

Staff Correspondence: Cole

2001

S1832-149-1



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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

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

December 20, 2001

Mr. Jon R. Grimm, Director
St. Mary's County
Department of Planning and Zoning
PO Box 653
Leonardtown, Maryland 20650

Re: Text Amendment Regarding Growth Allocation Deductions

Dear Mr. Grimm,

Thank you for providing information on the referenced text amendment regarding growth allocation deductions. The Critical Area Commission received your letter on December 19, 2001 and is accepting the information as a complete submittal. Judge North will make a refinement determination within 30 days of the date of this letter, and the Commission will review the refinement determination on January 9, 2002.

You are welcomed to attend the meeting, which will be held at the People's Resource Center, Conference Room 1100A, 100 Community Place in Crownsville. If you would like a copy of the agenda or if you have any questions, please feel free to call me at 410-260-3481.

Sincerely,

Wanda Cole
Natural Resources Planner

cc: SMA 3
SMA 8
SMA 14

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 20, 2001

Ms. Theresa Dent
St. Mary's County Department of Planning & Zoning
22740 Washington Street
PO Box 653
Leonardtown, MD 20650-0653

RE: Koudellou, Inc. Revetment and Bank Grading

Dear Theresa,

This letter provides comments as follow-up to the applicant's revised site plan sent to you by Ms. Kathy Anderson of the Army Corps of Engineers:

1. In general, disturbance to the Buffer associated with shore erosion control measures should be minimized, especially when the Buffer is forested. Every effort should be made to ensure that when Buffer disturbance is proposed, it is the minimum necessary to stabilize the shoreline. The recommended plantings using seedlings has the potential to fail unless someone is able to regularly water these seedlings for the entire length of the slope. The soils are droughty, have little organic matter, are most likely highly acidic, and the steepness of the slope would provide little basal support of the maturing trunks. All of these situations are not conducive to establishing young/new plantings. Given the remoteness of this location and the site's use of well water, it does not seem practical, if even feasible, to encourage a labor-intensive and logistically-challenged situation.
2. Although the property owner has a right to access to the water, the required grading and channelward encroachment that is needed to make the proposed ramp usable seems excessive. The property owner does not live at this property and it seems unlikely the caretaker would need facilities of this size. It might be more practical to allow the pier to be built, where the applicant could put a boat into the water at another ramp and then motor it to the site. The cut through the slope would still be needed in order to allow equipment access to the beach for the construction of the revetment, but at least the near-shore, shallow water bottom would not be displaced.
3. It would be helpful to know the Sequence of Construction and timeline for the bank grading. Will the excavated material need to be stockpiled? If so, where and for how long? How will sediment and erosion control protection for the excavated slope face be addressed at the end of the work day?

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

It is not our intent to hamper the applicant's permit process, nor to create unnecessary costs. The length of the affected area, as well as the height of the bank and its soil composition, have the potential to cause significant adverse impacts both during construction and after, should stabilization efforts fail.

Please contact me at 410-260-3481 if you have questions about any of these comments.

Sincerely,

Wanda Cole

Wanda Cole
Natural Resources Planner

Memorandum

RD 100

To: Tammy Broll, NRP
~~Regina Eastlinger, CAC~~
Bill Hodges, RAS
Tim Larney, WHD
Diane Evans, CCWS & EBPGM
Arnold Norden, LWCS
Chris Judy, FS

DEC 11 2001

CHESTER COUNTY
CRITICAL AREA COMMISSION

From: Ray C. Dintaman, Jr., Director, Environmental Review Unit

Subject: U.S. Army Corps of Engineers Public Notice CENAB-OP-TN-02-01; Maintenance Dredging, Neal Sound; Lower Potomac River Area; Charles County

Enclosed please find a request for comments from the U.S. Army Corps of Engineers regarding the proposed maintenance dredging of the Federal navigation project and placement of 25,00 cubic yards of material in the Potomac River just outside of an existing natural oyster bar and topped with cultch and seed oysters to create an oyster bar. This is a change in the proposed placement site for the dredged material from the earlier Public Notice for this project. Please review the submitted materials and provide any comments you may have by **January 5, 2002**. If no comments are received by that date we will assume that you have none. If you have any questions, please contact Roland Limpert of my staff at X-8333.

Check one:

 Comments are attached.

 No Comments.

Wade D Cole

Signature

CBCAC

Agency

01-07-02

Date

RCD:RJL

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 19, 2001

Mr. Phil Cwiek
US Army Corps of Engineers
Baltimore District
PO Box 1715
Baltimore, MD 21203-1715

Re: CENAB-OP-RMN (BA DEPRM/BIRD RIVER/DREDGING) 00-63545-7

Dear Mr. Cwiek,

Please accept the following comments regarding the above referenced project. I understand the comment period is closed and I apologize for the late submittal. It was necessary for me to contact two other agencies to obtain their history with the project before providing comments on behalf of the Chesapeake Bay Critical Area Commission (CBCAC).

We are pleased to learn that the expanded Dredged Material Placement Site will be located outside the Critical Area. Our only concern is that the number of new piers and private spurs generated by the dredging of the various channels may have cumulative and deleterious impacts on the natural resources supported by shallow-water areas, particularly submerged aquatic vegetation and concentrations of wintering waterfowl populations.

We understand that Mr. Roland Limpert, Maryland Dept of Natural Resources Environmental Review Unit, has contacted your office regarding these same concerns. The CBCAC will defer to the Environmental Review Unit's assessment of this situation and their determination will speak on our behalf. I would like to sit in on those joint evaluation meetings in which this project is on the agenda. I may be reached at 410-260-3481 or email to wcole@dnr.state.md.us.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in cursive script that reads "Wanda Cole".

Wanda Cole
Natural Resources Planner

cc: Roland Limpert

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. Phil Cwiek
US Army Corps of Engineers
Baltimore District
PO Box 1715
Baltimore, MD 21203-1715

Re: CENAB-OP-RMN (BA DEPRM/BIRD RIVER/DREDGING) 00-63545-7

Dear Mr. Cwiek,

Please accept the following comments regarding the above referenced project. I understand the comment period is closed and I apologize for the late submittal. It was necessary for me to contact two other agencies to obtain their history with the project before providing comments on behalf of the Chesapeake Bay Critical Area Commission (CBCAC).

We are pleased to learn that the expanded Dredged Material Placement Site will be located outside the Critical Area. Our only concern is that the number of new piers and private spurs generated by the dredging of the various channels may have cumulative and deleterious impacts on the natural resources supported by shallow-water areas, particularly submerged aquatic vegetation and concentrations of wintering waterfowl populations.

We understand that Mr. Roland Limpert, Maryland Dept of Natural Resources Environmental Review Unit, has contacted your office regarding these same concerns. The CBCAC will defer to the Environmental Review Unit's assessment of this situation and their determination will speak on our behalf. I would like to sit in on those joint evaluation meetings in which this project is on the agenda. I may be reached at 410-260-3481 or email to wcole@dnr.state.md.us.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in cursive script that reads "Wanda Cole".

Wanda Cole
Natural Resources Planner

cc: Roland Limpert

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 14, 2001

Ms. Christina E. Correale
US Army Corps of Engineers
Baltimore District
PO Box 1715
Baltimore, MD 21203-1715

Re: Public Notice CENAB-OP-TN-02-01 Maintenance Dredging
Neale Sound, Charles County, Maryland

Dear Ms. Correale,

The Chesapeake Bay Critical Area Commission has no further concerns regarding the disposal of dredged material resulting from this project provided all the appropriate fisheries agencies are satisfied with the oyster bar design and the manner and timing in which it will be built.

Thank you for the additional opportunity to comment.

Sincerely,

Wanda Cole

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

Mr. Steve Dodd
Dorchester County
Department of Planning and Zoning
PO Box 107
Cambridge, MD 21613

Re: Case Number 2076: John Froehlich, Jr.

Dear Mr. Dodd,

Thank you for the opportunity to review the above referenced Appeal. The applicant is appealing the County's decision that the placement of trailers on his property is a grandfathered use. Therefore, at this time, this Appeal does not represent a variance request for keeping hunting trailers on the property year-round in a designated Resource Conservation Area of Parsons Creek.

In the event that the applicant would seek a variance following the outcome of this Appeal case, we would like to provide preliminary comments that the applicant might find useful prior to making application for a variance. The comments are as follows:

1. It is our understanding that the entire property is encumbered by an expanded Critical Area Buffer. Since any activity on this property would be located within the Critical Area Buffer, a Buffer variance would be needed.
2. Activities at this property were reviewed by this office in November 2000. To date, insufficient information has been provided to the review agencies that would enable them to conduct a satisfactory review. While the comments in the attached letter remain valid, the additional comments in this letter will need to be addressed.
3. The applicant has not described the number and dimensions of the requested trailers, nor shown their proposed locations on a detailed site map or property survey.

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

4. Will these trailers be permanently located or is it the applicant's intention to move them about? If the latter, numerous site disturbances will occur and the cumulative impacts could be substantial. These disturbances should be kept to a minimum. The applicant is requested to delineate a site development envelope beyond which no additional disturbances would occur.
5. What will be the source of water and sewer for these trailers? If permanent, on-site utilities are to be provided, their locations and dimensions must be shown on a site plan.
6. Existing and proposed roads and parking areas, together with their dimensions, must be shown on a site plan.
7. The amount of impervious surfaces generated by roads and structures must be quantified.
8. How much forested area exists on this property? Will any forest clearing be needed in order to accommodate these trailers? The amount and extent of the existing forest must be shown, as well as the amount and limits of clearing. Mitigation for impacts must be enumerated. Will the mitigation planting be achieved on-site?
9. Impacts to Habitat Protection Areas, such as Forest Interior Dwelling Species habitat, Delmarva Fox Squirrel habitat, and other rare, threatened or endangered species must be determined through the Wildlife and Heritage Division of the Maryland Dept of Natural Resources. A copy of their determination letter must be provided to this office. The applicant should contact Ms. Lori Byrne at 410-260-8573 for guidance in this regard.

Our office will be able to more appropriately respond to a variance request if this information is provided at the time of application. If you have any questions regarding these comments, please contact me at 410-260-3481.

Please provide this office with a copy of the written decision made in this Appeals case.

Sincerely,



Wanda Cole
Natural Resources Planner

cc: DC 652-01
DC 571-00



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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

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

November 14, 2000

Steve Dodd
Dorchester County Planning and Zoning Office
County Office Building
P. O. Box 107
Cambridge, MD 21613

Re: Froehlich, Jon Variance, Local Case #2000, CBCAC #571-00

Dear Mr. Dodd:

Thank you for forwarding the above-referenced variance request for the after-the-fact placement of a storage trailer for hunters' accommodations in the 100-foot Buffer. You and Ms. Houtman were very helpful in clarifying the existing conditions and your time is appreciated. As you are aware, some confusion remained regarding how the area is regulated because the trailer appeared to be located in an area well into State tidal wetlands.

Through personal communication, the Maryland Department of the Environment Compliance Program has informed us that the access roadway where the trailer is sited is not mapped as a State tidal wetland, therefore we concur that the entire road comprises the 100' Buffer and provide the following comments.

- 1) If the structure was in place prior to September 2, 1988 and the parcel grandfathered, then we do not have any comments.
- 2) Otherwise, we cannot support this variance because the structure is not water dependent and Buffer impacts are not permitted. The applicant should relocate the trailer into an upland area out of the 100' Buffer.
- 3) Should the trailer be allowed to remain, then mitigation with native species should be required for Buffer impacts on a 2:1 basis as per the county ordinance.

I hope this information is helpful. Thank you for the opportunity to comment. If you have any questions, please contact me at 410 260 3482.

Sincerely,

Andrew T. Der
Natural Resources Planner

cc: Ms. Regina Esslinger
Mr. Marley Lewis, Cambridge Field Office, Compliance Program, MDE
File

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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

December 11, 2001

Mr. Steve Dodd
Dorchester County
Department of Planning and Zoning
PO Box 107
Cambridge, MD 21613

Re: Variance Case Number 2071: William and Zoila Owen
5845 Castle Haven Road

Dear Mr. Dodd,

Thank you for the opportunity to review the above referenced variance request. The applicant proposes the construction of a deck and an addition onto an existing house which is located almost entirely within the Critical Area Buffer of Le Compte Creek. The property is a grandfathered lot located in a designated Limited Development Area.

This office does not oppose this request provided the applicant provides 3:1 forest mitigation plantings in the Buffer to offset the new impervious surface disturbances within the Buffer. We recommend that these plantings be accomplished on-site and contiguous to existing forest cover in order to maximize wildlife habitat. The contract purchaser of this property intends to plant fig trees. While this is not a native species, it will provide similar wildlife habitat and water quality benefits. Therefore, the County might consider allowing mitigation credit for these trees.

Please provide this office with a copy of the written decision made in this case. If you have any questions regarding these comments, please contact me at 410-260-3481.

Sincerely,

A handwritten signature in cursive script that reads "Wanda Cole".

Wanda Cole
Natural Resources Planner

cc: DC 653-01

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

Mr. Steve Dodd
Dorchester County
Department of Planning and Zoning
PO Box 107
Cambridge, MD 21613

Re: Variance Case Number 2073: Lot 3 Roger and Elaine Ralph

Dear Mr. Dodd,

Thank you for the opportunity to review the above referenced variance request. The applicant proposes the construction of a driveway and a portion of a building pad that will permanently displace 3,975.1 square feet of forested, nontidal wetlands. This development activity lies within the expanded Critical Area Buffer of Hudson Creek. The property is a grandfathered lot located in a designated Limited Development Area.

This office does not oppose this request provided the applicant provides 3:1 forest mitigation plantings for disturbances to the Buffer. We recommend that these plantings first be accomplished on-site to the maximum extent feasible.

It is our understanding that the applicant will be required to provide wetland mitigation as a condition of the Maryland Department of the Environment nontidal wetland permit. We encourage the applicant to build the mitigation, on-site if possible, rather than pay the fee in lieu. Since this is a forested wetland, the forest wetland plantings may be credited toward the Critical Area forest mitigation requirements.

Please provide this office with a copy of the written decision made in this case. If you have any questions regarding these comments, please contact me at 410-260-3481.

Sincerely,

A handwritten signature in cursive script that reads "Wanda Cole".

Wanda Cole
Natural Resources Planner

cc: DC 654-01

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

Mr. Steve Dodd
Dorchester County
Department of Planning and Zoning
PO Box 107
Cambridge, MD 21613

Re: Variance Case Number 2074: Lot 4 Roger and Elaine Ralph

Dear Mr. Dodd,

Thank you for the opportunity to review the above referenced variance request. The applicant proposes the construction of a driveway and a portion of a building pad that will permanently displace 5,885.17 square feet of forested, nontidal wetlands. This development activity lies within the expanded Critical Area Buffer of Hudson Creek. The property is a grandfathered lot located in a designated Limited Development Area.

This office does not oppose this request provided the applicant provides 3:1 forest mitigation plantings for disturbances to the Buffer. We recommend that these plantings first be accomplished on-site to the maximum extent feasible.

It appears the proposed impacts could be reduced by moving the driveway to the south end of the site, where the access road is closer to the building pad. This would shorten the driveway and would reduce the amount of mitigation needed.

It is our understanding that the applicant will be required to provide wetland mitigation as a condition of the Maryland Department of the Environment nontidal wetland permit. We encourage the applicant to build the mitigation, on-site if possible, rather than pay the fee in lieu. Since this is a forested wetland, the forest wetland plantings may be credited toward the Critical Area forest mitigation requirements.

Please provide this office with a copy of the written decision made in this case. If you have any questions regarding these comments, please contact me at 410-260-3481.

Sincerely,

A handwritten signature in cursive script that reads "Wanda Cole".

