Area Commission
Marianne Mason, Assistant Attorney General, Chesapeake Bay Critical Area Commission

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, 2001

Margaret McHale, Esq.
Department of Legislative Services
90 State Circle
Annapolis, Maryland 21401

Re: Chesapeake Bay Critical Area Program – Split Rail Fences

Dear Ms. McHale:

I am writing in response to your questions concerning the Chesapeake Bay Critical Area Commission's position on split-rail fences. Specifically, you have asked if the Commission has a written policy on the construction of these fences in the Critical Area Buffer. Although the Commission does not have a written policy on fences, I will try to outline below the guidance we provide to local governments and homeowners when the question arises.

The Chesapeake Bay Critical Area Criteria (COMAR 27.01 et seq.) were approved by joint resolutions of the General Assembly in 1986. Upon approval, the Criteria served as the basis for development of local Critical Area programs by the 61 jurisdictions with land entirely or partially within 1,000 feet of tidal waters or tidal wetlands. Local governments implement their Critical Area programs through their zoning ordinances and subdivision, grading and other regulations. The 27-member Critical Area Commission approved all of the local programs, but certain differences exist concerning implementation, especially for minor items like fences.

The first 100 feet of the Critical Area landward from the shoreline is the Buffer. The Buffer is expanded for adjacent steep slopes, nontidal wetlands, highly erodible soils and other sensitive areas. The purposes of the Buffer include minimizing human impact in shoreline habitat areas and providing an area of infiltration for stormwater and water-borne pollutants. The only type of development permitted by right in the Buffer is water-dependent development. The definition of water-dependent is quite strict: a structure, use or facility must, by its intrinsic nature, require location at or near the shoreline. Thus, boat ramps, marinas, and water intake pipes are examples of water-dependent development. Swimming pools, gazeboes, and detached decks are not water-dependent.


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

All of these structures require or should require the issuance of a local building or grading permit, and it is at the building-permit stage that the local determination of water-dependence is usually made. Some jurisdictions, however, do not require a building permit for fences and the Criteria do not address them. With this in mind, the Commission provides the following guidance to the local jurisdictions and to property owners:

- A split-rail fence is generally viewed as a minimal physical intrusion on the landscape, one that ordinarily does not hinder the movement of wildlife or impede the flow and infiltration of stormwater. A determination of water-dependence is not ordinarily necessary for construction of a split-rail fence.
- By contrast, a brick wall that might, like a fence, serve as a property boundary, prohibits the easy movement of many wildlife species and may redirect the surface flow of stormwater, causing erosion and the sedimentation of nearby water bodies. Such a structure should require a building permit and may, depending on its size, be inconsistent with the Criteria and require a variance in order to be located in the Buffer.
- A solid wood fence that does not provide an opportunity for wildlife to move through an area may, in some cases, require a determination of consistency from the local Critical Area program.

These examples do not cover every situation. I would be glad to meet with you or provide additional information if you desire.

Sincerely,



Ren Serey
Executive Director



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 16, 2001

Ms. Suzanne Diffenderfer
Anne Arundel County
Planning and Code Enforcement
2664 Riva Road
M.S. 6301
Annapolis, MD 21401

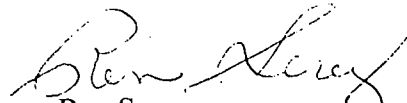
Re: McKee Variance
VAR 0400

Dear Ms. Diffenderfer:

Thank you for providing information on the above-referenced variance. The applicant requests approval to expand an existing deck within the Critical Area Buffer on a lot designated Limited Development Area. This office has no objection to the variance, provided that conditions of approval require extra care in the construction and sediment control practices. Mitigation should be required in the form of plantings of native species at a ratio of 3:1 for the area disturbed within the Buffer.

Please include this letter in the official submittal from your office to the Hearing Officer and notify the Commission of the outcome of the hearing. If you have questions or need additional information, please contact me at (410) 260-3462. Thank you.

Sincerely,


Ren Serey
Executive Director

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

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

November 9, 2001

Mr. Keith Underwood
P.O. Box 794
Crownsville, Maryland 21032

Dear Mr. Underwood:

Thank you for accepting our invitation to speak to the Chesapeake Bay Critical Area Commission at its November meeting. Your presentation of the bog ecosystems in Anne Arundel County provided the Commission members with an informative briefing about these unique areas. Perhaps more importantly, your presentation informed the Commission about the various initiatives at the State and County level aimed at protecting these resources.

In that regard, Commission staff will continue to provide support to the County as part of the Bog Task Force. Several staff members will provide field assistance to the County and the Department of the Environment when they begin their field delineations. We will also continue to track the progress of the proposed legislation that is pending introduction to the County Council.

I have heard many positive comments with regard to the Howards Branch project, and I am appreciative of your past and current assistance to Commission staff regarding the protection of the Atlantic White Cedar stands that remain in Anne Arundel County. Perhaps in the spring, we can arrange a field visit with the Commission members to tour some of the rain gardens at the Arlington Echo Facility or a bog in the County.

The other Critical Area Commission staff and I thank you for your time and effort in informing the Commission of this important initiative. If we can be of any assistance to you, please contact us.

Sincerely,

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

Ren Serey,
Executive Director

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

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 9, 2001

Mr. David Wallace
President
Severn River Association, Inc.
P.O. Box 146
Annapolis, Maryland 21404

Dave
Dear Mr. Wallace:

Thank you for your valuable and informative presentation at the November meeting of the Chesapeake Bay Critical Area Commission regarding the bogs in Anne Arundel County and the current initiatives aimed at their protection. Your efforts to educate citizens and public officials about the bog systems in this region lend to the greater awareness of these irreplaceable resources in the County. Your presentation also gave the Commission members a greater understanding of the complexities involved in crafting workable protection measures.

Your presentation also highlighted the innovative ways in which Anne Arundel County, State government agencies, and organizations like the Severn River Association are forming vital partnerships to protect the bogs and their unique ecosystems. It was clear from your presentation that their continued presence in the watershed is critical to maintaining habitats for many of the wildlife and plant species that are an integral part of the Chesapeake Bay ecosystem.

The other Critical Area Commission staff members and I thank you for your time and effort in informing the Commission of this very important initiative.

Sincerely,

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

Ren Serey,
Executive Director

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

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

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 7, 2001

Ms. Melissa B. Cook-MacKenzie
Town Administrator
106 S Main Street
North East, Maryland 21901

Re: North East Isles Community Marina

Dear Ms. Cook-MacKenzie:

I am writing in response to your questions concerning the community marina at the North East Isles project. I have listed the questions below and provided an answer following each question.

1. Has the "grandfathered" status ceased as a result of the 1991 and 1996 resubdivisions?

I do not think that the grandfathered status of North East Isles has been affected by the 1991 and 1996 resubdivisions. In these instances it seems that the resubdivisions were modifications to the North East Isles project that did not affect the Critical Area Program of the Town of North East in a significant manner. I realize, of course, that the resubdivisions changed the project, and are significant, certainly, to the Town. From a Critical Area standpoint, however, the differences do not appear to have altered Critical Area requirements and should not result in a loss of grandfathered status.

2. By selling and deeding the existing Community pier to 64 individuals, would North East Isles continue to maintain the Community Piers status as outlined in COMAR 27.01.B (14) "Community Piers" and COMAR 27.01.03.07 A (2)?

Selling and deeding boat slips in the marina would affect the Community Pier status under certain circumstances. These would include the sale or lease of slips to individuals who are not owners of residential units within North East Isles or the restriction of access to the dock and other areas for use by non-owners.

3. If the Community Pier status is maintained by individual owners of North East Isles, do you recommend requiring deed restrictions to assure that the sale of said slips are not sold, transferred, etc. to non-property owners?

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

Ms. MacKenzie
November 7, 2001
Page Two

Yes, deed restrictions are necessary and should clearly state that slips are to be sold, deeded, leased, rented or otherwise used only by owners of residential units in North East Isles. Please provide our office with a copy of sample language.

4 and 5. If slips can be deeded to 64 individuals, it should be noted that all residents of the North East Isles Community will no longer have access to the slips and/or pier. Therefore, we question again the compliance of meeting the condition of "Community pier."

In addition to the slips, there is a proposal to limit access to 0.45 acres of land that is currently labeled on the recorded subdivision as "Marina Condominium Area." By limiting access to this area, will they eliminate the "Community" status?

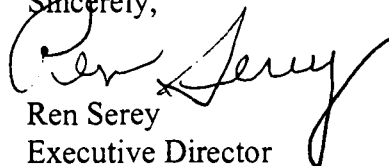
As I stated in response to Question 2, access to the marina area needs to be provided to residents of North East Isles who are not owners or renters of slips. In order to retain the status of a community marina, the Town should ensure that all residents of North East Isles have access to the dock area and the boat storage area labeled as Marina Condominium Area.

6. The Marina-Condominium Area, Boat Slip Area, Pier Area do not appear on the recorded subdivision plat as separate parcels; therefore would any disassociation of these parcels require subdivision? If subdivision were allowed to occur, would we be creating a private marina? In addition, would the PRD status be in question should this occur?

The act of subdivision itself would not create a private marina. If the developer of North East Isles believes that subdivision is necessary to better carry out plans for the marina operation, or if the Town believes that subdivision is necessary from the standpoint of land use regulation, the activity would not affect the status of a community marina. As described above, the use of the area and restrictions placed on access to residents who are not slip owners would more likely affect the status of a community marina. I recommend that you refer the PRD question to the Town's attorney.

I hope that this information is helpful. If you have additional questions or if I can be of further assistance, please contact me.

Sincerely,



Ren Serey
Executive Director

RS/jjd

November 6, 2001

MEMORANDUM

TO: Carolyn V. Watson

FROM: Ren Serey

SUBJECT: NorthBay Camp at Elk Neck State Park

I have outlined below some of the issues Critical Area Commission staff have identified concerning the NorthBay proposal. The Commission members, except for Dave Bourdon and Lauren Wenzel, have not reviewed the project. I've also included a table of our communications with the Erikson Foundation and the Department on the project.

Key Points

Buffers

Extensive grading, structures and storm water management proposed in the Buffer (such as an enclosed pool, tennis courts, volleyball courts, lodging, equipment storage, wet lab, gymnasium).

Secondary impacts to the shoreline and steep slopes could result from intensive use by camp participants.

Delineation of the expanded Buffer has not been finalized due to discrepancies in the identification of steep slopes, wetlands and streams on the site.

Impacts to the expanded Buffer have not been quantified (square feet, acres or percent cover). At present, the Buffer will be impacted by: forest clearing, grading, storm water management, buildings, recreational facilities, roads, and impervious surfaces. In general, new development activities are prohibited in the Buffer.

Impervious surfaces have not been calculated in the Buffer.

Steep Slopes

Grading proposed for structures, storm water management, and primary and secondary access roads.

FID Habitat

Project will virtually eliminate forest interior within the leased area; loop road will traverse steep slopes and prime FID habitat; secondary impacts from mountain bikes, hiking, and forest camping; it may be difficult to maintain canopy over the improved access road, considering the soil type (generally poorly-drained), topography, and storm water management required for such intensive use of the site.

The proposal is not consistent with Commission guidance on conservation of FID habitat.

Of the 25 species of FID that have been documented as breeding in the Critical Area, 17 have been documented as by the Breeding Bird Atlas as potentially breeding within the Earleville Quadrangle. The Earleville Quadrangle includes this area of Elk Neck State Park. This does not necessarily mean that all of these species are within the proposed lease area for NorthBay, but it does mean that they are in the vicinity in large part because of the extent of high quality deciduous forest coverage in the area. Seven of the species are highly area-sensitive, meaning that they not only need large forest tracts in which to breed successfully, but are especially vulnerable to forest loss, fragmentation, and other disturbance. One of these, the Cerulean Warbler is being considered for federal listing as a threatened or endangered species because of declines.

The NorthBay fact sheet, published by the Erikson Foundation, proposes the use of lands outside of the lease area for activities that may impact ground nesting species and sensitive, threatened or endangered species. These activities include mountain biking, hiking trails, camping, and wetland exploration.

Sensitive Plant Species

Location and extent of threatened and endangered wetland, and other, plant species is unknown. However, additional impervious surfaces and storm water management could alter the hydrologic conditions required by these listed species. Secondary impacts could result from intensive use by camp participants.

SAV

Initial survey along shoreline and shallow water areas, by Commission staff and MDE staff (Rick Ayella) identified 3 species of SAV. Proposed pier, dock and other water use along the shoreline require that an SAV survey be conducted in the spring and summer months (see memo from MDE).

Summary of NorthBay Project Evaluation

Date	Description
9/8/00	Memo from Regina Esslinger (CAC) to Butch Norden (DNR) summarizing CA issues and information needs.
9/14/00	Memo from Regina Esslinger (CAC) to John Wilson "...providing specific comments on the information the Critical Area Commission will need for our review."
1/8/01	Media release for "Public Information Meeting to discuss the Erickson Foundation Proposal to redevelop Camp Chesapeake" from Pete Albert (Erickson Foundation)
3/1/01	Notes from meeting attended by Andrew Der (CAC)
3/19/01	Letter to Andrew Der (CAC) from Eric Hadaway (Consultant) regarding Cecil County Critical Area Program requirements
8/30/01	DNR ID Team Meeting at Gunpowder State Park with DNR staff, Commission staff, Erickson Foundation representatives and John Trueschler (consultant)
9/14/01	Meeting with Commission staff, Erickson Foundation representatives and John Trueschler (consultant) to discuss the revised site plans (9/10/01); Commission staff request additional information including Buffer delineation, storm water management plans, and quantified impacts to FIDs, wetlands, streams and Buffer
9/17/01	Email memo from Regina Esslinger (CAC) to Butch Norden (DNR) summarizing meeting on 9/14/01
9/24/01	Memo from Ren Serey (Executive Director, CAC) to Carolyn Watson (Assistant Secretary, DNR) outlining issues regarding project review
10/5/01	DNR ID Team Meeting at Gunpowder State Park with DNR staff, Commission staff, Erickson Foundation representatives and John Trueschler (consultant)
10/11/01	Meeting with Commission staff, Erickson Foundation representatives, and Jim Tracy (MDE) to discuss conceptual storm water management plan
10/15/01	Letter from Commission staff (LaBranche) to Erickson representatives and consultant requesting additional information for project review
10/16/01 - 10/17/01	Telephone Conversations with John Trueschler (Consultant) to discuss delineation methods for expansion of the Buffer; he requested that Commission staff delineate the Buffer on the site plans
10/18/01	Fax from Commission staff (LaBranche) to John Trueschler (consultant) outlining expanded Buffer delineation methods, data and site map
10/22/01	CAC received set of revised site plans from Site Resources
10/30/01	Postponed – meeting with Pete Albert, Erickson Foundation and

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, 2001

Mr. Robert A. Hahn
Acting Executive Director
State Ethics Commission
9 State Circle, Suite 200
Annapolis, Maryland Dept of Natural Resources

Dear Mr. Hahn:

As you requested, I have provided the address of Ms. Deborah Cain below.