Wanda Cole
Natural Resources Planner

cc: DC 654-01

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

Mr. Steve Dodd
Dorchester County
Department of Planning and Zoning
PO Box 107
Cambridge, MD 21613

Re: Variance Case Number 2075: Lot 5 Roger and Elaine Ralph

Dear Mr. Dodd,

Thank you for the opportunity to review the above referenced variance request. The applicant proposes the construction of a driveway, a shared driveway, and a portion of a building pad that will permanently displace 22,777.79 square feet of forested, nontidal wetlands. This development activity lies within the expanded Critical Area Buffer of Hudson Creek. The property is a grandfathered lot located in a designated Limited Development Area.

This office does not oppose this request provided the applicant provides 3:1 forest mitigation plantings for disturbances to the Buffer. We recommend that these plantings first be accomplished on-site to the maximum extent feasible.

It is our understanding that the applicant will be required to provide wetland mitigation as a condition of the Maryland Department of the Environment nontidal wetland permit. We encourage the applicant to build the mitigation, on-site if possible, rather than pay the fee in lieu. Since this is a forested wetland, the forest wetland plantings may be credited toward the Critical Area forest mitigation requirements.

Please provide this office with a copy of the written decision made in this case. If you have any questions regarding these comments, please contact me at 410-260-3481.

Sincerely,

A handwritten signature in cursive script that reads "Wanda Cole".

Wanda Cole
Natural Resources Planner

cc: DC 654-01

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 4, 2001

Ms. Michelle Bolton
Civil Engineer
Bolton Latham, LLC
24 Industrial Drive, Ste 1
Waldorf, MD 20602

Re: Bryans Road Water and Sewer Feasibility Study

Dear Ms. Bolton,

Thank you for the opportunity to review the above referenced study map in anticipation of potential Chesapeake Bay Critical Area impacts. It appears that the Critical Area boundary does not extend this far inland, therefore, this project would not be subject to the Critical Area Criteria. If this information proves incorrect, the Charles County Department of Planning and Growth Management will advise you of any requirements when this project is submitted to them for the local permits it will require. Please contact Ms. Elsa Ault at 301-645-0653, or Mr. Reed Faasen at 301-645-0594 for further guidance.

In addition, please be informed that any activity that would be proposed on properties owned by the Maryland Dept of Natural Resources (DNR) must be reviewed and approved by its Resource Planning unit. Please contact Ms. Barbara Grey at 410-260-8408 as soon as you have identified any potential encroachment onto DNR lands, as this approval process may be lengthy if Federal funding was involved in the acquisition of these lands.

I hope this information will be of help to you and your staff as you prepare future reports.

Sincerely,

A handwritten signature in cursive script that reads "Wanda Cole".

Wanda Cole
Natural Resources Planner

Cc: Barbara Grey
Elsa Ault/Reed Faasen
CS 634-01

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 30, 2001

Mr. Keith Kelley
Baltimore County
Department of Environmental Protection
and Resource Management
401 Bosley Avenue, Suite 416
Towson, Md 21204

RE: 01-13 Michael Powers Variance

Dear Mr. Kelley,

Thank you for the opportunity to comment on the above referenced variance request. The applicant is proposing to construct an addition onto an existing structure that will cause the site to exceed its maximum 31.25% impervious surface limit. The addition will also encroach into the 100' Critical Area Buffer at the site. This property is located in a designated Limited Development Area of Gunpowder River.

While this office has no objection to the small amount of encroachment into the 100-foot Critical Area Buffer, we do not support the impervious surface portion of this variance request. The applicant has ample opportunity to remove other impervious surfaces at this site that will at least maintain the existing amount of impervious area, if not achieve the desired 31.25% limit. The existing 33.6% impervious areas already exceed the maximum allowed on a grandfathered lot of this size.

The applicant has several options for removing 691 square feet of non-essential impervious areas in order to reach the desired 31.25% limit:

1. Convert the parking pad to grass and use pavers for the wheel strips.
2. Delete the proposed walkway that runs between the front steps and the side entrance/porch.
3. Remove the patio. The proposed deck/porch on the waterfront side of the house will serve the same purpose.

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

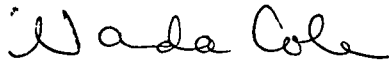
TTY For The Deaf:
Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450

4. Replace the walkway to the pier with stepping stones.
5. Remove the sheds. The addition/second story will be providing additional storage space.
6. Delete from the design the portion of the addition on the waterfront side.

Please include this letter in your file and submit it as part of the official record for this variance. The Commission requests a copy of the written decision made in this case.

Please contact me at 410-260-3481 if you have any questions regarding these comments.

Sincerely,



Wanda Cole
Natural Resources Planner

cc: BC 623-01

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 30, 2001

Mr. Keith Kelley
Baltimore County
Department of Environmental Protection
and Resource Management
401 Bosley Avenue, Suite 416
Towson, Md 21204

RE: 01-12 John McFarlane Variance

Dear Mr. Kelley,

Thank you for the opportunity to comment on the above referenced variance request. The applicant is proposing the construction of a single-family dwelling within the buffer of a nontidal wetland. There are no proposed impacts to the 100-foot Critical Area Buffer. This is a grandfathered lot that lies within the designated Limited Development Area of Sue Creek.

This office does not oppose this request. The applicant has sited the dwelling in the least constrained portion of the lot, is well within the impervious surface limits, and is providing the proper amount of mitigation for lost forest cover.

Please include this letter in your file and submit it as part of the official record for this variance. The Commission requests a copy of the written decision made in this case.

Please contact me at 410-260-3481 if you have any questions regarding these comments.

Sincerely,

A handwritten signature in cursive script that reads "Wanda Cole".

Wanda Cole
Natural Resources Planner

cc: BC 613-01

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 30, 2001

Ms. Elsa Ault
Charles County
Department of Planning and Growth Management
PO Box 2150
La Plata, MD 20646-2150

RE: SFD # 01-867 Walnut Grove Place

Dear Ms. Ault,

Thank you for the opportunity to comment on the above referenced site plan. The applicant proposes to construct a dwelling with garage, driveway, well and septic in the designated Resource Conservation Area of Potomac River.

This proposed development has been sited in an area that will conserve the natural resources of the property and is within the maximum limits on forest clearing and impervious surfaces. Although no afforestation is necessary and the applicant is providing the proper amount of forest mitigation, we encourage the property owner to provide additional plantings in the 100-foot Critical Area Buffer and in the side yard setbacks in order to increase the integrity of the forested wildlife habitat that currently exists on the property. These plantings could include shrubs and small trees in the Buffer and trees in the side yards.

If you should have any questions regarding these comments, please don't hesitate to contact me at 410-260-3481.

Sincerely,

A handwritten signature in cursive script that reads "Wanda Cole".

Wanda Cole
Natural Resources Planner

cc: CS 616-01

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 27, 2001

Mr. Reed Faasen
Charles County
Department of Planning and Growth Management
PO Box 2150
La Plata, MD 20646-2150

RE: Thomas and Annie Hutchins Variance

Dear Mr. Faasen,

Thank you for the opportunity to review and comment on the above referenced variance request. The applicant proposes to replace an existing single-family dwelling with a new single-family dwelling, utilizing the original footprint and adding an additional 460 square feet of new impervious surface area within the expanded Critical Area Buffer. This is a grandfathered property that lies within the designated Resource Conservation Area of Port Tobacco Creek.

This office does not oppose this request. The applicant's property is constrained by steep slopes and highly erodible soils which do not provide suitable alternative home site locations. The applicant will need to mitigate 352 square feet of new impervious surface area in the Buffer at a 3:1 ratio, totaling 1,056 square feet. The applicant will also need to mitigate 1,200 square feet of forest clearing at a 3:1 ratio, totaling 3,600 square feet. The total mitigation of 4,656 square feet should be accomplished on site in the Buffer using native plantings.

The applicant proposes planting some of the mitigation in the revetment by backfilling the voids with topsoil. Please be advised that tidal action at and into the base of the revetment often creates a suctioning effect that will most likely pull the topsoil down through the rocks and out into the creek. This may create a constant maintenance item and hamper the ability of this vegetation to take hold and grow.

Please include this letter in the official file and provide a copy of any written decision made in this case. If you have any questions regarding these comments, please contact me at 410-260-3481.

Sincerely,

Wanda Cole
Natural Resources Planner

cc: CS 631-01

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 26, 2001

Ms. Tina G. Walter
Planning & Zoning Coordinator
City of Cambridge
Department of Planning & Zoning
705 Leonard Lane
Cambridge, MD 21613

Re: Frank & Lois Narr Variance Request

Dear Ms. Walter,

Thank you for the opportunity to review the above referenced variance request. I am providing the following comments for your use:

1. This office cannot support a variance request for development on a lot in a non-grandfathered subdivision. While we can appreciate the constraints that the allocation of a 10% impervious surface limit may place on the development of this lot, the developer agreed to record the lot with this constraint in place. Similarly, the applicants purchased this lot knowing this requirement existed. We recommend that the applicant reduce the amount of impervious surfaces in order to meet the requirement. This could be achieved by reconfiguring and consolidating the decking and walkways, and by moving the garage, hot tub and pool more closely together and positioning them attached, within, and/or closer to the house.

If the applicants perceive an inequity exists as a result of this restriction, they may wish to pursue their concerns with the developer. Perhaps a higher impervious surface limit from another, undeveloped lot within this subdivision may be swapped for the impervious surface limits on this lot.

2. New subdivisions may not allow disturbances within the 100-foot Critical Area Buffer. This site plan shows a considerable amount of grading and filling in order to accomplish the desired development. Most of the development abuts the 100-foot Critical Area Buffer line which will cause additional disturbances within the Buffer as construction equipment attempts to access the work area. We encourage the City to waive the front

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

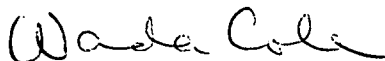
Ms. Tina G. Walter
Re: Frank and Lois Narr
November 26, 2001
Page Two

yard setback to allow the development to be moved closer to the street and away from the Buffer line. This will also reduce the amount of pavement needed for a driveway, thus reducing impervious surfaces.

3. If the subdivision has not already provided for either 15% afforestation or the amount of forest mitigation required when the subdivision was approved, then this lot will need to provide its own 15% afforestation.

Please contact me at 410-260-3481 if you have any questions regarding these comments. We request a copy of any written decision made regarding this case.

Sincerely,



Wanda Cole
Natural Resources Planner

Cc: CM 614-01

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 25, 2001

Mr. James W. Price, Director
Program Open Space
E-4, Tawes Bldg
Annapolis, MD 21401

Re: Local POS Project # 4045-3-362
Eastern Regional Park Development, Baltimore County

Dear Mr. Price,

This project does not conflict with the agency goals of the Chesapeake Bay Critical Area Commission, however, any proposed development within the Critical Area portion of the property will need to be reviewed by the Baltimore County Department of Resources and Environmental Management (DEPRM) and by this office. Depending on the size of any development proposed within the Critical Area portion of the site, either a Chapter 2 Consistency Report or formal approval by the Critical Area Commission will be necessary. We encourage the County's park designers to contact Ms. Pat Farr at DEPRM at 410-887-3980 or myself at 410-260-3481 at the earliest possible opportunity for guidance during the design phase.

For general guidance, park designers will need to limit the amount of forest clearing and impervious surfaces in the Critical Area. The Criteria referenced in COMAR 27.02.04 State or Local Agency Actions Resulting in Major Development on Private Lands or Lands Owned by Local Jurisdictions will be useful in achieving this goal.

Development should not be sited within the 100-foot Critical Area Buffer or Expanded Buffer unless it can be shown to be a water-dependent facility. Trails may be sited partially within the Critical Area Buffer provided they are located outside of sensitive areas and their dimensions kept to the minimum needed. With the exception of outfall/outlet structures, stormwater Management facilities are not to be sited within the 100-foot Critical Area Buffer.

Mitigation for forest clearing and Buffer disturbances will most likely be necessary, therefore a planting plan and agreement will be required.

Sincerely,

A handwritten signature in cursive script that reads "Wanda Cole".

Wanda Cole
Natural Resources Planner

cc: Pat Farr

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 6, 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. ^{JWP}Price, Director, Program Open Space

SUBJ: DNR Clearinghouse Review of Local POS Project #4045-3-362
Eastern Regional Park - Park Development, Baltimore County

This project proposes to develop 52 acres of this 84.5± acre regional park located in the Chase area of Baltimore County. Construction of the recreation facilities include: four lighted ball diamonds with warning tracks, backstops, safety and outfield fencing; six lighted athletic fields; a 9,000 s.f. indoor recreation center with gymnasium, activity rooms, concessions areas, storage and restrooms; entrance road; 511 space parking lot; playground; trail system, including both paved and natural segments, four picnic pavilions, landscaping, site utilities; and various required amenities such as stormwater management, water quality, and sediment control facilities.

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

CHECK ONE AND INITIAL

CHECK

INITIAL

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

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

✓

Wdc

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

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

November 25, 2001

Mr. Steve Dodd
Dorchester County
Department of Planning and Zoning
PO Box 107
Cambridge, MD 21613

Re: Case Number 2065: Glen Burnie Club of Millersville Special Exception

Dear Mr. Dodd,

Thank you for the opportunity to review the above referenced Special Exception request. The applicant proposes to change the use of existing structures on a property into a hunting and fishing club. This property is located in a designated Resource Conservation Area.

At this time, it is our understanding that the Dorchester County Health Department has recommended denial of this use. If the applicant wishes to pursue this variance request, this office will need more information in order to provide comments. We request that the applicant please provide the following details:

1. List and describe the size and use of each building on site.
2. Are any of these buildings connected to well and septic, and if so, how large is the sewage reserve area and where is it located?
3. What changes, if any, are proposed to the existing buildings and driveways in order to accommodate the change in use? Will additional parking areas be needed?
4. What are the forest and wetland features on the site? Is any of this area suitable FIDS habitat? Do streams or any other drainage ways bisect the property?
5. Will any rare, threatened or endangered species be affected by increased activity at this site?
6. Are there any other similar uses in the area?

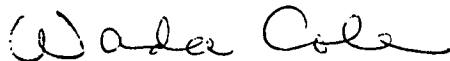
Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

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

Mr. Steve Dodd
Re: Glen Burnie Club of Millersville
November 25, 2001
Page Two

Thank you for your assistance in this review. If you have any questions regarding these comments, please contact me at 410-260-3481.

Sincerely,

A handwritten signature in cursive script that reads "Wanda Cole".

Wanda Cole
Natural Resources Planner

cc: DC 593-01

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 20, 2001

Mr. R. Gore Bolton, P.E.
President
Bolton Latham, LLC
24 Industrial Drive, Ste 1
Waldorf, MD 20602

Re: Requests for Natural Resource Information

Dear Mr. Bolton,

I am writing regarding recent letters from Bolton-Latham staff requesting reviews of specific properties for several natural resource features. While our office would be pleased to assist your staff on the Chesapeake Bay Critical Area components of a project, we are not set up to perform consulting services of the kind that are being requested. Therefore, I would like to provide you and your staff with the contact information for each agency that would be able to furnish the detailed information being requested:

- **Natural Heritage Areas:** Ms. Lori Byrne, MD Department of Natural Resources, Wildlife and Heritage Division, 580 Taylor Ave, E-1, Annapolis, MD 21401. Telephone: 410-260-8573
- **Fisheries and Aquatic Habitats:** Mr. Ray Dintaman, Jr., MD Department of Natural Resources, Environmental Review Unit, 580 Taylor Ave, B-3, Annapolis, MD 21401. Telephone: 410-260-8330
- **Tidal Wetlands, Southern Region:** Mr. Phil Mohler, MD Department of the Environment, 200 Duke St, #2700, Prince Frederick, MD 20678. Telephone: 410-414-3400
- **St. Mary's County Critical Area Criteria Applicable to this site:** Ms. Theresa Dent, St. Mary's Department of Planning and Zoning, PO Box 653, Leonardtown, MD 20650. Telephone: 301-475-4670

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. R. Gore Bolton
Re: Contacts for environmental information
Page Two

You might also wish to investigate the coastal flooding elevations for this property, determine the presence or absence of archeological and cultural resources, and investigate the soils capabilities.

Coastal flooding information may be available from the MD Department of the Environment, Water Management Administration at 2500 Broening Highway, Baltimore, MD 21224-6612.

Archeological and cultural resource information is available from the MD Historical Trust at 100 Community Place, Crownsville, MD 21032. Telephone: Ms. Elizabeth J. Cole, 410-514-7631. Web site: www.marylandhistoricaltrust.net.

You may be able to determine much of this information on your own by consulting the MERLIN database web site: www.mdmerlin.net. This web site provides data layers that provide general guidance on the presence or absence of many resources for a specific site within Maryland. If you have problems using MERLIN, please contact the web manager indicated on the home page.

In addition to all of this, your project may require a Forest Stand Delineation and Forest Conservation Plan. To determine if this will be the case, contact the Forestry Division, MD Department of Natural Resources, 580 Taylor Avenue, E-1, Annapolis, MD 21401. Web site: www.dnr.state.md.us/forests/treelaws.

I hope this information will be of help to you and your staff as you prepare future reports.

Sincerely,



Wanda Cole
Natural Resources Planner

R. Gore Bolton, P.E.
President

Anthony A. Latham
Vice-President

November 6, 2001

Maryland Department of Natural Resources
Critical Area Commission
Tawes State Office Building, C-4
580 Taylor Avenue
Annapolis, MD 21401-2397

RECEIVED

NOV 24 2001

Attn: Ms. Wanda Cole

Re: Bryans Road Water and Sewer Feasibility Study
BL File # C1205-0101, C1205-0102

CHESAPEAKE BAY
CRITICAL AREA COMMISSION

Dear Ms. Cole:

Bolton Latham, LLC is currently conducting a water and sewer feasibility study to service a larger area in Charles County with public water and sewer. As part of our study, we need to identify all of the constraints in the area that would impact the project. The service area map is enclosed for your use.


In order for us to properly assess this property, I am requesting a review of the Maryland Department of Natural Resources records pertaining to the referenced property. Specifically, I am requesting that these records be researched for:

- Any natural heritage areas,
- Any indications of finfish, shellfish, or submerged aquatic vegetation
- Any information concerning Tidal Wetlands, and
- Any other items that may be of environmental concern.

Please forward the results of the record search to Bolton Latham, LLC. If you require any additional information in order to perform this search, please do not hesitate to call me at (301) 645-6610.

Thank you for your assistance.

Sincerely,


Michelle Bolton
Civil Engineer

CC: Mike Morse
BL File # C1205-0101&2

R. Gore Bolton, P.E.
President

Anthony A. Latham
Vice-President

June 21, 2001

Maryland Department of Natural Resources
Critical Area Commission
Tawes State Office Building, C-4
580 Taylor Avenue
Annapolis, MD 21401-2397

RECEIVED

JUL 2 2001

CHESAPEAKE BAY
CRITICAL AREA COMMISSION

Attn: Ms. Wanda Cole

Re: Indiantown Farm. BL File #S1624-0001

Dear Ms. Cole:

Bolton Latham, LLC is currently conducting an environmental report to fulfill requirements necessary for simplified subdivision plat development proposals in the Critical Area. Specifically we are submitting a minor one lot subdivision that is surrounded by an existing lot which can be identified on St. Mary's Tax Map 16, Grid 24, Parcel 1. The area of concern is a proposed 20 acre lot located directly below Parcel 39, and bordering the Wicomico River. Please refer to the enclosed tax map.

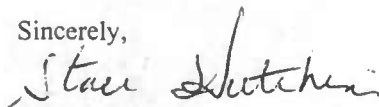
In order for us to properly assess this property, I am requesting a review of the Maryland Department of Natural Resources records pertaining to the referenced property. Specifically, I am requesting that these records be researched for:

- Any natural heritage areas,
- Any indications of finfish, shellfish, or submerged aquatic vegetation
- Any information concerning Tidal Wetlands, and
- Any other items that may be of environmental concern.

Please forward the results of the record search to Bolton Latham, LLC. If you require any additional information in order to perform this search, please do not hesitate to call me at (301) 645-6610.

Thank you for your assistance.

Sincerely,



Staci Hutchins
Environmental Planner

CC: Bob Burke
BL File # S1624-0001



Judge John 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 15, 2001

Mr. Steve Dodd
Dorchester County
Department of Planning and Zoning
PO Box 107
Cambridge, MD 21613

Re: Variance Case Number 2063: Katherine Kerr

Dear Mr. Dodd,

Thank you for the opportunity to review the above referenced variance request. The applicant proposes the construction of an addition onto an existing house, causing the impervious surface limits to be exceeded by 3,601.28 square feet. This property is located in a designated Limited Development Area.

This office is opposed to the granting of this request without growth allocation. The applicant currently has reasonable use of the property. The size of the addition is inconsistent with those typically requested by others. Not only is the addition very large in of itself, but it also exceeds the size of the main house. It is our understanding that portions of the main house are of recent construction, therefore the applicant was aware during the previous construction that the impervious surface limits were being reached for this property. The applicant is encouraged to explore other means that would comply with the impervious surface limits while providing for their spatial needs. Perhaps another story could be added onto the main house or excess impervious surfaces could be removed from the driveways, walkways, brick walls, and planters.

Please provide this office with a copy of the written decision made in this case.

If you have any questions regarding these comments, please contact me at 410-260-3481.

Sincerely,

Wanda Cole
Natural Resources Planner

cc: DC 594-01

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



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. Steve Dodd
Dorchester County
Department of Planning and Zoning
PO Box 107
Cambridge, MD 21613

Re: Indian Creek Estates Phase IV

Dear Mr. Dodd,

Thank you for the opportunity to review the above referenced site plan. The applicant proposes Phase IV of this subdivision for Lots 22-24 in the Critical Area of Indian Creek. This is a designated Limited Development Area.

It is not clear how much of the existing forest within the entire Critical Area portion of the original tract will be affected once all the development has been completed. It is also not clear exactly where the 51% forest cover stated by Mr. Sean Callahan is located. Please provide additional information regarding the following:

1. Please include as a Critical Area note on the plan how many acres of forest exist within the Critical Area portion of this subdivision's parent tract and show where this acreage is located.
2. How much of this existing forest will be cleared as a result of the entire development? If the existing forest compromised 51% of the tract, then no more than 30% of the existing forest can be cleared, and forest mitigation for any forest clearing in the Critical Area would be at a ratio of 1:1 or 1.5 to 1, depending on the percentage of clearing.
3. Please show the development envelopes for all the Critical Area lots and enumerate how much clearing has occurred on each lot to date. Perhaps another table labeled Critical Area Forest Clearing would be useful to track this resource.
4. The afforestation area shown on Lot 21 for Phase III no longer appears on the plan for Phase IV. What is the status of this area? Was this to be an afforestation area or a

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

mitigation area for forest clearing that has been done to date? If the site had 51% forest cover, afforestation would not be necessary but mitigation for forest clearing would.

5. Is the forest area on the 9.448 acre Critical Area Residue part of the 51% existing forest acreage? If so, a note must be added to the plan to indicate what portion of the residue is to be protected from future development activities.
6. A Critical Area note should also be included to indicate whether any remaining density is associated with the Residue referenced above. If not, a note will also be necessary to indicate that this is not a buildable parcel.
7. If the entire subdivision has not already exceeded the 30% limit on forest clearing, the clearing for the sewage reserve area on Lot 25 must not exceed 30% of this lot. A Critical Area note must also be included to state that any development activities within the Critical Area portion of this lot must comply with Critical Area requirements, i.e., impervious surface and forest clearing limits.
8. Please clarify how many acres of this subdivision are in the Critical Area. The impervious surface table indicates 20.25 while the Notification of Project Application states 15.5. It appears more than 5 acres have been developed thus far.

Thank you for your assistance with these items. If you have any questions regarding these items, please contact me at 410-260-3481.

Sincerely,



Wanda Cole
Natural Resources Planner

cc: DC 657-00

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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

November 1, 2001

Mrs. Karen Houtman
Dorchester County
Department of Planning and Zoning
PO Box 107
Cambridge, MD 21613

Re: Site Visit Summary for Andy Stamper, Cassons Neck Road

Dear Karen,

This letter serves to document the discussions we had with the owner's agents, Ron Gatton and Sharon Johnson, at the above referenced site on October 22, 2001. This site is a three-lot subdivision which had been recorded prior to implementation of Dorchester County's Critical Area Program. Maryland Department of the Environment (MDE) is currently working with the applicant regarding a nontidal wetlands permit to allow placement of fill for an access road, three driveways, and three building pads for home sites.

We met at the site to determine how much of the roadbed had grown back since the time it had been cut (prior to 1994). This information would determine the amount of Critical Area forest mitigation that would be needed when this project is presented for a variance request. We found that some of the roadbed has grown back in with forest vegetation, but not all.

It was our understanding that MDE will most likely require the applicant to provide 2:1 wetland mitigation. The options offered to the applicant would include provide wetlands mitigation in its entirety, build part and pay part into the wetland fund, or pay the full amount into the fund. Payment into the wetland fund will not satisfy the Critical Area 3:1 forest mitigation requirements. We explained to Ron and Sharon that building the wetland mitigation would satisfy most of the Critical Area mitigation. The remaining forest mitigation could be accomplished on-site, if feasible, or could be paid into the Critical Area reforestation fund.

Sharon advised us that the owner also owned another lot that was adjacent to Lot 3. This lot is mostly cleared of forest cover, and appears to be of sufficient size for completing both the nontidal wetland mitigation and the Critical Area forest mitigation requirements. At the same time, there would be room remaining on this lot for another homesite.

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

Because the roadway was not fully regrown, we offered the option to the applicant to either mitigate the entire square footage that would have to be cleared, or to count the trees and mitigate according to the number of trees found. This may reduce the amount of plantings needed, although the cost to hire someone to count trees may not reduce the overall cost of the forest mitigation.

We also agreed that temporarily impacted areas would not need to be mitigated as they will be allowed to regenerate once the disturbance has ceased.

Please let me know if I have left out any information or incorrectly stated our discussions. If you have any questions regarding this report, please contact me at 410-260-3481.

Sincerely,



Wanda Cole
Natural Resources Planner

Judge John 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 29, 2001

Ms. Elsa Ault
Charles County
Department of Planning and Growth Management
PO Box 2150
La Plata, MD 20646-2150

RE: SFD # 01-817 Tulip Hill, Lot 1

Dear Ms. Ault,

Thank you for the opportunity to comment on the above referenced site plan. The applicant proposes to construct a dwelling with garage, driveway, well and septic in the designated Resource Conservation Area of Wicomico River. No development is proposed in the 100-foot Critical Area Buffer.

This proposed development has been sited very nicely in an area that will conserve the natural resources of the property and is well within the maximum limits on forest clearing and impervious surfaces. Therefore, this office has no further comments regarding the proposal.

If you should have any questions regarding these comments, please don't hesitate to contact me at 410-260-3481.

Sincerely,

A handwritten signature in cursive script that reads "Wanda Cole".

Wanda Cole
Natural Resources Planner

cc: CS 576-01

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

10/26/2001

Mr. Tim Lessner
Lorenzi, Dodds & Gunnill, Inc.
Waldorf Commercial Center
3475 Leonardtown Road, # 100
Waldorf, MD 20602

Re: Information on Constructing Nest Boxes and Platforms

Dear Tim.

Enclosed are patterns for bluebird and wood duck boxes, osprey platforms, and barn owl boxes that would be suitable for use at properties like Mr. Facchina's. Some of this information includes web site addresses where Mr. Facchina will learn more about the needs of these species and order additional nesting structures, such as purple martin housing. Tree swallows will also nest in bluebird boxes placed in the same habitat. Bluebird boxes placed in or near wooded areas will also attract wrens, chickadees, and the tufted titmouse... all of which are cavity nesting species who eat an abundance of crop-damaging pests.

As a result of your request, I will be putting together a more comprehensive package on attracting wildlife to the Critical Area that will be available for distribution. It will not only include information on structures, but suitable plantings, landscape layout examples, and information on the species' biology and habitat needs. I will send you a copy once it is completed.

Thank you for your interest in this topic, and for using the nest box concept as a means to delineate the 100-foot Critical Area boundary.

Sincerely,

A handwritten signature in cursive script that reads "Wanda Cole".

Wanda Cole
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

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

Ms. Theresa Dent
St. Mary's County Department of Planning & Zoning
22740 Washington Street
PO Box 653
Leonardtown, MD 20650-0653

RE: CA Permit # 01- 1684 Sherman Variance Request

Dear Theresa,

Thank you for the opportunity to comment on the above referenced site plan, which is being submitted for comment prior to being scheduled for a variance hearing with the St. Mary's County Board of Appeals.

This office does not oppose the granting of a variance for this request. We recommend that forest mitigation for clearing in the 100-Critical Area Buffer be provided at a 3:1 ratio.

Please contact me at 410-260-3481 if you have questions about any of these comments.

Sincerely,

A handwritten signature in cursive script that reads "Wanda Cole".

Wanda Cole
Natural Resources Planner

cc: SM 575-01

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 26, 2001

Ms. Theresa Dent
St. Mary's County Department of Planning & Zoning
22740 Washington Street
PO Box 653
Leonardtown, MD 20650-0653

RE: Case # 01-120-023 Condominiums at Piney Point

Dear Theresa,

Thank you for the opportunity to comment on the above referenced project, located in the designated Intensely Developed Area of St. George's Creek. The applicant proposes to remove all existing structures on this 2.771 acre parcel, with the exception of the wooden pier, and replace them with two condominium buildings and associated access roads and parking.

Because the County does not have approved Buffer Exemption provisions in its Critical Area ordinance, it appears that this proposal would require a Buffer variance for much of the development. It appears that the Buffer impacts could be reduced in a manner that would restore some of the functions of the Buffer. Re-establishment of undeveloped portions of the Buffer must be undertaken. For example, the northernmost building could be moved closer to the road and the southernmost building could be rotated so that it parallels MD 249. The parking lot would then be closer to the road, while the common grounds area between the buildings and the shoreline would be widened. Future residents would enjoy a larger and aesthetically pleasing common grounds area that could provide many outdoor recreational uses, while still maintaining a nice water view from inside the units. It might be necessary to waive road setback requirements in order to achieve this goal.

Although there will be a slight decrease in impervious surface areas, the amount of impervious impacts in the 100-foot Critical Area Buffer (Buffer) will remain the same. This redevelopment should first strive to reduce the need for impervious areas, particularly in the Buffer. That could be achieved by eliminating the proposed asphalt surfaces on the waterfront side of the units.

The applicant will need to provide the 10% Rule calculations and best management practices to treat the 1" stormwater quality in a manner that will reduce the phosphorous pollutant loadings by 10%.

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

Similarly, the applicant will need to address impacts to existing forest vegetation and provide a planting plan that offsets the impervious impacts that will still remain within the Buffer.

Please don't hesitate to call me at 410-260-3481 if you have questions about any of these comments.

Sincerely,

Wanda Cole

Wanda Cole
Natural Resources Planner

cc: SM 577-01

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 24, 2001

Mr. James W. Price, Director
Program Open Space
E-4, Tawes Bldg
Annapolis, MD 21401

Re: Local POS Project # 3953-3-357
Chesapeake Village Additions, Baltimore County

Dear Mr. Price, ^{Chip}

This project does not conflict with the agency goals of the Chesapeake Bay Critical Area Commission. When Baltimore County is ready to pursue development activities at this site, a Chapter 2 Consistency Report will be necessary. I am available to assist County staff with this requirement and encourage them to contact this office at the earliest possible time during the design review process. I may be reached at 410-260-3481.

Sincerely,

A handwritten signature in cursive script that reads "Wanda Cole".