Deborah Boyd Cain
6 Mauldin Avenue
North East, Maryland 21901

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

Sincerely,

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

Ren Serey
Executive Director

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

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Judge John C. North, II
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Ren Serey
Executive Director

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October 17, 2001

Mr. Keith E. Ulrich
Collinson Oliff & Associates, Inc.
228 Merrimac Court, P O Box 2209
Prince Frederick, Maryland 20678

RE: Horizons on the Bay

Dear Keith:

This office has received your September 24, 2001 letter. As you discussed with Regina Esslinger, the mitigation for this project was subject to much discussion by the Commission before it issued the conditions for approval. Much of the discussion centered on the second mitigation component which involves establishing natural vegetation in an area twice the extent of the impervious surface area in the Buffer in an Buffer Exemption offset area or other location as determined by the Town of Chesapeake Beach. The Commission was well aware of how limited the planting areas were on the project site, and I believe it was understood by all of the Commission members that this part of the mitigation would be met off-site. The approval letter from the Commission to the Town dated May 15, 1998 states that the mitigation planting sites must be identified and approved by Commission staff prior to the Town's approval of the project. It also states that Commission staff is available to assist the Town and the developer in identifying mitigation sites in the Town or elsewhere in Calvert County.

To date there has been no indication that either the Town or the developer has investigated off-site mitigation locations for the BEA plantings required under Condition 3b nor have they requested any assistance from Commission staff. It does not seem possible that a determination can be made that there are no suitable mitigation locations within the Town or the adjoining jurisdictions unless we know of efforts made to identify them. Commission staff has been and continues to be available to assist the Town in finding mitigation locations, either within Town limits or in the surrounding jurisdictions. You indicated to Ms. Esslinger on the phone that there might be some area available for planting at the Burnt Oaks site. As she mentioned, at the time of project approval both the Commission and the property owner discussed this site at length as a possible mitigation site. You offered to investigate this option. We have received no further information from you, the applicant, or the Town as to whether mitigation can occur here.


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Mr. Keith Ulrich
October 17, 2001
Page 2

Without further information on efforts made to locate offsite areas, Commission staff cannot accept the plantings proposed to meet this mitigation requirement and must refer your request to revisit this requirement to the full Commission. If you would like to meet with the Commission's subcommittee on November 7, 2001 to discuss these matters, please contact me at (410) 260-3462. I will need to schedule a meeting with the subcommittee by October 24th.

Sincerely,



Ren Serey
Executive Director

cc: John Hofmann
Marianne Mason
Regina Esslinger
CB 59-97

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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October 17, 2001

Mr. Robert H. Greenlee
The Greenlee Group, Inc.
22 North Washington Street
Suite 200
Easton, Maryland 21601

Dear Mr. Greenlee:

Thank you for your letter on the use of growth allocation in the Chesapeake Bay Critical Area. You have raised a number of questions concerning the role of the Critical Area Commission when growth allocation increases local land use densities. Although I am not certain we have the answers you seek, I thought some background on growth allocation might prove useful.

The Commission drafted the Critical Area Criteria pursuant to requirements of the Chesapeake Bay Critical Area Protection Act of 1984. The initial draft contained no allowance for additional growth in excess of limits established for the three land designations: Intensely Developed Areas, Limited Development Areas, and Resource Conservation Areas. The Eastern Shore and Southern Maryland counties criticized this approach as too restrictive, and essentially unfair. They argued that the Bay suffered primarily from over-development on the Western Shore, and that the proposed restrictions would prevent even modest growth in the state's rural jurisdictions. Growth allocation resulted from a political compromise to address these concerns. Therefore, since the Critical Area land designations were based on existing uses, the Commission intended that growth allocation would provide more development opportunities in counties with larger amounts of Resource Conservation Area.

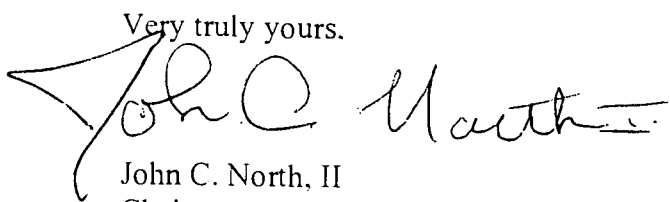
I am not aware to what extent the Commission or the jurisdictions discussed the financial benefits to individual property owners from local awards of growth allocation. Most likely, some discussion of this nature took place. The Commission, however, has not factored such occurrences into its consideration of growth allocation amendments to local Critical Area programs. Instead, we have based our decisions solely on the

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Mr. Robert H. Greenlee
October 17, 2001
Page 2

expected impacts to water quality and wildlife habitat resulting from increased densities in the Critical Area. I believe this is the role the General Assembly intended the Commission to play. It should further be noted that the awarding of growth allocation has generally been viewed as the responsibility of local authorities. The Critical Area Commission reviews these allocations principally to see that all proper procedures have been followed. Whether the allocation is a wise one from an environmental point of view is an area that the Commission generally does not get into. Nevertheless, you have raised some interesting points. If you would like to discuss these matters in more detail, I suggest that you contact Ren Serey at (410) 260-3462.

Very truly yours.

A handwritten signature in cursive script that reads "John C. North, II". The signature is written in dark ink and is positioned above the typed name.

John C. North, II
Chairman

THE GREENLEE GROUP, INC.

REAL ESTATE APPRAISERS & CONSULTANTS

A Character Counts! Company

October 3, 2001

The Honorable John C. North, II, Chairman
Chesapeake Bay Critical Area Commission
31 Creamery Lane
Easton, Maryland 21601

RE: GROWTH ALLOCATION

Dear Judge North:

It has been a pleasure talking to you recently about the potential value of Critical Areas Growth Allocation. Since we last spoke, I have had several discussions with planning officers in Talbot and Queen Anne's Counties, as well as various other interested parties. At this point, I am convinced this issue requires a complete review, particularly along the following lines:

It seems to be given that a property with growth allocation is more valuable than the same property without it. Historically, the rationale for awarding growth allocation pertains to the accommodation of a local government's growth. Therefore, the granting of growth allocation represents an exchange of value. However, as we discussed, there is no mechanism in place to establish the value of the allocation and the value of the benefit exchanged – and therefore the fairness of a specific exchange.

In terms of benefit, an economic impact analysis measures the net present value of the economic impact (revenues less the cost of providing services and public facilities) of a proposed development project over time. This process, currently required in Queen Anne's County, provides the local government with some sense of a project's net fiscal impact, but not specifically its value. We have written several of these studies for the County, and worked with the Finance Department to develop the model by which economic impact is evaluated. This is a good place to begin.

With respect to the value of the growth allocation to the land owner, it is reasonable to make a comparison to the increase in density – and therefore value – achieved through transferable development rights or air rights. These rights are routinely valued, and traded in the marketplace. As such, they represent one model for the valuation of growth allocation – from the land owner / developer's perspective.

By combining the valuation of these two results of growth allocation (the local government's benefit and the land's increased utilization), the CBCAC has an opportunity to further its public safeguarding and oversight functions. Moreover, given the CBCAC's role as a

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The Honorable John C. North, II
October 3, 2001
Page Two

public protectorate, this combination could eliminate the transfer of public values for private profit, rather than public good, and provide documentation that enhances the public trust of the CBCAC.

Additionally, in the context of impact fees, excise taxes, and other forms of revenue generation designed to make new development pay for itself, advancing a fiscal policy that establishes the value of both sides of the exchange is critical. Currently, through the process of growth allocation, it is my assessment that the local government gives away substantially more value than it receives.

Why address this issue now, 15 years into the program? As you know, the issue of development paying for itself is currently in the forefront of the public debate on growth. Also, as local governments' growth allocation reserves are increasingly scarce, basic supply and demand tenets suggest that the award has even greater value. Finally, these are partly local government fiduciary issues, and may be incorporated under the new balance sheet requirements of GASB Statement #34.

A group of us has recently formed a 501(c)(3) organization to provide revitalization strategies and tools to rural communities dealing with these and other related issues. If the valuation of growth allocation is something you believe should be addressed, this non-profit is a vehicle you should be aware of. Otherwise, my appraisal and economic consulting firm has a great intellectual curiosity and is very interested in pursuing this issue.

From our previous conversations, I gather you share this interest and I look forward to your observations.

Sincerely,



Robert H. Greenlee

RHG/pc

FC: P. Ren Serey, Executive Director
Chesapeake Bay Critical Area Commission
1804 West Street, Suite 100
Annapolis, Maryland 21401
Fax 410-974-5338

- Happy to meet - we recognize importance of points raised - - Some local study / state study of CA & related issues desirable.
- University of MD - Intergovt
- rezoning valuations are good analogy - not aware of specific studies.
- CA must be ~~for~~ looked at in context of rezoning, Comp. plans, growth management, Smart Growth, resource protection, state & local land pres. programs & local & regional settings.
- CA shouldn't be analyzed or valued alone
- Bob Goodman?
- Jim McLean - research people @ DOED

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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October 15, 2001

Honorable Harry R. Hughes, Chair
Appellate Judicial Nominating Commission
Administrative Office of the Courts
Maryland Judicial Center
580 Taylor Avenue
Annapolis, Maryland 21401

Re: Marianne D. Mason, Esquire: Nomination for Court of Special Appeals

Dear Governor Hughes:

I am writing to offer my wholehearted endorsement of Marianne Mason for a seat on the Maryland Court of Special Appeals. I have worked closely with Ms. Mason since 1995 in my capacity as Executive Director of the Chesapeake Bay Critical Area Commission. She has served admirably during this period as legal counsel to the Commission and distinguished herself in numerous ways.

Governor, as you well know, the work of the Critical Area Commission is complex and wide-ranging. On the legal front, the Commission wrestles with matters of administrative, environmental, land use, and property rights law. We present Ms. Mason daily with questions of statutory interpretation and seek her guidance through the procedural mazes that necessarily accompany this partnership between the State and local governments. I think it would be difficult for many attorneys to represent a client with such constant, yet diverse needs, but Marianne Mason clearly thrives on it and more than meets every challenge. Just this past Friday, October 12th, found her in Wicomico County Circuit Court defending both the County Board of Appeals and the Critical Area Commission in an appeal by a landowner who built six hunting cabins in the Buffer without benefit of local permits or reviews. As the judge ruled from the bench in her favor, upholding the Board's denial of Critical Area variances, it was evident that Ms. Mason's success stemmed from her command of constitutional principles and Maryland law, and the thorough preparation that is her trademark.

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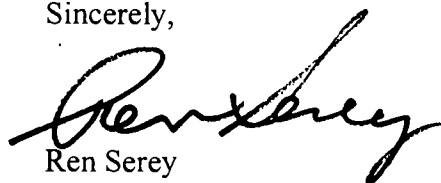
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Honorable Harry R. Hughes
October 15, 2001
Page 2

I know that Marianne Mason's tenure on the Court of Special Appeals will be remarkable. Her respect for the law will be equaled only by her enthusiasm for employing it to the benefit of all Marylanders.

If I can be of any further service, please let me know.

Sincerely,

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

Ren Serey
Executive Director



Judge John C. North, II
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
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October 2, 2001

Ms. Pam Miley
Office of Planning and Zoning
2664 Riva Road
Mail Stop 6301
Annapolis, MD 21401

Re: Wright Investment Group

Dear Ms. Miley:

Thank you for providing information on the Wright Investment Group property on Whitehall Road in Anne Arundel County. The Findings and Recommendations of the Office of Planning and Zoning regarding the application by the Wright Investment Group appear to be consistent with the mapping rules established in the County's local Chesapeake Bay Critical Area Program, as set out on page 14 of the County program document (see attachment). The Chesapeake Bay Critical Area Commission approved these rules in 1988 as part of the local Critical Area Program.

If you have questions or need additional information, please contact me at (410) 260-3462.

Sincerely,


Ren Serey
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION
1804 West Street, Suite 100
Annapolis, Maryland 21401

MEMORANDUM

To: Carolyn Watson, Assistant Secretary

From: Ren Serey

Date: September 24, 2001

Subject: Northbay Camp Proposal at Elk Neck State Park, Cecil County
Erickson Foundation

At the Critical Area Commission meeting on September 5th, I mentioned to you that we were reviewing a project as part of a DNR ID team, coordinated by Butch Norden of Resource Planning. I said that I would provide more information after the DNR team met again with the applicant.

DNR is working with the Erickson Foundation on a lease agreement for 97 acres at Elk Neck State Park, with easements on an additional 253 acres for a camp for underprivileged youth. The camp will serve 500 children at a time, plus staff, on a year-round basis. The site is between the Bowers Conference Center and the Boy Scout camp. I understand that the applicant may be meeting with Governor Glendening this week and that the lease is to go before the Board of Public Works in November.

There are multiple Critical Area issues that still need to be addressed, as outlined below. I bring these to your attention because without strong backing from the Department it is my opinion that the Commission will find it difficult to approve the project as proposed.

1. The site is entirely wooded and is Forest Interior Dwelling Bird habitat. It is part of a much larger Forest Legacy area and FIDS habitat. The applicant is using the Commission's 2000 Guidance Paper on FIDs to determine impacts and necessary mitigation. As you know, FIDs habitat is one of the most important Habitat Protection Areas in the Critical Area; avoidance of impacts is the first priority, with the option for mitigation available when necessary. Because of the scale of the proposal and the site constraints, our preliminary review indicates that over 200 acres of new FIDs habitat will need to be created as mitigation. It is our understanding that DNR is attempting to find areas within the existing park for this mitigation.

2. The site is steeply sloped and has many streams and a large nontidal wetland that may be a Wetland of Special State Concern. There will be some impacts to the 100-foot Buffer and the expanded Buffer. We have asked the applicant to quantify these impacts.
3. The applicant is addressing stormwater management requirements for water quality, although we have not yet seen any plans. The new MDE stormwater management manual will apply to this site and protection measures will need to be designed with the sensitive features of the site in mind.
4. The site will be on septic. The primary treatment area for a traditional system will need approximately two acres, and five-six acres overall for the entire treatment area. The applicant is exploring alternative systems, such as mound systems, with MDE that use less area and could be placed on the adjacent cleared Bowers Conference Center land. There is an area on site that could accommodate a traditional system; however, it is within the FIDs habitat and steep slopes and will necessitate additional mitigation.
5. We have asked the applicant to solicit comments on the proposal from the Cecil County Department of Planning and Zoning, as required by our regulations for development on State land.
6. The project will fall under COMAR 27.02.06, Conditional Approval of State Programs in the Critical Area, because there are proposed impacts to Habitat Protection Areas. This section of COMAR is similar to a local variance. We have given the applicant these regulations and told them they will need to provide the justifications for the Commission.

In addition to our participation with the DNR team, we are meeting independently with the applicant in order to minimize impacts. We anticipate a preliminary discussion for the applicant with the Commission's Project Subcommittee on November 7th.

If you have questions or would like a fuller briefing, please let me know. I can be reached at (410) 260-3462. Thank you.

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

September 28, 2001

P. Tyson Bennett, Esq.
170 Jennifer Road, Suite 245
Annapolis, MD 21401

Re: Mayo Elementary School

Dear Mr. Bennett:

The Chesapeake Bay Critical Area Commission will provide the Board of Education of Anne Arundel County an opportunity to be heard in the matter of the Board's appeal of the Commission's denial of an alternative site for a new Mayo Elementary School. As you know from conversations with the Commission's counsel, Marianne Mason, the Commission will take up the matter at its regularly scheduled meeting on October 3, 2001. The meeting will take place at 1:00 p.m. at the Maryland Department of Housing and Community Development in Crownsville, Maryland. The Commission meets in the first floor conference room.