Wanda Cole
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

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

October 24, 2001

Ms. Colleen J. Bonnell
Town Planner
Commissioners of Leonardtown
41675 Park Avenue
PO Box 1
Leonardtown, MD 20650

Re: Consistency Report for Leonardtown Waste Water Treatment Plant BNR Upgrade

Dear Ms. Bonnell,

Thank you for providing the Consistency Report for the above referenced project. We concur with your findings and have no further recommendations regarding the scope or design of the project.

It has been a pleasure working with you and I look forward to working with you on future projects.

Sincerely,

A handwritten signature in cursive script that reads "Wanda Cole".

Wanda Cole
Natural Resources Planner

cc: LE 417-99

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



Judge John 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. Elsa Ault
Charles County
Department of Planning and Growth Management
PO Box 2150
La Plata, MD 20646-2150

RE: Variance # 1043, Steven Morgan (Efton Hill)

Dear Ms. Ault,

Late today both of our offices learned that a determination letter, dated October 5, 2001, from the Maryland Department of Natural Resources, Wildlife and Heritage Division, had been made available to the applicant regarding the presence of Natural Heritage Area # 19 and the several, sensitive species that may be present at this site. As the applicant had not forwarded copies of this letter to our offices, we have not had sufficient time to review this information and assess how this project might affect these species.

I understand that the Board of Appeals may provide for continuations of variance requests. A continuation of this request will allow all of us the opportunity to work with the Wildlife and Heritage Division to determine the full extent of the effects this project might have on these sensitive elements.

I will make arrangements to meet with Wildlife and Heritage so that we may resolve this concern expediently.

Sincerely,

Wanda Cole
Natural Resources Planner

cc: CS 272-01
Glenn Therres
Wes Tomlinson

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 22, 2001

Mr. Steve Dodd
Dorchester County
Department of Planning and Zoning
PO Box 107
Cambridge, MD 21613

Re: Variance Case Number 2060: Jean-Marc Tasse'

Dear Mr. Dodd,

Thank you for the opportunity to review the above referenced variance request. The applicant proposes the construction of a 1,050 square foot deck, part of which will be located in the 100-foot Critical Area Buffer of Whitehall Creek. This property is a grandfathered lot located in a designated Limited Development Area.

This office does not oppose this request. Portions of house currently extend into the Buffer. The deck will not extend any closer to the shoreline than these portions of the house. If the deck is considered to be an impervious surface, it must not exceed the 15% limit on impervious surfaces.

We recommend that the applicant provide 3:1 mitigation plantings for disturbances to the Buffer and that these plantings be accomplished on-site within the Buffer.

Please provide this office with a copy of the written decision made in this case.

If you have any questions regarding these comments, please contact me at 410-260-3481.

Sincerely,

A handwritten signature in cursive script that reads "Wanda Cole".

Wanda Cole
Natural Resources Planner

cc: DC 570-01

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 16, 2001

Ms. Theresa Dent
Saint Mary's County
Department of Planning and Zoning
P.O. Box 653
Leonardtown, Maryland 20650

**RE: Lighthouse Subdivision, SUB 01-100-047
SM 542-01**

Dear Ms. Dent:

Thank you for providing information on the referenced project. The applicant is proposing an eight-lot subdivision of an 11.392 acre property. The Critical Area designation of the property is IDA. I have reviewed the information submitted and have the following comments:

An environmental report has not been provided. The applicant needs to provide information regarding a determination from the Wildlife & Heritage Division (WHD) of the Department of Natural Resources regarding rare, threatened, and endangered species habitats or other Habitat Protection Areas that may be affected by this project. Please provide a copy of the determination letter received from the WHD.

The applicant also needs to provide information regarding stormwater quality measures, as the Critical Area overlay designation of this property is IDA. A 10 % reduction in phosphorous pollutant loadings over pre-development conditions is required on IDA parcels. The appropriate worksheets from the Commission's guidance for "10% Rule Compliance" must be completed and provided. For purposes of completing the worksheets, the impervious surface area for each lot should be estimated based on the proposed impervious surface areas for a dwelling, driveway, and accessory structures on each lot. The stormwater quality best management practices must utilize the standards set forth in Maryland Department of the Environment's 2000 manual.

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

The applicant will also need to address the water quality standards in the St. Mary's County Zoning Ordinance regarding how permeable areas will be established in natural vegetation.

If you have any questions, please feel free to call me at (410) 260-3481.

Sincerely yours,



Wanda Cole
Natural Resources Planner

MRO/wdc

cc: SM 542-01



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 11, 2001

Ms. Theresa Dent
Saint Mary's County
Department of Planning and Zoning
P.O. Box 653
Leonardtown, Maryland 20650

RE: Szlendak, Casimir Site Plan 01-130-106
SM 543-01

Dear Theresa:

Thank you for providing information on the above referenced project. The applicant is proposing to establish a private, eight-plot family cemetery on a 1.004 acre property located in the Limited Development Area of Canoe Neck Creek.

Commission staff does not oppose the establishment of a private family cemetery as long as the development activities associated with this use are consistent with the St. Mary's County Critical Area Ordinance. The burial plots and any related monuments should be located outside the 100-foot Buffer, and any clearing or removal of natural vegetation should be appropriately mitigated.

If you have any questions, please feel free to call me at (410) 260-3481.

Sincerely,

Wanda Cole
Natural Resources Planner

cc: SM 543-01

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 11, 2001

Ms. Sue Veith
St. Mary's County Department of Planning & Zoning
22740 Washington Street
PO Box 653
Leonardtown, MD 20650-0653

Re: July 2001 Draft Unified Land Development Code

Dear Sue,

Thank you for the opportunity to review the third draft of the Saint Mary's County Unified Land Development Code. The following comments are provided for your use. Please note that some of these comments, which were provided in previous correspondence, remain unresolved. All of these comments will need to be addressed prior to being presented to the Critical Area Commission for approval. If you feel these comments have already been addressed elsewhere in the document, please specify the sections that apply. We will be happy to meet with you to discuss these comments in further detail.

General Comments

1. The County has not yet revised the Critical Area maps to reflect the proposed extension of the Critical Area of the Shannon Farms PUD. Please provide information on the status of this change.
2. Please provide additional information about the location and recordation date of Breton Bay Garden Apartments.

Chapter 11 Rules

Page 11-1, Section 11.2.1. A statement should be added "When there appears to be a conflict within the Code, the stricter standard shall apply." This is particularly important relative to the sections on cliff setbacks and expansion of Buffers for steep slopes.

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

Chapter 22 Administrative Decisions

Pages 24-2, Sections 24.4.1. This section is not consistent with the Criteria, please insert a semicolon rather than a period after variance standard "d", and a semicolon followed by the word "and" rather than a period after variance standard "e".

Chapter 24 Variances

Page 24-2, Section 24.4.1.d. Insert the following: "nor does the request arise from a condition conforming on a neighboring property."

Chapter 26 Transferrable Development Rights

1. Page 26-1, Section 26.2.2.d. This section appears to allow the transfer of development rights (TDRs) from undevelopable grandfathered parcels. Although the Commission has not formally evaluated the feasibility of transferring development rights from these types of properties, this language does not seem to be consistent with the provisions in COMAR 27.01.02.05.C (4), which encourage TDRs as a means to maintain the land area necessary to support the protective land uses that characterize the RCA. The resolution of this issue will also affect Schedule 32.1.a.
2. Page 26-2, Section 26.5. Are easements permanent or can development rights be transferred back to the sending parcel?
3. A statement needs to be provided that after development rights have been transferred from a property in the Critical Area, it is not eligible to receive growth allocation.
4. A statement needs to be provided that projects involving TDRs in the Critical Area need to be sent to the Critical Area Commission for review and comment.

Chapter 28 Amendments

Page 28-1. It is not clear how the Program review and update process work and how text changes outside the Comprehensive Review Process are done. See enclosure (1).

Chapter 42 Chesapeake Bay Critical Area

1. Page 42-1, Section 42.2.2. This wording regarding density on grandfathered lots should be deleted and replaced with the wording in COMAR 27.01.02.07.B: "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 provision of the approved local program.
2. Page 42-2, Section 42.3.3.a. Why is the program review and update section in the section for overlay and boundary changes? This should be treated as a separate section. This section is confusing; it seems to be a mixture of all program and ordinance changes. Please clarify what they are and how they would be accomplished.
3. Page 42-5, Section 42.5.1. This section needs to include the original mapping standards as an Appendix or in the text. Please reference COMAR 27.01.02.04.A.
4. Page 42-6, Section 42.5.3.c. Delete the word "prudent".
5. Page 42-6, Section 42.5.3.g. This section should be restated to clarify that all development in the LDA (not just projects that require clearing) requires compliance with the forest and woodland protection standards.
6. Page 42-7, Section 42.5.3.i (3). It is my understanding that the County currently has a policy on "Buffer trading." Will Buffer trading still be permitted outside the Buffer Management Areas? If so, please provide the provisions that relate to this issue.
7. Page 42-7, Section 42.5.3.j. Delete "or reduce environmental protection" and replace with "as long as they are not located in the Buffer."
8. Page 42-8, Section 42.6.1. This section must provide as an appendix or in the text the original mapping standards used to map RCA.
9. Page 42-8, Section 42.6.4. The statement regarding the use of private tidal wetlands for RCA density calculations needs to be clarified. Please use the language found in Natural Resources Article §8-1808.1 (d) *Calculations of 1-in-20 acre density of development*. Please see enclosure (2).
10. Page 42-11, Section 42.8.2.a (2). Please add "The expansion may only be permitted if the site has been designated as a Buffer Management Area."
11. Page 42-13, Section 42.8.3.d. Please delete "Water Resources Administration" as this agency no longer exists.

12. Page 42-15, Section 42.9.2.b. Please add "The amount of growth allocation deducted shall be equivalent to the area of the entire parcel or parcels subject to the growth allocation request."

Chapter 50 Use Classifications

1. Page 50-3, Schedule 50.4 Use Classifications, Use Types and Locations within Zoning Districts.
 - Use # 2. Include a statement that agricultural industry must be associated with a farm.
 - Use # 7. Farmer's markets in the RCA appear to be commercial and growth allocation would be required. This use appears to be a substantially different use from roadside stands which would not require growth allocation.
 - Use # 21. Burial grounds must be associated with a church that existed as of December 1, 1985, provided impervious surfaces are limited to 15% of the site or 20,000 square feet, whichever is less.
 - Use # 54. How will the size of a Bed and Breakfast inn located in the RCA be limited? By the number of rooms? By the size of the footprint?
 - Use # 93. Regional flood and stormwater management facilities may only be located in the RCA if they serve development in the RCA or if growth allocation is used.
 - Use # 96. Please provide details on how private utilities will be addressed, i.e., private sewage treatment plants. Could these utilities be located in the RCA if they were serving non-RCA development or new non-RCA development?
 - Use # 99. Charter fishing facilities appear to be water-dependent, commercial, maritime facilities. Commercial uses of this intensity may not be permitted in the RCA without growth allocation.
 - Use # 100. Commercial docks appear to be water-dependent, commercial, maritime facilities. Commercial uses of this intensity may not be permitted in the RCA without growth allocation.
 - Use #101. Public docks, ramps or railways may be permitted in the RCA; however, a private commercial facility would not be permitted without growth allocation.
 - Use # 105. Uses that do not meet the COMAR definition of aquaculture may not be permitted in the RCA.

- Use # 114. Worker's housing should be limited to occupancy during the harvest season only, and it should be stated that it must be associated with a farm.
- Use # 117. Recreational vehicle storage other than on an individual lot is generally not a permitted use in the RCA. Additional details should be provided as to what type of facility is intended. Recreational vehicle parks and campgrounds would not be permitted within the RCA.
- Uses # 119 and 120. Construction trailers/offices, and sales office/model homes need to be limited in both the duration of use and size. We recommend a size limit of 20,000 square feet or 15% of the site, whichever is less, to include both the trailer and parking. This is consistent with how other jurisdictions address this use.

Chapter 51 Use Regulations and Standards

Page 51-2, Section 51.3. Structures on piers has not been addressed. This section needs to include the provisions of Natural Resources Article §8-1808.4 *Structures on piers*. Please see enclosure (3).

Chapter 53 Nonconforming Uses, Structures, and Signs

Page 53-1, Section 53.3.3.d. Language should be added that expansion of a nonconforming use that cannot meet the Critical Area requirements will require a variance.

Chapter 60 Site Plan Review

Page 60-2, Sections 60.4.1 and 60.4.2. The 10% Rule Worksheet should be listed as an item of information to be provided for projects located in the IDA.

Chapter 71 Resource Protection Standards

1. Pages 71-8 through 71-10. The Steep Slope and Erodible Soils Resource Protection Standards are confusing and difficult to follow when separating the Critical Area requirements from requirements for projects outside the Critical Area. This section could be clarified by stating all the Critical Area requirements in a stand alone format under a separate heading.
2. Page 71-9, Section 71.7.3.b. Please remove the parenthetical sentence and replace with "In the Critical Area, any soil type having a k factor of 0.35 or greater and a slope of 5% or greater is considered a highly erodible soil."
3. Page 71-10, Section 71.7.5. Where there is a conflict between cliff requirements and expansion of the Buffer for steep slopes, the stricter standard shall apply.

4. Page 71-3, Section 71.3.3 The General Resource Protection Standards must address establishment of the Buffer in forest vegetation when changes in land use in addition to abandonment of agricultural activities occur, e.g., new development. A statement referencing Section 71.8.2.d.3 would clarify this requirement.
5. Page 71-12, Section 71.3.3.d. This section must clearly state that clearing of existing natural vegetation in the Buffer is not allowed.
6. Page 71-6, Section 71.5.2.a. This section needs to be clarified further. The sentence should be ended after "resolve disputes" and another sentence started, beginning with "A 100-foot Buffer shall be delineated from the edge of tidal wetlands and expanded for steep slopes,..."
7. Page 71-6 and 71-10, Section 71.5.2.b and 71.7.5.g. These sections appear to *require* the expansion of Buffers for hydric soils and erodible soils. Does the County want to make these expansions mandatory? Within the Critical Area, this could mean that many properties would be severely constrained by the expanded Buffer and variances would be required for development. The Critical Area Commission would not support the creation of new lots that would require variances as a result of the application of this mandatory expansion.

Chapter 72 Forest and Woodland Resources In The Critical Area

Page 72-2, Section 72.3.1.a. (5). This section appears to allow the creation of new agricultural lands by allowing clearing within the 100-foot Buffer to within 50 feet of perennial and intermittent streams. A statement must be provided that is consistent with COMAR 27.01.09.01.C (4) (e), which prohibits the clearing of natural vegetation in the Buffer for agricultural activities.

Chapter 74 Supplemental Critical Area Resource Standards

Page 74-1, Section 74.2.1. Surface mining operations are mineral extraction activities that are regulated by Maryland Department of the Environment when the area of disturbance is greater than one acre. Borrow pits, which are also mineral extraction activities, are often smaller than one acre. While these smaller mineral extraction activities would be permitted in the Critical Area, they would still be subject to the Critical Area habitat protection requirements. The size standard, "... which exceed 1 acre..." should be deleted.

Ms. Veith
October 11, 2001
Page 7

Chapter 100 Definitions and Rules of Measurements

Page 100-29 *Steep Slope*. The word "over" should be deleted.

Thank you for your attention to these items and your participation in this process. If you have any questions, please contact me at 410-260-3481, or Ms. Mary Owens at 410-260-3480.