Commission Chairman John C. North, II intends to have staff present the report on this project prepared for the Commission's August 1, 2001 meeting. You will then have an opportunity to present oral argument related to the Board's appeal of the Commission's action. The Chairman intends to call for a vote on the matter at the October 3rd meeting.

If you have questions or need additional information, please contact Marianne Mason or me. Ms. Mason can be reached at (410) 260-8351. I can be reached at (410) 260-3462.

Sincerely,

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

Ren Serey
Executive Director

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Judge John C. North, II
Chairman



Ren Serey
Executive Director

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August 29, 2001

Mr. Steve Cohoon
Dept. of Planning & Zoning
107 N. Liberty St.
Centreville, Maryland 21617

RE: Draft Text Amendments Concerning Growth Allocation Procedures

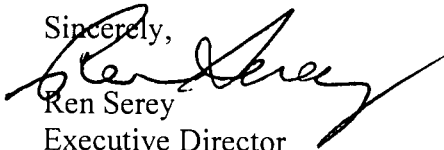
Dear Mr. Cohoon:

Thank you for providing the draft text amendments for our review. It is our understanding that the amendments will be presented to the Planning Commission in September. Commission staff has reviewed the information provided and we have the following comments:

1. Section (d)(2)(i) should read, "The purposes set forth in §8-1801 et seq. ..."
2. It appears there may be a typo in the last sentence of Section (e). The reference to the County Commission is perhaps a reference to the County Commissioners.
3. As you are aware, Natural Resources Article §8-1809 requires local jurisdictions to incorporate approved amendments and refinements into the local program within 120 days of receiving notice of an approval. Please direct your attention to Sections (f)(1) and (5) of the proposed text amendments. There may be a potential inconsistency between the maximum time allowed under these sections and the time frame set out in the Critical Area Law.
4. It is our understanding that there may be instances where the County Commissioners may decide to deny final approval to a growth allocation petition, even if the Critical Area Commission has approved it. We suggest that an additional paragraph be added to Section (f) that sets out a process whereby the County officially notifies the Critical Area Commission of the denial of final approval within 120 days of receipt of notice of Commission approval. This will ensure accurate accounting of the County's remaining growth allocation.

Thank you for the opportunity to comment. If you have any questions or concerns, please contact me at (410) 260-3462.

Sincerely,


Ren Serey
Executive Director

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

TTY For The Deaf:
Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450

MEMORANDUM

August 28, 2001

TO: Carolyn V. Watson
FROM: Ren Serey
SUBJECT: Four Seasons Project in Queen Anne's County

I have provided below a summary of Critical Area information and issues concerning the approval of growth allocation for the Four Seasons project.

- The site is approximately 562 acres, with 522 acres in the Critical Area. It is located in the Stevensville area of Queen Anne's County, north of Route 50, with portions fronting on the Chester River, Macum Creek and both sides of Cox Creek. Most of the property is in agricultural use.
- The original development proposal was for 1,500 dwellings and a 95,000 square foot commercial area. Negotiations between the developer and various community interests resulted in scaling the project back to approximately 1,300 dwellings and elimination of the commercial component.
- The project required the use of Critical Area growth allocation because most of the site is designated Resource Conservation Area (RCA), where residential density is set at one dwelling per 20 acres. Although the Critical Area Act and Criteria do not require growth allocation to be tied to a specific project, Queen Anne's County makes submittal of a project a prerequisite for local approval. The County Commissioners granted conceptual approval for growth allocation to change 293 acres of RCA to Intensely Developed Area (IDA). The County also allowed the developer to convert 79 acres of previously awarded growth allocation from LDA to IDA. After deducting growth allocation for Four Seasons, Queen Anne's County has 944 acres remaining, or 61% of its original 1,529 acres.
- The use of growth allocation by a local jurisdiction constitutes an amendment to the local Critical Area Program and must be approved by the Critical Area Commission. Following County conceptual approval, a panel of Commission members conducted a public hearing on the proposal. More than 500 people attended.

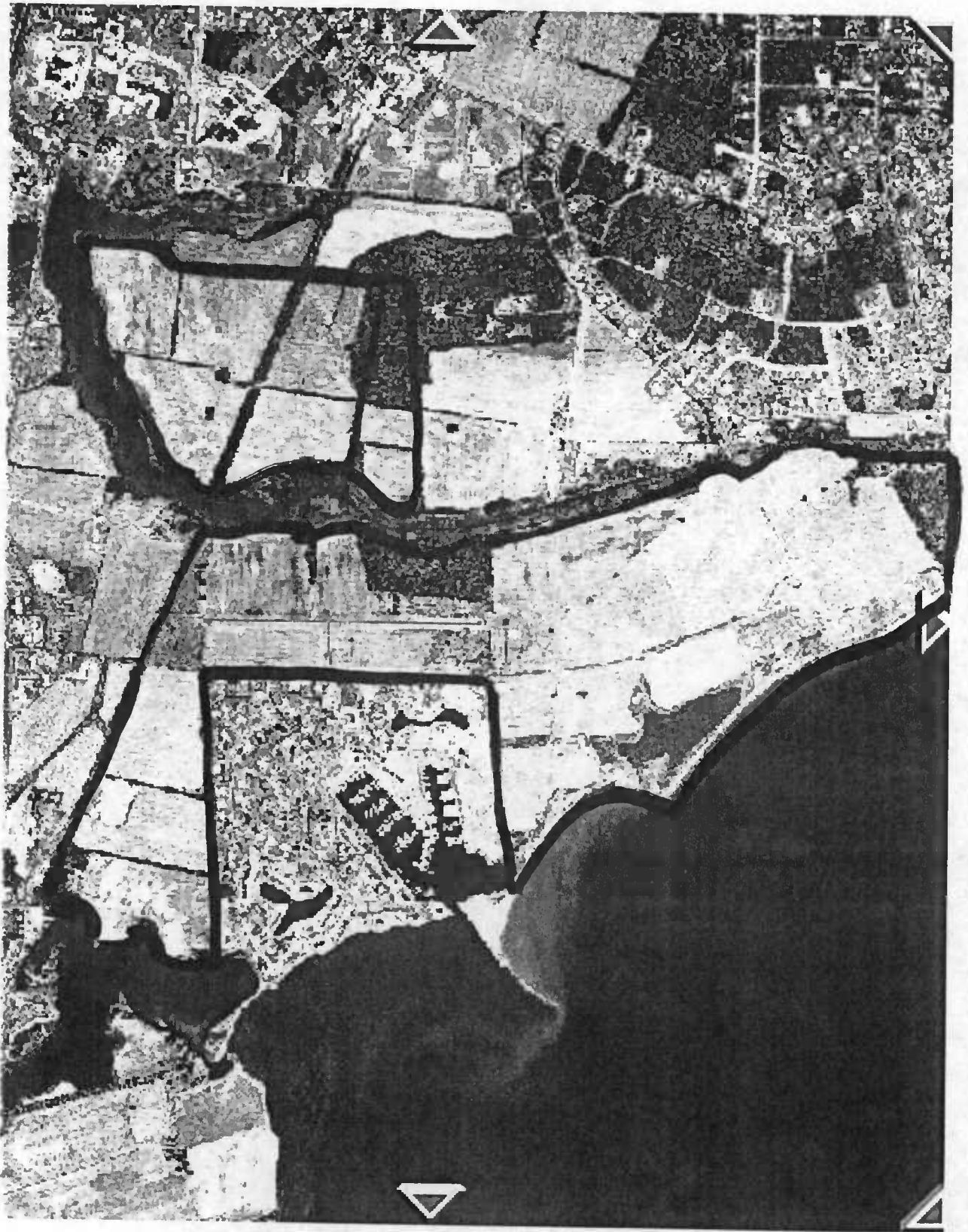
- The panel conducted a field visit and deliberated several times with staff and counsel in advertised public meetings. The panel members were:
 - Larry Duket, Panel Chair, Maryland Department of Planning
 - Joseph Jackson, Pocomoke City Council
 - David Bourdon, Calvert County Environmental Commission
 - Andrew Myers, Caroline County
 - Robert Goodman, Maryland Department of Housing and Community Development

- The panel and Commission discussed the project in the context of Smart Growth principles and protection of water quality and habitat. The Four Seasons site is within two County-designated growth areas as identified in the Stevensville and Grasonville Community Plans. The site will be served by public water and sewer. It has one identified Critical Area Habitat Protection Area, the waterfowl staging and concentration area along the Chester River. Queen Anne's County does not designate Priority Funding Areas until a project is approved. Nevertheless, the developers entered into the record a letter from the Maryland Department of Planning to the effect that the site would qualify for Priority Funding status if the County submitted it into the process.

- The Commission accepted the recommendation of its panel to approve the growth allocation with 10 conditions. The panel conditions included 300 foot buffers along Cox and Macum Creeks; a 150 foot buffer around a tidal pond; a 130-150 foot buffer along the Chester River; best management practices for stormwater; a prohibition of additional structural shoreline erosion measures; and future Commission approval of Buffer Management Plans for all Buffer areas.

The Kent Island Defense League has appealed the County Commissioners' approval of growth allocation and the Critical Area Commission's approval of a local program amendment to change the Critical Area designation of the site to IDA. Marianne Mason is the Commission's legal counsel.

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



Chesapeake Bay Critical Area Commission

PANEL REPORT December 6, 2000

APPLICANT: Queen Anne's County

PROPOSAL: Four Seasons at Kent Island Growth Allocation

JURISDICTION: Queen Anne's County

COMMISSION ACTION: Vote

PANEL MEMBERS: Larry Duket (Chairman), Dave Bourdon, Bob Goodman, Joe Jackson, and Andrew Myers

PANEL RECOMMENDATION: Approval with Conditions

STAFF: Regina Esslinger, Claudia Jones, Mary Owens, and Ren Serey

**APPLICABLE LAW/
REGULATIONS:** Annotated Code of Maryland, Natural Resources Article §8-1808.1: Growth Allocation in Resource Conservation Areas

COMAR 27.01.02.06: Location and Extent of Future Intensely Developed and Limited Development Areas

SUMMARY:

This growth allocation request involves the conversion of 293.25 acres of RCA to IDA and the redesignation of 79.55 acres of previously awarded growth allocation from LDA to IDA. The entire area of the site is approximately 562 acres, with approximately 522.2 acres within the Critical Area. The property is proposed to be developed with 1,505 dwelling units, a 35,000 square foot community center, a community pier, and a 95,000 square foot shopping center. The site is located in the Stevensville and Chester Growth Areas in Queen Anne's County on portions of the Chester River, Macum Creek, and both sides of Cox Creek. There is a large tidal pond with associated wetlands along the Chester River portion of the site, and linear wetlands along both sides of Cox Creek and adjacent to Macum Creek. There are three forested areas on the site, totaling approximately 55 acres. Most of the property is in agricultural use. There is an existing farmhouse and outbuildings, a mausoleum, and an airstrip on the site. There are also two dredge material disposal areas on the property.

The Panel held a public hearing on September 12, 2000 at the Kent Island High School in Stevensville. Approximately 500 people attended the hearing and the Panel listened to over three hours of testimony about the project. Many environmental issues that were relevant to the Commission's decision on the growth allocation request were raised during the hearing.

Following the hearing, the Panel requested that staff obtain additional information about these issues. The Panel visited the site and spent several hours with the project consultants and County staff in order to thoroughly understand the scope of the project and review actual site conditions. The Panel has held several meetings over the last two months to discuss the project in more detail and to determine appropriate conditions of approval. These meetings focused primarily around the protection of habitat and water quality; the protection of streams, the construction of a community pier; the design of best management practices for stormwater management, and the design and implementation of a buffer management plan for the project. As a result of extensive deliberations and research on these issues, the Panel formulated 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. 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 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 in the area of the tidal pond shall be eradicated and established with appropriate native species. The 150-foot setback shall be established in multi-layered forest vegetation.*
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 environmental impacts associated with a community pier and compliance with the standards set forth above. The applicant agrees to ensure that the standards outlined above are met and to comply with the recommendations and/or conditions of approval of MDE and DNR regarding the community pier.*

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 area 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 by the Queen Anne's County Commissioners shall be submitted for review by the Critical Area Commission.*

DISCUSSION:

The Panel has reviewed this growth allocation request thoroughly over the last several months and solicited additional information from various professionals to follow up on issues identified during the site visit and at subsequent meetings. The issues of primary concern were the field delineation of several streams on the property, flooding of the property, the habitat and water quality function of the tidal pond adjacent to the Chester River, the size and location of the community marina, the waterfowl staging and concentration areas on the Chester River and Macum Creek, and location and effectiveness of proposed stormwater management ponds.

At the Panel's first meeting on September 28, 2000, an issue was raised regarding the County's "conceptual approval process" for growth allocation requests and whether this type of approval was sufficient to meet the growth allocation procedures in the Critical Area Act. The

Panel requested that Commission Counsel review this issue and brief them at the next meeting. The Panel also directed staff to further research the other issues of concern and provide additional information at the next Panel meeting.

The Panel met again on October 12, 2000 to discuss these issues further and to begin to formulate the Panel's recommendation on the growth allocation request. Ren Serey responded to the Panel's question about the County's growth allocation process. He stated that Chairman North and Commission Counsel, Marianne Mason, had determined that the process was consistent with the Law, but that the nature of the "concept approval process" did not fully comply with the purpose and intent of the process which is to ensure that growth allocation requests are not approved by the Commission and then later denied by a local government. **It was determined that this project should move forward under the current process, and that the County's growth allocation process will need to be amended before the Commission accepts any future growth allocation requests.**

On November 1, 2000, the Panel met to discuss additional information about the environmental issues of concern on the site. Many environmental issues that were relevant to the Commission's decision on the growth allocation request had been raised, and the Panel had requested that Commission staff further research these issues. The Panel discussed this information and some potential conditions that were put together by staff based on suggestions by the Panel. The Panel discussed the more detailed information provided and the proposed conditions and several revisions were made. Much of the discussion centered on the location and extent of a proposed 300 foot setback from the edge of tidal waters and tidal wetlands. It was determined that additional information about an Historic Waterfowl Staging and Concentration Area on the Chester River and a contiguous tidal pond was needed before the Panel could finalize a condition.

On November 16, 2000, the Panel met to review the revisions to the conditions made at the previous meeting and to continue their discussion of the setback issue. It was discussed that the Chester River is a viable Historic Waterfowl Staging and Concentration Area and the tidal pond is used by various species, including black ducks. The Commission's Science Advisor, Claudia Jones, presented information that benefits to certain species, such as black ducks, can be realized by minimizing the adverse impacts of human activities through the use of expanded vegetated buffers. Ms. Jones also provided information on other water quality and habitat benefits associated with expanding the Buffer beyond 100 feet.

The issues of primary concern that have been considered by the Panel and researched by staff are outlined below. The issues have been grouped into five categories. This report identifies each issue, provides relevant background information and guidance from the Critical Area Criteria and other sources, and presents the conditions proposed by the Panel.