Sincerely,

Wanda Cole

Wanda Cole
Natural Resources Planner

Enclosures (3)

cc: Mary Owens

Wanda - Leader

Judge John 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 8, 2001

Mr. Ace Adkins
Maryland Department of the Environment
Nontidal Wetlands & Waterway Division
201 Baptist Street, # 22
Salisbury, MD 21801

Re: Public Notice 01-NT-2142 Robert Leaf, Punch Island Road

Dear Mr. Adkins,

The Critical Area Commission would like to provide the following comments regarding the above referenced permit application:

1. Some of the proposed development appears to occur in jurisdictional nontidal wetlands adjacent to the 100-foot Critical Area Buffers for the Chesapeake Bay and St. John Creek. Although the County has discretion involving expansion of the Buffer for hydric soils, generally when a project involves impacts to jurisdictional nontidal wetlands, expansion of the Buffer to include the nontidal wetlands is required. The 100-foot Buffer on this site will need to be expanded to include contiguous nontidal wetlands.
2. A Critical Area variance is required for any development proposed within an expanded Buffer.
3. Mitigation for impacts in the Buffer would be at a 3:1 ratio.
4. The authority for implementation of the Critical Area Criteria on local projects in Dorchester County is delegated to the Dorchester County Planning and Zoning Office. All projects located in the Critical Area must be reviewed by that office. Please provide additional detailed information regarding this project to Ms. Karen Houtman, Critical Area Planner, so that she may review the impacts to the expanded Buffer and provide information to the applicants about the variance process and mitigation. Ms. Houtman may be reached at 410- 228-3234.

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. Adkins
October 9, 2001
Page 2

Thank you for your assistance in this matter. If you have any questions regarding these comments, please contact me at (410) 260-3480.

Sincerely,



Mary R. Owens, Chief
Program Implementation Division

cc: Karen Houtman

Judge John C. North, II
Chairman



Wanda Reader

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 8, 2001

Mr. Ace Adkins
Maryland Department of the Environment
Nontidal Wetlands & Waterway Division
201 Baptist Street, # 22
Salisbury, MD 21801

Re: Public Notice 01-NT-2139 Andy Stamper, Cassons Neck Road

Dear Mr. Adkins,

The Critical Area Commission would like to provide the following comments regarding the above referenced permit application:

1. Much of the proposed development appears to occur in jurisdictional nontidal wetlands adjacent to the 100-foot Critical Area Buffers for Brooks Creek and Hudson Creek. Although the County has discretion involving expansion of the buffer for hydric soils, generally when a project involves impacts to jurisdictional nontidal wetlands, expansion of the Buffer to include the nontidal wetlands is required. The 100-foot Buffer on this site will need to be expanded to include contiguous nontidal wetlands.
2. A Critical Area variance is required for any development proposed within an expanded Buffer.
3. Mitigation for clearing of forest or development activities in the Buffer would be at a 3:1 ratio.
4. The authority for implementation of the Critical Area Criteria on local projects in Dorchester County is delegated to the Dorchester County Planning and Zoning Office. All projects located in the Critical Area must be reviewed by that office. Please provide additional detailed information regarding this project to Ms. Karen Houtman, Critical Area Planner, so that she may review the impacts to the expanded Buffer and provide information to the applicants about the variance process and mitigation. Ms. Houtman can be reached at (410) 228-3234.

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. Adkins
October 9, 2001
Page 2

Thank you for your assistance in this matter. If you have any questions regarding these comments, please contact me at (410) 260-3480.

Sincerely,



Mary R. Owens, Chief
Program Implementation Division

cc: Karen Houtman



Judge John 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

Ms. Theresa Dent
St. Mary's County Department of Planning & Zoning
22740 Washington Street
PO Box 653
Leonardtown, MD 20650-0653

RE: CA Permit # 01- 1744 Hornbeak

Dear Theresa,

Thank you for the opportunity to comment on the above referenced site plan, which is being submitted for comment prior to being scheduled for a variance hearing with the St. Mary's County Board of Appeals.

The applicant proposes to construct a 300 square foot shed in the 100' Critical Area Buffer of Combs Creek. Although this is a grandfathered lot, we cannot support this request. There appear to be areas outside the 100' Buffer to place the shed so that a variance would not be needed. If the variance is granted, we recommend that the 3:1 mitigation plantings be first directed to areas on this property closest to the shoreline.

A copy is requested of the written decision made in this case. Please contact me at 410-260-3481 if you have questions about these comments.

Sincerely,

Wanda Cole
Natural Resources Planner

cc: SM 532-01

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 29, 2001

Mr. R. W. Jerry Soderberg, Jr.
D.H. Steffens Co.
22333 Exploration Drive, Suite 1020
Lexington Park, Maryland 20653

RE: Thompson's Retreat, Lot 3

Dear Jerry,

This letter follows up on your submittal of a revised site plan that shows the alignment of the proposed septic fields for Lot 3. You inquired as to whether this arrangement would be something that could be approved.

I researched the subdivision history information contained in our review file # SM 336-99: Thompson's Retreat, Simplified Subdivision Plat. From July 1999 to March 2000, Ms. Tracy Batchelder of this office corresponded with Saint Mary's County Critical Area Planners Christine Holmberg and Sue Veith regarding this subdivision, which proposed the creation of Lots 1 and 2 and an Outparcel on Tract B. The Outparcel is now being proposed as Lot 3.

Since that review, you have provided new information regarding the tidal wetland acreage on the property. You will need to document whether the 2.62 acres of tidal wetlands are State tidal wetlands or private tidal wetlands. You will need to provide information on the location of the mean high water line and a copy of the map that would verify the designation of these wetlands. Please contact Phil Mohler at the Prince Frederick office of Maryland Department of the Environment for help in determining the designation. He may be reached at 410-414-3400. State tidal wetland acreage must be deducted from the total site acreage. **If these are State tidal wetlands, this would leave 39.22 acres of acres and one RCA density right. Since Lot 1 has already been developed, Lot 3 cannot be developed.**

The 1999 file contained a letter regarding the requirement to mitigate 3.4 acres of forest cover that was lost during a timber harvest. A copy of that letter is enclosed for your file. Has that mitigation been provided? If so, please send a copy of the planting plan.

The timber harvest line shown on the August 2001 copy of the Lot 3 Simplified Subdivision Plat does not match the location shown on the March 2000 copy of the Thompson's Retreat Plat. This change indicates that more area was timbered than previously determined. How much additional area was cleared? Ms. Batchelder indicated in her letter that additional clearing would

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. Jerry Soderberg, Jr.
Re: Thompson's Retreat, Lot 3
September 29, 2001
Page Two

exceed 20% of the existing forest and would require mitigation at a 1.5 to 1 ratio. Please indicate where the actual timber harvest line occurs.

Regarding the placement of the septic fields, there appears to be sufficient room at this site to provide a septic reserve area without encroaching on the Expanded Buffer and invoking the need for a variance. We cannot support a variance for development on new lots, therefore, this subdivision must be designed to comply with the Critical Area Criteria without relying on the need for future variances.

Please contact me at 410-260-3481 if you have questions about any of these comments.

Sincerely,



Wanda Cole
Natural Resources Planner

cc: SM 336-99
SM 441-01

Theresa Dent



Judge John C. 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

March 21, 2000

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

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

Dear Ms. Veith:

Commission staff have reviewed the revised site plan for Thompson's Retreat. The consultants have addressed the issues raised in my letter dated July 16, 1999.

Staff spoke with Jerry Soderberg from D.H. Steffens Co. about the timbering that was carried out on the property last summer. A portion of the timbering took place in the Critical Area and some of it in the Buffer. Apparently, the forester that harvested the trees was working off of an incorrect survey of the property and was unaware that they were cutting in the Critical Area. Approximately 30% of the basal area of 11.33 acres of forest in the Critical Area, or 3.4 acres, was removed which is approximately 20% of the total forest in the Critical Area on the site. Therefore, the property owner will be required to provide 1:1 mitigation for the 3.4 acres. The consultant says that any homes constructed on the property would be sited on the portion of the Critical Area that has been timbered and, therefore, no additional clearing will be necessary. However, if there is any additional clearing the property owner would be required to provide 1.5: 1 mitigation as more than 20% of the forested area would then be cleared.

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

Sincerely yours,

Tracy Batchelder
Natural Resources Planner

cc: Mr. Jerry Soderberg, D.H. Steffens 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

September 28, 2001

Ms. Sue Veith
St. Mary's County Department of Planning & Zoning
22740 Washington Street
PO Box 653
Leonardtown, MD 20650-0653

Re: G & I, LLC (Clearbrook Farms) Growth Allocation Request

Dear Sue,

Thank you for the opportunity to review the above referenced growth allocation request, which has been submitted for TEC review. We would like to provide the following comments:

1. The growth allocation acreage being requested is not correct. The growth allocation acreage is based upon the total acreage affected by the development. Unless an RCA set-aside area is identified, it appears the entire 52 acres will require growth allocation.
2. It does not appear the acreage of State tidal wetlands has been deducted from the Critical Area acreage. This acreage must be deducted. The State tidal wetland acreage is not included in the growth allocation request and it cannot be included within the lot boundaries or used for density, forest cover or impervious area calculations.
3. A 300' setback is not being provided. An explanation regarding the feasibility of a 300' setback will be necessary. It appears the desired number of lots could be achieved by clustering the development so that a 300' setback can be provided in some areas. Clustering is referenced in Saint Mary's County Critical Area Ordinance 38.2.17.d (3) "Development in the RCA shall be encouraged to cluster", and 300' setbacks are referenced in 38.2.17.d (5) "New IDA and LDA should be located at least 300 feet beyond the landward edge of tidal wetlands or tidal waters."
4. The size of each lot needs to be stated on the plan.
5. Will any portion of the site remain in RCA designation? If so, the applicant must show the area that is to remain RCA and state the size of the area.

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. Sue Veith
Re: Clearbrook Farms
September 28, 2001
Page Two

6. The site plan shows a proposed paved 50' Public Road 'A' which ends at the cul-de-sac. There is also a 40' Use In Common access that ends at the community beach. Its alignment approximates the alignment of the existing road and the paved Public Road. The applicant should clarify which access road will be built and whether the existing road will be removed.
7. The plan states that there are four (4) existing dwellings. Five (5) existing houses are shown on the site plan and appear in the aerial photo. There is an existing house shown in the 100' Buffer on Lot 14 and a proposed house for Lot 14. Will the existing house on Lot 14 be removed from the Buffer along with the four existing houses proposed for removal from Lots 8, 9, 10 and 12?
8. The amount of proposed impervious surface area seems low. What does the 2.8 acres include? No more than 15% of this parcel may be used for impervious surface areas. The plat should include a table that specifies the distribution of impervious surface area allocations for the project and for each lot.
9. Will the pier at Community Recreation Area 'B' be used as a community pier? If so, a statement on the plan should be provided regarding Saint Mary's County Critical Area Ordinance 38.2.14.e. (3) (e) "If community piers, slips or moorings are provided as part of the new development, private piers in the development are not allowed." The applicant might want to include a list of each affected waterfront lot.
10. Stormwater management facilities must be designed according to the new MDE requirements for 1" stormwater quality management.
11. The Critical Area Report is nine years old. The Wildlife and Heritage determination needs updating; therefore, the applicant must contact the Wildlife and Heritage Division of the Maryland Dept of Natural Resources for an updated determination letter.
12. We would like to visit the site with you to determine if expansion of the Buffer is necessary for those soils with slopes greater than 5% and k factors greater than 0.35. We concur with your determination that the Buffer may need to be expanded for these soils in some areas in order to protect adjacent wetlands and aquatic environments, while other areas might be adequately managed by the use of appropriate best management practices for sediment and erosion control and stormwater. Please contact us at your convenience to arrange a date and time to visit the property.

Ms. Sue Veith
Re: Clearbrook Farms
September 28, 2001
Page Three

13. It appears the Buffer has not been fully expanded in all areas having contiguous slopes greater than 15%.
14. Both the Spring 2001 aerial photo and the St. Mary's Soil Survey suggest the presence of streams in the upper and lower drainage reaches of the nontidal pond, as well as within the drainage swale leading to the head of the tidal pond. We would like to look at these areas more closely with you in the field to determine if these areas are streams. If they are streams, then the 100' Buffer must be delineated for these areas.
15. The applicant needs to provide a written discussion of adjacency. The plat shows two LDA areas, however, the limits of the LDA is not shown nor the degree to which they have been developed.
16. The 100' Buffer is shown and the Critical Area Report discusses establishment of the Buffer in forest vegetation. The plan should include labels or notes stating that the Buffer must be fully established.
17. The steep slopes and expanded Buffer shown on the plan do not correspond to the steep slopes shown in Figure 5 of the Report.

Please contact me at 410-260-3481 if you any questions.

Sincerely,



Wanda Cole
Natural Resources Planner

cc: SM 533-01



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 26, 2001

Ms. Sue Veith
St. Mary's County Department of Planning & Zoning
22740 Washington Street
PO Box 653
Leonardtown, MD 20650-0653

Re: John L. Bohanan, Sr. et ux and John L. Bohanan, Jr. et ux Growth Allocation Request

Dear Sue,

Thank you for the opportunity to review the above referenced growth allocation request, which has been submitted for TEC review. We would like to provide the following comments:

1. The sewage reserve areas for Lots 500-1, 500-2, and Parcels 17, 19 and 136 appear to have been created from the 3.05 acre parent tract once known as Parcel 18. These sewage reserve areas are associated with development in the LDA. Such a use of the RCA is not permissible unless growth allocation is used. This was not done when this parcel was subdivided in 1996, therefore, the RCA density of Parcel 18 appears to have been exceeded. As a result, growth allocation for Parcel 18 must be addressed at this time in order to move forward with the Bohanan request.
2. The Critical Area Report states that 0.99 acre of lot 500-2 is forested while the Critical Area Form states 1.12 acres are forested. The amount of proposed clearing of existing forest, based upon the 0.99 acre figure provided by Dr. Athanas, is 28%. Forest mitigation will be required at a ratio of 1.5 to 1. This mitigation should first be directed on-site to the 100' Critical Area Buffer on lot 500-1 so that the Buffer can be fully established.
3. The Forest Stand Delineation plan needs to show the forest limits line. The environmental report does not discuss forest cover on Lot 500-1. How much of Lot 500-1 is forested? If it is less than 15%, afforestation will be necessary.

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

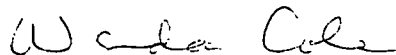
TTY For The Deaf:
Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450

Ms. Sue Veith
Re: Bohanan Growth Allocation Request
September 26, 2001
Page Two

4. The determination letter from the Maryland Dept of Natural Resources Wildlife & Heritage Division (WHD) indicates that a state endangered plant may occur at this site. A survey must be conducted according to the plant survey standards provided by WHD. It appears this proposal is consistent with the Forest Interior Dwelling Species recommendations.
5. Critical Area notes # 10, 11, and 13 must provide figures for these areas.
6. The applicant needs to state how much impervious surface area exists on each lot and how much is proposed for each.

Please contact me at 410-260-3481 if you any questions.

Sincerely,



Wanda Cole
Natural Resources Planner

cc: SM 274-00

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

September 24, 2001

Ms. Sue Veith
St. Mary's County Department of Planning & Zoning
22740 Washington Street
PO Box 653
Leonardtown, MD 20650-0653

Re: Prospect Hills Lot 18 Growth Allocation Request

Dear Sue,

Thank you for the opportunity to review the above referenced growth allocation request, which has been submitted for TEC review. We would like to provide the following comments:

1. In order to ensure that Outparcel B is not considered to be a buildable lot at a later date, it should be deleted. The 6.92 acre residue should remain as one parcel and should be labeled, "Density Reservation parcel for Lots 1-3 Prospect Hills".
2. General Notes # 1 and # 2 need to be revised to reflect the information regarding the southern tract included in the letter to Shawn Day dated June 28, 2001. A copy is enclosed copy for your use.
3. General note # 2 needs to be revised to show the correct Critical Area growth allocation request of 1.5 acres.

Please contact me at 410-260-3481 if you any questions.