Protection of Habitat and Water Quality of Tidal Waters, Tidal Wetlands, and Streams

The Critical Area Act states that the Commission shall approve program amendments (including growth allocation requests) that meet the goals of the Critical Area Program and the provisions of the Critical Area Criteria. The goals of the Program are:

- 1) To minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;
- 2) To conserve fish, wildlife, and plant habitat; and
- 3) To establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

In COMAR 27.01.02.06, the Critical Area Criteria provide guidelines for the location of new intensely developed and limited development areas. Three of the guidelines specifically address the minimization of environmental impacts associated with the use of growth allocation. They are:

- 1) New intensely developed and limited development areas should be located in order to **minimize impacts to habitat protection areas** as specified in COMAR 27.01.09 and in an area and **in a manner that optimizes benefits to water quality**;
- 2) New intensely developed areas should be located **where they minimize their impacts to the defined land use of the resource conservation area**;
- 3) New intensely developed and limited development areas in the resource conservation area **should be located at least 300 feet beyond the landward edge of tidal wetlands or tidal waters**.

This project is a very large, very intensely developed project that will bring approximately 3,000 new residents to an area characterized by extensive stretches of sensitive shoreline. The pattern of development for the project as proposed is such that only a small portion of the site will not be developed and it will be difficult to manage the impacts to habitat protection areas (including the Buffer) and to areas of the site that are proposed to remain resource conservation areas (RCA). It is also necessary to acknowledge that the number, movement, and activities of persons in this area can have adverse environmental impacts and that virtually the entire site will be affected. Because the property will be intensely developed, with impervious surface levels in excess of 30 percent of the site, and a substantial portion of the permeable areas maintained as lawn, it appears that benefits to water quality may be minimal.

In order to address both the guidelines in COMAR and the overall goals of the Critical Area Act, it is necessary to provide some type of ecologically effective measure(s) that is scientifically proven to minimize impacts to habitat and maximize benefits to water quality.

Condition 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. It may be used for passive recreation. This setback shall be established in multi-layered forest vegetation.

Condition 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.

Condition 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 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 in the area of the tidal pond shall be eradicated and established with appropriate native species. The 150-foot setback shall be established in multi-layered forest vegetation.

In considering the establishment of a 300 foot setback, it is necessary to consider how best to maintain the viability of the 300 foot setback area as a resource conservation area that performs the following functions:

- 1) Provides a buffer between areas of intense human activity and pollution and sensitive aquatic resources; and
- 2) Serves as a wildlife corridor system that connects the largest undeveloped, or most vegetated tracts of land within and adjacent to the site in order to provide continuity of existing wildlife and plant habitats, and
- 3) Provides a flyway and rest area for Forest Interior Dwelling Birds; and
- 4) Provides appropriate protection to waterfowl staging and concentration areas from disturbances and human activity on the surrounding land.

Stream Protection

During the site visit on September 28, 2000, the Panel identified a portion of a stream on the northwest portion of the property that was not correctly shown on the plans. The Commission's Science Advisor has visited the site and confirmed that the area previously identified as an agricultural ditch is actually a stream. The Critical Area Criteria require that a minimum 100-foot Buffer is established from tributary streams, and development activities are prohibited within the Buffer. The project includes a stream crossing and development within the Buffers on either side of the stream. The project as proposed is not consistent with the Critical Area Criteria.

Condition 4

Provide a 100 foot Buffer on each side of all tributary streams and eliminate the stream crossing and any development activity within the Buffer.

Community Pier

This project includes a community pier which is proposed to be located on the Chester River. COMAR 27.01.03.07 addresses community piers and includes provisions that limit the number of slips that may be permitted in this type of facility. Slips are limited to the lesser of the following:

- 1) One slip for each 50 feet of shoreline in the subdivision in the IDA and LDA and one slip for each 300 feet of shoreline in the RCA; or
- 2) For projects with more than 300 dwellings in the Critical Area, either 75 slips or 15% of the number of dwelling units, whichever is greater.

For this project, the limiting criterion is (2) above. It is estimated that this project will result in approximately 1500 new dwellings within the Critical Area. The Critical Area Criteria permit community piers to have 75 slips or 15% of the number of dwelling units. The maximum number of slips would be 15% of 1500 or as many as 225 slips. This is an extremely large facility and would substantially increase the environmental impacts associated with human activity on the Chester River. Based on preliminary conversations with Mr. Stan Causey of the Maryland Department of the Environment, the tidal wetlands regulations may prohibit a facility of this size in the proposed location because of water depth and water quality impacts.

Section 27.01.03.04 of COMAR requires that local governments consider the following factors in planning for areas suitable for new or expanded water dependent facilities:

- 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 non-point source runoff, sewage discharge from land activities or vessels, or from boat cleaning 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 areas immediately surrounding the dredging operation or within the Critical Area generally;
- 7) That dredged spoil will not be placed within the Buffer or elsewhere in that portion of the Critical Area which has been designated as a Habitat Protection Area except as necessary for:
 - a) Backfill for permitted shore erosion protection measures;
 - b) Use in approved vegetative shore erosion projects;
 - c) Placement in previously approved channel maintenance spoil areas;
 - d) Beach nourishment; and
- 8) That interference with the natural transport of sand will be minimized.

Condition 5

The Commission shall coordinate with the Maryland Department of the Environment (MDE) and the Department of Natural Resources (DNR) regarding the assessment of environmental impacts associated with a community pier and compliance with the standards set forth above. The applicant agrees to ensure that the standards outlined above are met and to comply with the recommendations and/or conditions of approval of MDE and DNR regarding the community pier.

Stormwater Management

At the public hearing, several citizens commented on flooding problems in the area and expressed concern about how stormwater would be managed on the property. The site is generally level, but slopes from the northeast and northwest boundaries to lower elevations along

Cox Creek. A significant part of the site along Cox Creek and along the Chester River, especially near the tidal pond, is within the 100-year floodplain. Based on testimony provided at the hearing, it is the panel's understanding that tidal flooding along Cox Creek happens periodically throughout the year with more severe flooding during storm events characterized by both high tides and heavy rain.

Currently, there is some development proposed in the 100-year floodplain as delineated from Flood Insurance Rate Maps prepared by the Federal Emergency Management Agency (FEMA), not actual field run topography. It is anticipated that more detailed topographic information will provide the information necessary to refine the design so that no structures will be located within the 100-year floodplain. However, there is still concern that best management practices for stormwater will be located within the floodplain. This could be problematic from a water quality standpoint because pollutants collected in the stormwater management practices could be flushed into the surrounding water courses.

Condition 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.

COMAR 27.01.02.03 states that in Intensely Developed Areas, fish, wildlife, and plant habitats as identified in COMAR 27.01.09 shall be conserved to the extent possible. In order to facilitate the conservation of these habitats, Best Management Practices for stormwater should be designed with elements that promote the conservation of habitat.

Condition 7

At least half of the site area 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, pocket marsh, extended detention wetland, and pond/wetland systems.

Shoreline Access, Erosion Control, and Buffer Management

The Critical Area Criteria require that when agricultural use of lands within the area of the Buffer ceases and the lands are proposed to be converted to other uses, the Buffer shall be established. The Criteria state that in establishing the Buffer, management measures shall be undertaken to provide forest vegetation that assures the Buffer functions for the protection of habitat and water quality. Although a preliminary Buffer Management Plan has been submitted for comment, there are several issues that still need to be addressed. The entire shoreline of the

Chester River has been protected with a "rubble revetment". The shoreline is stable in this area; however, the area is generally not safe for pedestrian access. It has been suggested that some type of walkway could be constructed over the rubble to improve its appearance and make it safer.

The shoreline adjacent to Macum Creek is not protected, but is relatively stable. It is likely that if an erosion control measure is warranted that a non-structural approach would be practical and effective.

Both shorelines of Cox Creek are not protected, but are extremely stable with extensive areas of marsh vegetation. It is unlikely that erosion control measures would be warranted along Cox Creek.

Condition 8

Shoreline access within the approved setback should be designed and constructed to minimize impacts to the 100-foot Buffer and to maintain the resource conservation area character of the setback. Pathway widths should 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 the recordation of any subdivision plats or the start of any grading or development on the site, a Buffer Management Plan for all Buffer and setback areas on the entire site shall be reviewed and approved by the Critical Area Commission. The Buffer Management Plan shall include all existing and proposed vegetation, all public access areas, and all existing and proposed structural or nonstructural erosion control measures.

Condition 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.

Condition 10

The final plan for the Four Seasons at Kent Island growth allocation request that is approved by the Queen Anne's County Commissioners shall be submitted for review by the Critical Area Commission.

August 22, 2001

MEMORANDUM

TO: Judge North

FROM: Ren Serey

SUBJECT: Settlement of St. Mary's County Growth Allocations

This is the package from St. Mary's County that I mentioned to you a couple of weeks ago. It brings to a close several years of dealing with the County on several contentious growth allocations. The primary hold-up, among many, was the County Attorney who served for about five years. He took office just after the exchange of letters in the package between you and the County Commissioners. He simply held it up because he thought the Commission had no right to question local land use decisions. I guess he chose not to read the Critical Area Act. Nevertheless, Marianne has worked with the new County Attorney and he has convinced the current Board of County Commissioners to agree to make this final.

If you are in agreement, please sign on page 3 and send the entire package back to me, or you can wait and give it to me at the Commission meeting on September 5th. If you have questions, please let me know. Thank you.

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 20, 2001

Mr. Vivian C. Marsh
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road
P.O. Box 6675, MS 6403

Re: Rezoning: Chesapeake Bay Critical Area

Dear Mr. Marsh:

You have asked a series of questions regarding notification to, and review by, the Chesapeake Bay Critical Area Commission concerning rezoning activities. Specifically, you have asked the following:

Whether or not the County is limited in its ability to change zoning classifications on property in the State Critical Area without State Critical Area Commission approval.

Critical Area Commission approval is required for certain rezonings depending on the nature of the action and whether a jurisdiction proposes to use a portion of its growth allocation to permit otherwise restricted land uses or densities.

Section 8-1809 (h) of the Chesapeake Bay Critical Area Protection Act (Natural Resources Article 8-1801 et.seq., Annotated Code of Maryland) sets out the requirements and processes for jurisdictions to amend their local Critical Area Programs. Section 8-1809 (h) (2) (i) specifies that

“Except for program amendments or program refinements developed during program review under subsection (g) of this section (the four-year comprehensive review), a zoning map amendment may be granted by a local approving authority only on proof of a mistake in the existing zoning.”

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

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Mr. Vivian C. Marsh
August 20, 2001
Page 2

The section further states that the requirement quoted above concerning changing a local zoning map does not apply to proposed changes that are wholly consistent with the land classifications in an adopted local program, or when the jurisdiction proposes to use a portion of its remaining growth allocation.

Commission staff provide the initial review of proposed rezonings in the Critical Area. If the rezoning is wholly consistent with the local Critical Area land classifications, the Commission takes no formal action because the rezoning does not change the local program. In such cases, the Commission staff may comment accordingly.

When the rezoning is not based on mistake, or when growth allocation would be necessary due to inconsistency with the local Critical Area land classifications, the staff informs the local jurisdiction that it must submit the change to the Commission for approval as a local program amendment or refinement.

The requirement via state regulations regarding notification to the Critical Area Commission of such proposed changes and the ability of the Commission/staff to comment on such proposed actions.

As stated above, the Commission may comment through its staff on rezonings that are based on mistake and are consistent with local Critical Area Program land classifications. Notification to the Commission to allow the necessary review to take place is required for all local rezonings in the Critical Area.

Section 8-1802 (a) (11) of the Critical Area Act includes local approval of rezonings under the definition of "project approval." Section 8-1811 (b) (2) states that

"an applicant for project approval or the local agency authorized to grant project approval on an application in any of the identified classes shall send to the Commission in accordance with the regulations and any other instructions of the Commission, a copy of every pending or new application for approval that is in any of the identified classes."

The Commission's regulations, found in the Code of Maryland Regulations (COMAR) at 27.03.01.03 cover the classes of project approvals that must be sent to the Commission under Section 8-1811 (b) (2) of the Act. These project approvals include rezonings, and further include floating zones. Section B provides that

"The local approving authority, or the applicant, shall submit a copy of all initial and subsequent applications for rezoning and floating zones that would occur wholly or partially within the critical area."

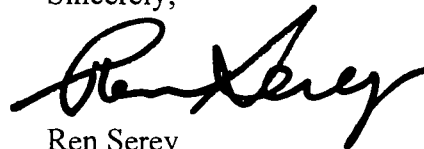
Mr. Vivian C. Marsh
August 20, 2001
Page 3

The issue of Growth Allocation that may or may not be required for new construction in areas currently classified as RCA, or LDA, where the zoning classification may be changed to permit a more intense use than originally permitted under an RCA overlay.

Growth allocation may be required in a rezoning situation when the rezoning would permit a type or intensity of land use that is inconsistent with the current Critical Area land classification for the site. A determination concerning the need for growth allocation is made in part through a review of a local jurisdiction's Critical Area program, including its implementing ordinances and maps. Anne Arundel County amended its Critical Area Program during 2000 to specify more clearly the types of land uses that will require use of the County's growth allocation.

If you need additional information, or if you would like to discuss these issues in more detail, please contact me at (410) 260-3462.

Sincerely,



Ren Serey
Executive Director

Cc: The Honorable Janet S. Owens
County Council Members -
Mr. Denis Canavan
Mr. Jim Canelli
Mr. Rich Josephson
Marianne D. Mason, Esq.

The Honorable
↓
Pamela G. Beidle
Daniel E. Klosterman, Jr.
Shirley Murphy
Bill D. Burlison
Cathleen M. Vitale
Barbara Samorajczyk
John J. Klocko, III

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, 2001

Ms. Julie V. LaBranche
9879 Fox Hill Court
Ellicott City, Maryland 21042

Dear Ms. Labranche:

I am writing to offer you a position as Natural Resource Planner III with the Chesapeake Bay Critical Area Commission. This is a full-time, merit position. You will be transferring to the Commission from the Maryland Department of the Environment at your current salary grade and step. Veronica Moulis, the Commission's Administrative Officer, will coordinate the transfer with you and MDE. You can reach Veronica at (410) 260-3461, or email at Vmoulis@dnr.state.md.us. We anticipate that your starting date will be September 5, 2001.

We are delighted that you will be joining us. I think that you will find the work rewarding and challenging, and I look forward to working with you.

Sincerely,

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

Ren Serey
Executive Director

Cc: Ms. Veronica Moulis

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 6, 2001

Mr. Leon J. Greenbaum, Jr.
3963 Germantown Road
Edgewater, Maryland 21037

Dear Mr. Greenbaum:

Thank you for your letter concerning the Critical Area Commission's review of the proposed Mayo Elementary School. I will inform the Commission panel reviewing the proposal of the information you provided concerning an alternative site.

We expect to take up the matter at the Commission's meeting on August 1, 2001, to be held at the Maryland Department of Housing and Community Development in Crownsville. Although the Commission will not be taking additional public testimony at the meeting, you certainly are welcome to attend. If you would like specific details regarding meeting times and location, please call me at 410-260-3462.

Sincerely,

Ren Serey
Executive Director

Cc: Ms. LeeAnne Chandler

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