Sincerely,

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

Wanda Cole
Natural Resources Planner

cc: SM 449-00

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 24, 2001

Ms. Sue Veith
St. Mary's County Department of Planning & Zoning
22740 Washington Street
PO Box 653
Leonardtown, MD 20650-0653

Re: Thomas Colton Subdivision Growth Allocation Request

Dear Sue,

Thank you for the opportunity to review the above referenced growth allocation request, which has been submitted for TEC review. We would like to provide the following comments:

1. It is not clear how much growth allocation is being requested. Please show how it is being calculated.
2. The subdivision history is confusing. In order to determine the correct amount of growth allocation, the applicant must provide the subdivision history of the parcel starting on December 1, 1985.
3. Is Mossy Lea Lane a county road? If not, it would not be considered a parcel divider, therefore the Critical Area acreage on the opposite side of this lane will need to be included as part of the parent parcel for purposes of documenting the subdivision history.
4. On the tax maps provided at the time the County's Critical Area Program was approved, the Tony Farrell property shows parcel lines for what is now Lot 2 of the Mossy Lea subdivision (DBK 246-200), and for the parcel that contains Lots 1 and 2 of the Thomas Colton subdivision (MRB 030-053). Were these separately described parcels on December 1, 1985? Were they considered buildable lots? Please provide copies of any relevant plats or deeds.

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

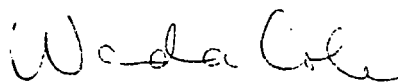
TTY For The Deaf:
Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450

Ms. Sue Veith
Re: Thomas Colton subdivision
September 24, 2001
Page Two

5. When was Lot 1 of the Thomas Colton subdivision created? Is it developed? How much of this lot lies within the Critical Area? It appears this acreage should be included in the growth allocation acreage calculations and the request for growth allocation. Lot 1 of the Thomas Colton subdivision is shown as now being owned by Renie and Olivia Quade.
6. Canoe Neck Creek is a tributary stream to Neck Creek. The 100' Critical Area Buffer should be delineated for this stream and expanded for any contiguous sensitive areas. Once this is done, will the Critical Area Buffer occur on any of the subject parcels?
7. The Critical Area Report states there are 12 trees present. This would equate to 4800 square feet. In order to meet the 15% afforestation requirement, an additional 22,251 square feet of forest plantings must be provided. The Report should reflect the correct amount of afforestation. This figure may need to be revised after the growth allocation acreage is finalized.
8. A planting plan will be necessary.
9. The proposed impervious surface areas for the Thomas Colton subdivision may change if it is determined that other lots must be included in the growth allocation request.
10. A determination from the Maryland Department of Natural Resources Wildlife and Heritage Division is required to determine the presence of rare, threatened or endangered species. Please provide a copy of that letter to this office.

In order to clarify the subdivision history of the parent parcel and determine the correct growth allocation acreage, it might be helpful for Commission staff to meet with the consultant and County staff. If you would like to schedule a meeting or if you have any questions about these comments, please contact me at 410-260-3481.

Sincerely,



Wanda Cole
Natural Resources Planner

cc: Jerry Soderberg, D.H. Steffens Co.
SM 636-00

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

September 19, 2001

Ms. Elsa Ault
Charles County
Department of Planning and Growth Management
PO Box 2150
La Plata, MD 20646-2150

RE: SFD # 01-751 Waverly Lot 15B

Dear Ms. Ault,

Thank you for the opportunity to comment on the above referenced site plan. The applicant proposes to construct a dwelling with garage, driveway, well and septic in the designated Resource Conservation Area of Potomac River. No development is proposed within the 100-foot Critical Area Buffer.

This office has no comments regarding this site plan other than to acknowledge that it is very nicely done.

If you should have any questions regarding these comments, please don't hesitate to contact me at 410-260-3481.

Sincerely,

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

Wanda Cole
Natural Resources Planner

cc: CS 503-01

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 17, 2001

Mr. Keith Kelley
Baltimore County
Department of Environmental Protection
and Resource Management
401 Bosley Avenue, Suite 416
Towson, Md 21204

RE: PDM # X -760 Wal*Mart at Carroll Island

Dear Mr. Kelley,

Thank you for the opportunity to comment on the above referenced variance request. The applicant is proposing a redevelopment project in an Intensely Developed Area of Frog Mortar Creek. The proposed new development will encroach into the 100' Critical Area Buffer at the site, therefore a variance is requested.

This office does not oppose this variance provided that the wetlands mitigation for this project incorporates both stormwater quality and habitat functions. The proposed wetland mitigation at the Bengie's drive-in provides stormwater quality benefits but not habitat. In its isolated location between the residential roadway and the parking lot of the drive-in, there is little opportunity for the mitigation area to provide suitable wildlife habitat. We recommend that the applicant seek a mitigation area, preferably within the 100' foot Critical Area Buffer, that is adjacent to an existing wetland or wooded habitat so that a wildlife corridor is established.

As you have pointed out, the 10% Rule calculations are incorrect and need to be amended accordingly. The site acreage provided varies from that stated on the development plan and the calculations provided in May 2001. The post-development impervious area shown in the calculations indicates an increase by only 0.9 acres, while the development plan shows an increase in 2.5 acres of impervious area for just the footprint of the new building. The proposed additional parking areas would increase the post-development impervious areas even further. If the on-site stormwater features will also be handling off-site drainage, the acreage for the off-site drainage should be included in the total site acreage for calculating actual pollutant loadings.

Please include this letter in your file and submit it as part of the official record for this variance. The Commission requests a copy of the written decision made in this case.

Please contact me at 410-260-3481 if you have any questions regarding these comments.

Sincerely,

A handwritten signature in cursive script that reads "Wanda Cole".

Wanda Cole
Natural Resources Planner

cc: BC 460-01

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 14, 2001

Mr. Reed Faasen
Charles County
Department of Planning and Growth Management
PO Box 2150
La Plata, MD 20646-2150

RE: XPN 01-06: Gunston Pointe Preliminary Subdivision Plan

Dear Mr. Faasen,

Pursuant to our joint review of the additional information provided by Lorenzi, Dodds & Gunnill, I would like to provide the following comments:

1. The revised site plan shows the total Critical Area acreage at 325. Is this acreage for the entirety of the original tract, which would include both parcels A and B, or is it for parcel B of the original tract? If the former, please provide the breakdown for parcel B. All subdivision on parcel B since 1985 appears to have occurred mostly outside the Critical Area, therefore this information will be useful in calculating the appropriate RCA density.
2. As a reminder, the RCA density cannot be calculated until a determination has been made, in writing, by Maryland Department of the Environment regarding whether the tidal wetlands on the property are patented, private, tidal wetlands or state tidal wetlands.
3. As future follow-up to the note for Lot 16 regarding regeneration in the Buffer, please let me know when you would like to make site visits to monitor the progress. As the note states, if regeneration is not successful, planting will be necessary at the 3:1 ratio. If that should happen, will this requirement be born by the current applicant, the current owner of Lot 16, or the future owners of the additional proposed lots?

All of the other comments in my August 21, 2001 letter have been addressed.

If you have any questions regarding these comments, please contact me at 410-260-3481.

Sincerely,

A handwritten signature in cursive script that reads "Wanda Cole".

Wanda Cole
Natural Resources Planner

cc: CS 329-01

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 12, 2001

Ms. Roxana L. Whitt
Calvert County Planning & Zoning
150 Main Street
Prince Frederick, MD 20678

RE: Variance Case No. 01-2751 Margaret and Wolfgang Dietz

Dear Ms. Whitt,

Thank you for the opportunity to comment on this variance request. The applicant is requesting a variance to build a driveway on steep slopes in the Critical Area of St. Leonard Creek in a designated Resource Conservation Area. After reviewing the site plan, I noticed that the 100-foot Critical Area Buffer needs to be delineated for the tributary streams and expanded for their contiguous steep slopes. Once this is done, it appears that the proposed driveway will require a variance for disturbance in the Buffer as well. Attached is a copy of the Calvert County soil survey map that shows the streams in this area.

The applicant has not provided sufficient information to determine if this property is a properly grandfathered lot. Attached is a copy of the 1988 tax map information provided by Calvert County at the time of their Program approval upon which we based our review. If the lot is properly grandfathered, this office does not oppose this variance. If the lot is not properly grandfathered, then this office opposes this variance request as it appears that there is ample area to construct a single-family dwelling on the property without a variance. If the lot is determined not to be a grandfathered lot, it would not be possible for the applicant to meet the unwarranted hardship standard for a variance.

The following additional information should be provided prior to action on the variance by the Board of Appeals:

1. A site plan with the 100' Critical Area Buffer delineated for the tributary streams and expanded for their contiguous steep slopes.
2. A statement regarding the amount of existing forest on the site and the amount of forest mitigation required for clearing in the 100-foot Buffer and clearing in the Critical Area.
3. A label on the plan to indicate that the terrace/bench shown at elevation + 32 on the north side of the stream and the ridge shown south of the stream are both abandoned railroad beds.

1

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

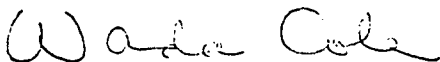
TTY For The Deaf:
Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450

Ms. Roxana Whitt
Re: Wolfgang and Margaret Dietz
September 12, 2001
Page Two

4. The forested area on this site appears to be potential Forest Interior Dwelling Species (FIDS) habitat. A determination is required from the Wildlife and Heritage Division of the Department of Natural Resources regarding the presence of rare, threatened or endangered species and Forest Interior Dwelling Species (FIDS) habitat. A copy of that determination letter must be provided to this office. Revisions to the site plan or mitigation may be necessary as a result of this information and we request the opportunity to review it. We strongly recommend that the Board of Appeals defer action on this variance request until this information is available.

Please include this letter as part of the official record for this variance. The Commission requests a copy of the written decision made in this case. If the site plan is revised, please forward a copy of the revised site plan to this office.

Sincerely,



Wanda Cole
Natural Resources Planner

cc: CA 458-01
Nelson Arocho



1 Mile

5000 Feet

225 000 FEET

(Joins sheet 27)

Scale 1:15840

10000

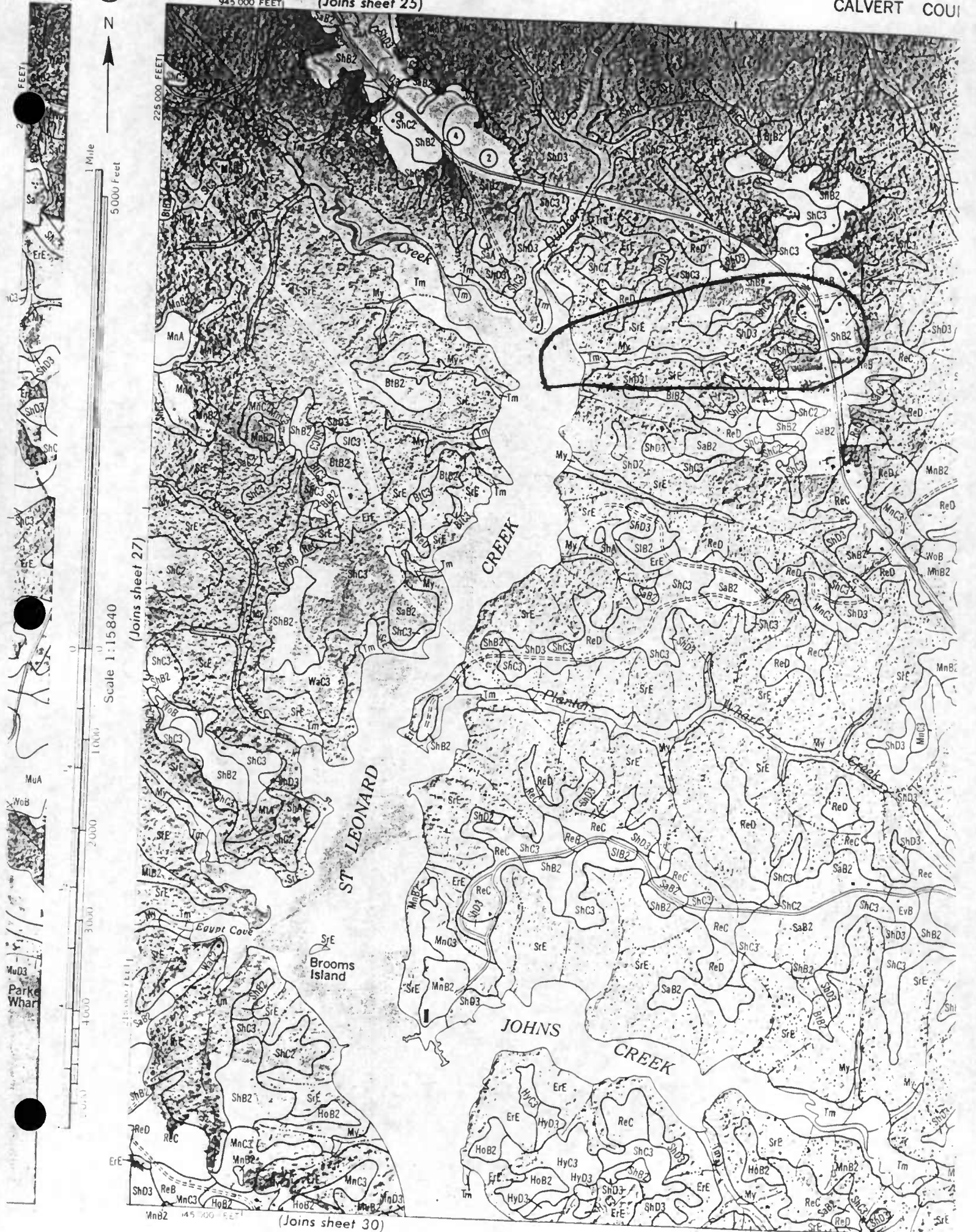
20000

30000

40000

145 000 FEET

(Joins sheet 30)



HERBERT G LONG
JLB 23/235
55.40A
P.52

J. GODFREY LONG
JLB 25/199
51.31A. P.2

P.125

P.123

P.121

P.122

COMMUNITY
PIER AREA

RECREATION
AREA

VIRGINIA LUMBER CO
JLB 25/428
P.26

ABE 287
/ 015
7.60A.
P.31

THOS. GOUGH
AWR 28/37
P.44 16.81A
P.43 P.42
P.49

ABE 287/081
6.45A
P.35

H. B. TRUEMAN
AAH 49/209
10.45 A. P.25

DAVID A. FEGAN
JLB 167/641
13.99A. P.6

ROY C. MANLEY
ABE 297/105
24.73A.
P.5

CHARLES J.
BUCHANAN
JLB 48/222
7.82A
P.32

ROY C. MANLEY
JLB 121/537
7.11A.
P.72

ABE 292-0267

P.93

P.75

WARD CREEK
FORT HILL
PLAT 3:28

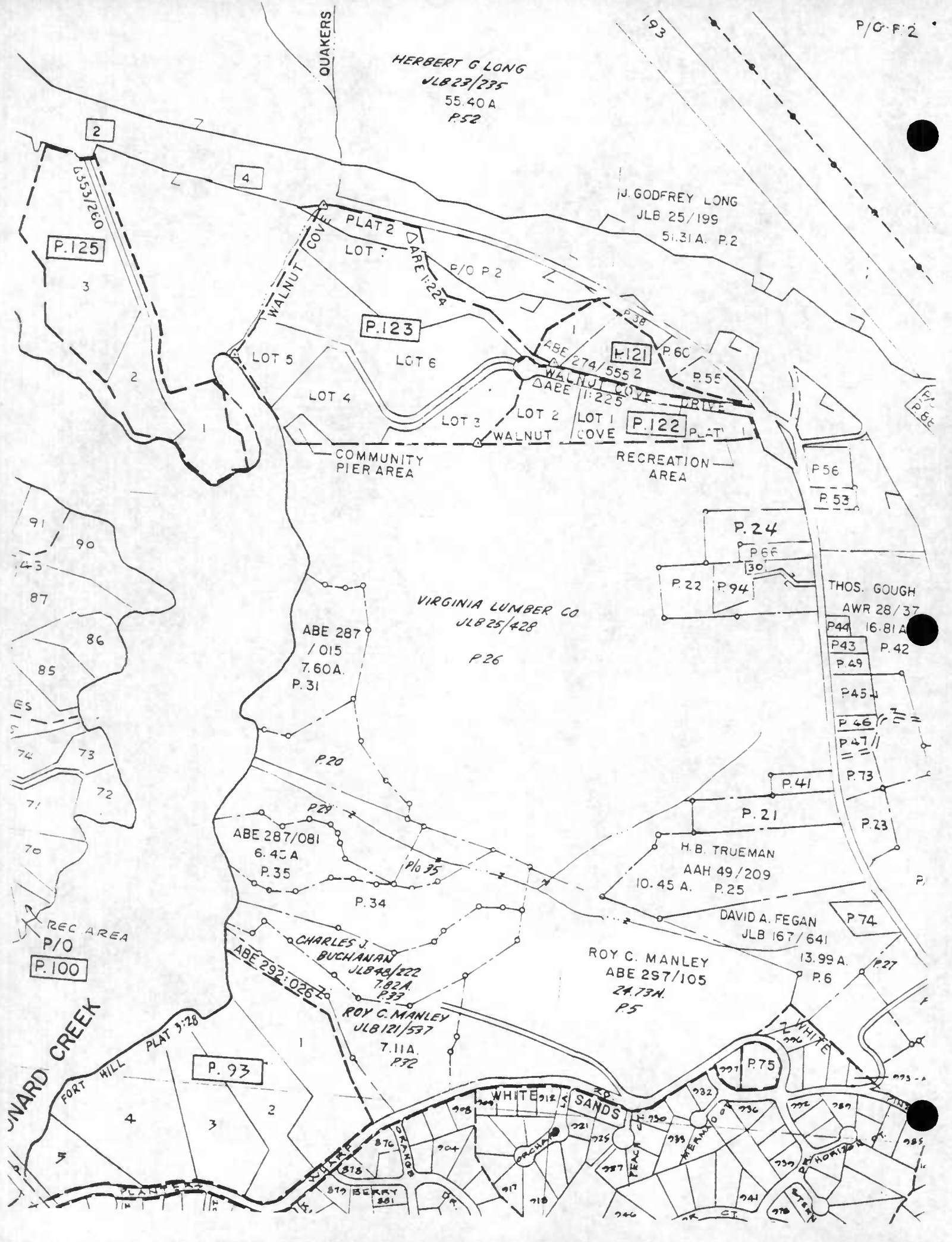
WHITE SANDS

BERRY

HERNANDO

HORIZON

STAN



Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

September 11, 2001

Ms. Heather Batchelder
c/o Baltimore District Engineer
US Army Corps of Engineers
PO Box 1715
Baltimore, MD 21203-1715

Re: Public Notice CENAB-OP-TN-01-09 Maintenance Dredging
Neale Sound, Charles County, Maryland

Dear Ms. Batchelder,

On behalf of the Chesapeake Bay Critical Area Commission, I respectfully request the opportunity to attend and participate in any inter-agency meetings, site visits and/or reviews of the dredged material placement site associated with this proposed maintenance dredging operation. In accordance with the Maryland Coastal Zone Management Program, federal projects located within Maryland's 1000 foot Critical Area are submitted to our office for review and guidance regarding Critical Area requirements.

Thank you in advance for accommodating this request. If you have any questions, please contact me at 410-260-3481 or by email wcole@dnr.state.md.us.

Sincerely,

A handwritten signature in cursive script that reads "Wanda Cole".

Wanda Cole

cc: Christina E. Correale
Rick Ayella, MDE
Phil Mohler, MDE- Prince Frederick

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 11, 2001

Ms. Colleen J. Bonnell
Town Planner
Commissioners of Leonardtown
41675 Park Avenue
PO Box 1
Leonardtown, MD 20650

Re: Leonardtown Waste Water Treatment Plant BNR Upgrade

Dear Ms. Bonnell,

Thank you for providing the planting plan and updated information on the rationale for the 10% Rule calculations from Sterns & Wheeler. It is my understanding that in order to meet the 10% pollutant reduction requirement, the engineer is proposing to use the phosphorous removal capabilities of the treatment plant itself. Staff has determined that because of site constraints that limit the potential for an on-site Best Management Practice, that this proposal is acceptable.

Regarding this determination, we equated the function of the lagoons, clarifiers and digesters to that of an extended detention stormwater management facility with a removal efficiency rate of 0.60. We then applied that efficiency rate to the 0.34 acre portion of the site that is draining into the WWTP facilities. This resulted in a load removed of 4.37 pounds, which exceeds the original 2.49 pounds removal requirement calculated by your consultant, Sterns & Wheeler.

The Planting Plan needs minor adjustments. A care and maintenance schedule is needed as well as a clause that ensures the viability of these plantings for five years. Normally the first one or two years of survivability is provided by the contractor and the landowner provides the remainder. The American hollies need to be spaced further apart as they can reach a circumference similar to that of white pine. Although the highbush cranberries are a viburnum species, it is not listed as a native Maryland species. In a conversation today with Mr. Chambers of Sterns & Wheeler, we agreed that lowbush blueberries would be a good substitute.

The Planting Plan also shows the 100' Critical Area Buffer being used as a temporary stockpile area for pipes et al. Normally we discourage use of the 100' Buffer for such purposes, however, given the site constraints, this use is acceptable provided silt fence is provided along the toe of

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

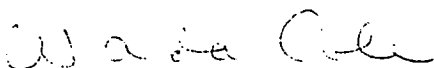
Ms. Colleen Bonnell
Re: Leonardtown WWTP
September 11, 2001
Page Two

the slope, to intercept any disturbed areas created during removal of the pipes et al. Restoration of this area to existing conditions or better will be necessary.

Finally, the Town of Leonardtown will need to provide this office with a letter stating that this project is consistent with their Critical Area Program. This will satisfy the requirements of COMAR 27.02.02.B. A copy of that section is enclosed for your file.

Please feel free to call me at 410-260-3481 if you have any questions regarding these comments.

Sincerely,



Wanda Cole
Natural Resources Planner

cc: LE 417-99

Title 27
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

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

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

.01 Definition.

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

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

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

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

.02 Criteria.

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

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

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

September 11, 2001

Ms. Cynthia D. Simpson
Deputy Director
Office of Planning and Preliminary Engineering
State Highway Administration
PO Box 717
Baltimore, MD 21203-0717

Re: Critical Area Commission Approval
Replacement of Bridge No. 4020: MD 509 over Governor's Run, Calvert County

Dear Ms. Simpson,

I am pleased to inform you that on September 5, 2001, the Chesapeake Bay Critical Area Commission unanimously approved the above referenced project in accordance with COMAR 27.02.06 Conditional Approval of State Agency Programs in the Critical Area. This approval is subject to the following condition:

- That Nontidal Wetland and Waterways permit 01- NT-0063 is obtained prior to initiating construction at this site.

Thank you for your participation in this process. Please contact me at 410-260-3481 if you have any questions.

Sincerely,

Wanda Cole
Natural Resources Planner

cc: 22-01

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 30, 2001

Mr. Phil Mohler
Nontidal Wetlands Division
Water Management Administration
Maryland Department of the Environment
200 Duke Street, # 2700
Prince Frederick, MD 20678

Re: 01-WL-1837 Koudellou Inc.

Dear Mr. Mohler,

I would like to follow up on our recent discussions regarding this application for stone revetment and its proposal to place a ten-foot earthen bench channelward of an existing bank and landward of the mean high water line of Chesapeake Bay. Although shoreline protection is encouraged, the Chesapeake Bay Critical Area Commission generally does not support the placement of fill in the 100-foot Critical Area Buffer. However, before we provide formal comments as to such, I would like to attend a site visit with you and the Saint Mary's County Critical Area Planner to determine whether this is a reasonable request, and whether or not a variance may be required from the Saint Mary's County Board of Appeals. I am also interested in observing how this operation would be accessed.

Please contact Ms. Theresa Dent at 301-475-4670 and me at 410-260-3481 to schedule the site visit. Thank you again for the opportunity to participate in this review.

Sincerely,

A handwritten signature in cursive script that reads "Wanda Cole".

Wanda Cole
Natural Resources Planner

cc: Theresa Dent

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 5, 2001

Ms. Olivia Vidotto
Calvert County Department of Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

RE: MSD 01-11-26 Gott Realty Company Lots 3 and 4

Dear Ms. Vidotto,

I have reviewed the additional information provided by R. A. Barrett & Associates regarding the above referenced subdivision. Based upon the Critical Area Plan submitted on August 28, 2001, all of the comments listed in my April 27, 2001 letter have been addressed.

Critical Area Note # 6 could prove to be misleading in the future. The property has a total of four RCA density rights. Including the existing house and the development of Lots 3 and 4, three of those rights will be used. This note could be clarified by deleting the word "remaining".

Please contact me at 410-260-3481 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Wanda Cole".

Wanda Cole
Natural Resources Planner

cc: CA 164-01

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



Dec 9/5/01

Iris N. Glendening
Governor

Maryland Department of Natural Resources
ENVIRONMENTAL REVIEW
Tawes State Office Building, B-3
Annapolis, Maryland 21401

Stanley K. Arthur
Acting Secretary

August 21, 2001

RECEIVED

AUG 23 2001

Memorandum

To: Tammy Broll, NRP
Regina Esslinger, ~~CAC~~
Bill Hodges, RAS
Lori Byrne, WHD
Sandi Olek, CCWS & EBPGM
Arnold Norden, LWCS

From: ^{RCD} Ray C. Dintaman, Jr., Director, Environmental Review Unit

Subject: U.S. Army Corps of Engineers Public Notice CENAB-OP-TN-01-09; Maintenance Dredging, Neal Sound; Lower Potomac River Area; Charles County

CHESAPEAKE BAY
CRITICAL AREA COMMISSION

Enclosed please find a request for comments from the U.S. Army Corps of Engineers regarding the proposed maintenance dredging of the Federal navigation project and placement of 25,00 cubic yards of material at a previously used diked upland placement site adjacent to the channel. Please review the submitted materials and provide any comments you may have by **September 5, 2001**. If no comments are received by that date we will assume that you have none. If you have any questions, please contact Roland Limpert of my staff at X-8333.

Check one:

Comments are attached.

No Comments.

Wanda Cole

Signature

CBCAC

Agency

9/11/01

Date

RCD:RJL

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

September 11, 2001

Ms. Heather Batchelder
c/o Baltimore District Engineer
US Army Corps of Engineers
PO Box 1715
Baltimore, MD 21203-1715

Re: Public Notice CENAB-OP-TN-01-09 Maintenance Dredging
Neale Sound, Charles County, Maryland

Dear Ms. Batchelder,

On behalf of the Chesapeake Bay Critical Area Commission, I respectfully request the opportunity to attend and participant in any inter-agency meetings, site visits and/or reviews of the dredged material placement site associated with this proposed maintenance dredging operation. In accordance with the Maryland Coastal Zone Management Program, federal projects located within Maryland's 1000 foot Critical Area are submitted to our office for review and guidance regarding Critical Area requirements.

Thank you in advance for accommodating this request. If you have any questions, please contact me at 410-260-3481 or by email wcole@dnr.state.md.us.

Sincerely,

Wanda Cole

cc: Christina E. Correale
Rick Ayella, MDE
Phil Mohler, MDE- Prince Frederick

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 27, 2001

Ms. Roxana L. Whitt
Calvert County Planning & Zoning
150 Main Street
Prince Frederick, MD 20678

RE: Variance Case No. 01-2752 Betti and George Wood

Dear Roxana,

Thank you for the opportunity to comment on this variance request. The applicant is requesting a variance to build a house and deck on steep slopes in the Critical Area of Johns Creek in a designated Limited Development Area. There will be no impacts to the 100-foot Critical Area Buffer as the Buffer does not occur on this property.

This office does not oppose this variance. The applicant is proposing the development in the least constrained area of the property. We appreciate that the applicant has kept the forest clearing close to the edge of the forested area and to the minimum amount necessary. This will keep the forest habitat intact, thus increasing its value to local and migrating wildlife. It will also maintain the stability of the steep slopes.

Please include this letter in your file and submit it as part of the official record for this variance. The Commission requests a copy of the written decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Wanda Cole".

Wanda Cole
Natural Resources Planner

cc: CA 459-01

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 21, 2001

Ms. Theresa Dent
St. Mary's County Department of Planning & Zoning
22740 Washington Street
PO Box 653
Leonardtown, MD 20650-0653

RE: CA Permit # 01- 1337 Thomas Gallagher

Dear Theresa,

Thank you for the opportunity to comment on the above referenced site plan, which is being submitted for comment prior to being scheduled for a variance hearing with the St. Mary's County Board of Appeals.

This property is a grandfathered lot located in the Critical Area of Potomac River in a designated Resource Conservation Area. The applicant proposes to add onto the existing deck of the house and to construct decorative walls along the driveway. None of this work is located within the 100-foot Critical Area Buffer.

The proposed increase in impervious surface area does not exceed the limits for impervious surface areas on grandfathered lots of this size. A variance will not be needed at this time. However, the deck alone brings the site to nearly 26% in impervious surfaces. The decorative walls are not necessary. The applicant should reconsider using the remainder of his impervious surface allotment in such a manner. Future requests for new impervious surfaces could be compromised and could result in a requirement to remove existing impervious areas as a trade.

Please contact me at 410-260-3481 if you have questions about any of these comments.

Sincerely,

A handwritten signature in cursive script that reads "Wanda Cole".

Wanda Cole
Natural Resources Planner

cc: SM 441-01

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

August 21, 2001

Ms. Theresa Dent
St. Mary's County Department of Planning & Zoning
22740 Washington Street
PO Box 653
Leonardtown, MD 20650-0653

RE: Carl Franzen Site Plan

Dear Ms. Dent,

This letter represents our final comments on Mr. Franzen's variance request to construct a single-family dwelling with attached garage, driveway and septic system on steep slopes in the Expanded Critical Area Buffer. The site plan was revised on August 16, 2001 following a joint site visit with Mr. Franzen on March 22, 2001.

This office does not oppose the granting of this variance. The applicant has moved the house a few feet toward the street to a position that will not encroach into the only area suitable for septic fields. This location will also minimize the number of trees to be cleared. It is important to maintain as much forest cover as possible at this site to preserve the root mat, which performs a crucial role in maintaining the slope's stability.

The applicant has moved the yard inlet as requested to a position that will allow him to install the discharge pipe within the existing access road to the shoreline. It is Mr. Franzen's intention to plant the roadbed with the mitigation plantings and discontinue use of the road altogether.

The yard runoff will be diverted to an inlet by constructing a swale berm across the steep slope. This swale berm will prevent runoff from flowing over the slope where it could increase the erosion problem there. The outer edge of the berm will be held in place by a retaining wall. Although we would prefer that no disturbances occur on the steep slope, the yard inlet will provide a long-term benefit by enabling the stabilization of the slope.

We request that the following recommendations be made conditions of the variance:

1. That the site plan show the Expanded Critical Area Buffer line. It is our estimation that this line would approximate elevation 30 or 32.
2. That the required 3:1 mitigation for Buffer impacts and the 1:1 mitigation for clearing in the Critical Area be planted on-site over the existing access road and across the steep slopes.

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

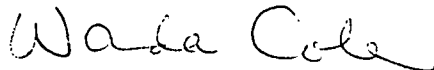
Ms. Theresa Dent
Re: Carl Franzen
August 21, 2001
Page Two

3. That the steep slopes downgrade of the proposed retaining wall are not to be disturbed by routine pedestrian travel. Access to the water should continue along the alignment of the existing access road, even after it has been planted.

Please include these comments in the official file. A copy of the written decision regarding this case is requested.

Please don't hesitate to call me at 410-260-3481 if you have questions about any of these comments.

Sincerely,



Wanda Cole
Natural Resources Planner

cc: SM 124-01



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 21, 2001

Mr. Reed Faasen
Charles County
Department of Planning and Growth Management
PO Box 2150
La Plata, MD 20646-2150

RE: XPN 01-06: Gunston Pointe Preliminary Subdivision Plan

Dear Mr. Faasen,

This letter serves as follow-up to the site visit on August 15, 2001 with Mr. Arlie Ison, Jr. of Lorenzi, Dodds & Gunnill, Ms. Claudia Jones, science advisor for the Chesapeake Bay Critical Area Commission (CBCAC), Ms. Amber Widmayer, intern for the CBCAC, and ourselves. The purpose of the site visit was to observe the condition of the 100-foot Critical Area Buffer and the area on Lot 18 containing the highly erodible soils where the Buffer Expansion determination was requested.

First, let me acknowledge that this office does not oppose this subdivision provided the matter regarding the designation of the tidal wetlands is resolved so that we may know exactly how many RCA development rights are associated with this parcel. In addition, a few remaining items need to be provided and will be listed below.

Regarding the location of the Expanded Critical Area Buffer line, this office concurs with your determination that locating the line to the one shown on the revised plan is acceptable, provided measures are taken to address the sheet and rill erosion that is occurring on the west side of the gravel access lane. If agriculture is intended to continue here, the Charles Soil Conservation District should be consulted regarding the establishment of a grassed waterway or vegetated buffer strips in order to halt this erosion before a gully is formed. If this area will be converted entirely to residential use, then it is our recommendation that a minimum fifty foot (50') vegetated strip be established. A combination of grassed buffer strips along the roadway and forest plantings for the remainder of the area would most likely alleviate the erosion problem.

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

Mr. Reed Faasen
Re: Gunston Pointe
August 21, 2001
Page Two

During the site visit, we observed that someone had bush-hogged into one area of the forested 100' Critical Area Buffer near the house that is under construction. This disturbance of the Buffer will require the customary 3:1 mitigation plantings. To prevent this encroachment from occurring again, we recommend that the 100' foot Critical Area Buffer be located and marked for the entire length of Lot 16, as this is the lot seeking future subdivision. This demarcation could easily be accomplished by the placement of bluebird nest boxes on metal or wood posts spaced every 50 feet. A note should be added to the plan to call attention to the fact that the boundary is marked as such and that the nestboxes and posts are to remain until the forest has regenerated in the Buffer. All future building permits should contain a note in large, bold letters at the top of the permit that caution against any encroachment into the Buffer.

We also observed a small amount of past clearing near the shoreline in the vicinity of the dock. This clearing also appears to be within the 100' Critical Area Buffer. Whether this dock remains open to public use as a community dock, or is privately controlled, the area off the roadway should be cabled off or in some manner made impassable so that users of the dock aren't encouraged to park vehicles and trailers or erect boat sheds here.

The applicant should indicate how the dock area is to be used as it is shown in the Residual parcel where no further development is proposed.

Following are our remaining comments:

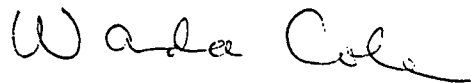
1. The subdivision history shown on the Preliminary Plan is incomplete. Where is the original parcel located relative to Parcel A, Parcel B and this property? How many of these properties are encumbered by the Critical Area boundary? How many tidal wetland acres are contained in those parcels? Is Gunston Pointe derived from Parcel A or B? How many acres were involved in the 1987 subdivision of "Gunston" and where is it located? Was the 1995 subdivision, Gunston Manor Landing Section 1, taken from Parcel A or B? Where is it located? The subdivision history list shows 33 lots have been created and one residue. Are there any remaining development rights after Gunston Pointe's subdivision has been completed?
2. General Note # 19 is misleading and should be removed entirely.
3. Mr. Lessner's July 17, 2001 letter states in item # 10 that there is no intention to further subdivide Lot 18 at this time. The plan also states that Lot 16 is intended for future subdivision into three ten-acre lots. We understand the applicant is working with Maryland Environmental Trust regarding the donation of a conservation easement on this property. It will be necessary, however, for the applicant to clearly state whether any

Mr. Reed Faasen
Re: Gunston Pointe
August 21, 2001
Page Three

development rights will remain and with which lots, residues, and parcels to ensure the allowable RCA density is not exceeded.

If you have any questions regarding these comments, please contact me at 410-260-3481.

Sincerely,



Wanda Cole
Natural Resources Planner

cc: CS 329-01

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 20, 2001

Ms. Elsa Ault
Charles County
Department of Planning and Growth Management
PO Box 2150
La Plata, MD 20646-2150

RE: SFD # 01-0588 Southport Landing, Lot 9

Dear Ms. Ault,

Thank you for the opportunity to comment on the above referenced site plan. The applicant proposes to construct a dwelling with garage, driveway, well and septic in the designated Resource Conservation Area of Port Tobacco River. None of this development will occur within the Expanded Critical Area Buffer.

This office does not oppose this site plan. The applicant will be providing the required 1:1 forest mitigation on-site. We recommend that a Critical Area note be added regarding protection of the Expanded Critical Area Buffer from any disturbances.

If you should have any questions regarding these comments, please don't hesitate to contact me at 410-260-3481.

Sincerely,

A handwritten signature in cursive script that reads "Wanda Cole".

Wanda Cole
Natural Resources Planner

cc: CS 452-01

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 19, 2001

Ms. Theresa Dent
St. Mary's County Department of Planning & Zoning
22740 Washington Street
PO Box 653
Leonardtwn, MD 20650-0653

RE: 01-100-027 Indiantown Farm Simplified Subdivision Plat, Parcel A

Dear Ms. Dent,

Thank you for the opportunity to review the above referenced subdivision plat. The applicant proposes to subdivide one, 20-acre lot from a 913.63 acre tract. This parcel is located in the Critical Area of Chaptico Bay and Wicomico River in a designated Resource Conservation Area and has been in active agricultural use.

The environmental assessment was prepared immediately prior to soliciting information on potential resources, therefore other conditions may exist on the site that are unknown at this time. This office requests notification of any new information about this site and may have additional comments accordingly. In particular, the Wildlife and Heritage Division of the Department of Natural Resources must be consulted for information regarding the presence of rare, threatened and endangered species at this site. A copy of that letter must be provided to this office. If any revisions to the site plan are necessary as a result of the Wildlife and Heritage Division comments, please forward a copy of the revised plan to this office.

The environmental assessment states that no wetlands exist within the intermittent stream channels that are shown, even though the National Wetland Inventory indicates their presence. However, Critical Area note # 3 states that no development is permitted in wetlands without approval. Are wetlands present at this site? Given the configuration of these tributaries and their confluence with Wicomico River, it seems unusual that no wetlands exist in their floodplains. It is not clear from the report whether soil testing was conducted to examine the soils to confirm their presence or absence of any wetlands.

How much of the parent tract lies within the Critical Area? It appears there may be existing dwellings and accessory structures already in the Critical Area. These should be identified, their locations shown, and information provided on how much impervious surface this represents.

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

Ms. Theresa Dent
Re: Indiantown Farm
August 19, 2001
Page Two

Have there been previous subdivisions of the parent tract? If so, a subdivision history needs to be provided in order to determine the remaining RCA density.

Since this is a conversion in use from agriculture to residential, the 100' Critical Area Buffer must be fully established in forest vegetation. This must be indicated on the plan.

The amount of existing forest cover for the entire tract should be provided in order to determine if 15% afforestation will be necessary. In addition, the Resource Protection Lands Table needs to be revised to show that 70% of the forest resources are to be retained.

Please note that the vicinity map shows the Patuxent River to the west of this parcel. It should be changed to show Wicomico River.

A copy of our response to Ms. Hutchins' June 21, 2001 request for environmental information, which was received in our office on July 2, is attached for your use.

Please don't hesitate to call me at 410-260-3481 if you have questions about any of these comments.

Sincerely,



Wanda Cole
Natural Resources Planner

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

August 17, 2001

Ms. Elsa Ault
Charles County
Department of Planning and Growth Management
PO Box 2150
La Plata, MD 20646-2150

RE: Variance # 1043, Steven Morgan (Efton Hill)

Dear Ms. Ault,

The Chesapeake Bay Critical Area does not oppose this variance request. The applicant has been diligent in providing the most environmentally- sound site plan possible given the site constraints.

No additional approvals should be granted for this site plan until a copy of the determination letter from DNR's Wildlife & Heritage Division is provided to this office.

Please send this office a copy of any written decision made regarding this case. If you have any questions regarding these comments, please contact me at 410-260-3481.

Sincerely,

A handwritten signature in cursive script that reads "Wanda Cole".

Wanda Cole
Natural Resources Planner

cc: CS 272-01

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 17, 2001

Ms. Theresa Dent
St. Mary's County Department of Planning & Zoning
22740 Washington Street
PO Box 653
Leonardtown, MD 20650-0653

RE: 01-100-028 Intra-family Transfer: Gum Landing, Lot 1

Dear Ms. Dent,

Thank you for the opportunity to comment on the above referenced subdivision. The applicant proposes a one-lot subdivision of a 26.7 acre parcel, of which 18.3 acres are located in the Critical Area of Smith Creek in a designated Resource Conservation Area. This subdivision is being proposed as an intrafamily transfer. The 100' Critical Area Buffer does not occur on this site.

We would like to provide the following comments on this proposal:

1. The plan needs to state the name and relationship of the immediate family member and include the customary intrafamily transfer note regarding future transfers of the property must be to immediate family members. The plan correctly notes that the maximum number of intrafamily lots that may be created are three.
2. Although the parcel contains 18% forest cover and afforestation is not required, the proposed lot will contain almost none of the existing forest cover. We encourage the future owners to provide a healthy cover of native forest plantings as part of their landscaping of the property.
3. Has the applicant contacted the Wildlife and Heritage Division at the Department of Natural Resources for a determination on the presence of rare, threatened and/or endangered species? A copy of the determination letter must be provided to this office prior to issuance of any approvals.

Thank you for the opportunity to comment on this proposal. If you have any questions, please contact me at 410-260-3481.

Sincerely,

Wanda Cole
Natural Resources Planner

cc: SM 436-01

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 10, 2001

Mr. Tom Magenau
South County Properties
P O Box 9
Churchton, Maryland

RE: Reforestation at 5366 Muddy Creek Road

Dear Mr. Magenau:

I am writing in response to your letter dated July 17, 2001 regarding our meeting with Mr. Jim Johnson and Ms. Elinor Gawel of Anne Arundel County and the reforestation of the farm located at Muddy Creek Road. It is my understanding that you and the County staff desire to use approximately 75% of the 8.5-acre farm for reforestation and to allow the County to use their Critical Area reforestation monies for this project.

As we discussed at the meeting, this site is located approximately 500 feet outside of the Critical Area boundary to the southeast and approximately 1,100 feet outside the Critical Area boundary to the north. As we discussed at the meeting, there may be some merit to extending the Critical Area boundary in this area; however, because your property is not contiguous to the current Critical Area boundary, ownership issues would make extension impractical.

The Critical Area Commission supports your proposal to use this property for reforestation subject to approval by Anne Arundel County staff of a Critical Area Forest and Woodland Plan and an appropriate easement. Over the past several years, the County has been unsuccessful in meeting the requirements of their Critical Area Program to replace forest cleared within the Critical Area. The County has collected thousands of dollars in reforestation fees, and has been unable to spend most of these monies. As a result, County staff worked with Commission staff to establish a priority list for the use of reforestation monies on alternative projects that involve environmental enhancements in addition to reforestation or are located outside the Critical Area. Although generally these monies should be used within the Critical Area, Commission staff agreed that projects outside the Critical Area would be considered on a case-by-case basis.

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

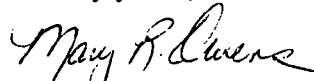
TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450

Mr. Magenau
August 10, 2001
Page Two

In your letter, you stated that the exact acreage and location of the forest mitigation area would be determined at a later date pending final decisions by the State Highway Administration regarding use of the property for a wetland impacts mitigation site. You also stated that you would be willing to allow Commission staff to review the easement plans prior to any planting activities. We would like the opportunity to do this, and we will coordinate our review with the County's approval of the Forest Management Plan.

I want to thank you for your cooperation in working with County staff and Commission staff on this project. It is only through innovative and flexible approaches like yours that we can effectively administer and implement the Critical Area Act. If you have any questions, please feel free to call me at (410) 260-3480.

Sincerely yours,



Mary R. Owens, Chief
Program Implementation Division

MRO/jjd

Cc: Mr. Jim Johnson, Anne Arundel County
Ms. Elinor Gawel, Anne Arundel County

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

August 8, 2001

District Engineer
US Army Corps of Engineers
Baltimore District
Attn: Mr. Steve Elinsky
PO Box 1715
Baltimore, MD 21203-1715

Re: CENAB-OP-R Glenn L. Martin State Airport, Middle River, Maryland

Dear Mr. Elinsky,

The Chesapeake Bay Critical Area Commission has reviewed the Public Notice for the above referenced proposal and would like to provide the following comments:

- If implementing the regulations will lead to the construction of support facilities or maintenance of vegetation within the 1000' Chesapeake Bay Critical Area, those actions must be submitted to this office for review pursuant to the requirements set forth in COMAR 27.02.05: State Agency Actions Resulting in Development on State-Owned Lands.

I will be happy to assist the applicant with any questions regarding these requirements. I may be reached at 410-260-3481 or via email at wcole@dnr.state.md.us.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in cursive script that reads "Wanda Cole".

Wanda Cole
Natural Resources Planner

cc: Commanding Officer, Maryland Air National Guard
Ray C. Dintaman, Jr.

Branch 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

Ms. Theresa Dent
St. Mary's County Department of Planning & Zoning
22740 Washington Street
PO Box 653
Leonardtown, MD 20650-0653

RE: Waterloo on the Potomac, Lot 3

Dear Theresa,

Thank you for the opportunity to comment on the above referenced site plan, which is being submitted for comment prior to being scheduled for a variance hearing with the St. Mary's County Board of Appeals.

This property is a grandfathered lot located in the Critical Area of Potomac River. The applicant needs to locate a small portion of a sewage reserve area within the 100-foot Critical Area Buffer as this is the only area that perched. The limits of disturbance will not encroach into the Buffer at this time, therefore, the impacts to the 100' foot Buffer would only occur when the reserve area is needed.

This office does would not oppose the granting of this variance request. We request that the following comment be made a condition of the variance:

- When Buffer impacts occur, 3:1 mitigation using native plantings will be provide on-site.

This letter represents our formal comments on this variance request. Please include it in the official file and provide this office with a copy of the written decision made regarding this case if it is heard before the Board of Appeals.

Please contact me at 410-260-3481 if you have questions about any of these comments.

Sincerely,

A handwritten signature in cursive script that reads "Wanda Cole".

Wanda Cole
Natural Resources Planner

cc: SM 449-01

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

Ms. Theresa Dent
St. Mary's County Department of Planning & Zoning
22740 Washington Street
PO Box 653
Leonardtown, MD 20650-0653

RE: Waterloo on the Potomac, Lot 2

Dear Theresa,

Thank you for the opportunity to comment on the above referenced site plan, which is being submitted for comment prior to being scheduled for a variance hearing with the St. Mary's County Board of Appeals.

This property is a grandfathered lot located in the Critical Area of Potomac River. The applicant needs to locate a small portion of a sewage reserve area within the 100-foot Critical Area Buffer as this is the only location that perched. The limits of disturbance approximate the 100' Buffer line, therefore encroachment into the Buffer will be almost negligible at this time. Impacts to the 100'foot Buffer would only occur when the reserve area is needed.

This office does would not oppose the granting of this variance request. We recommend the following comment be made a condition of the variance:

- Mitigation for Buffer impacts when they occur will be 3:1 using native plantings. This mitigation should be provided on-site.

This letter represents our formal comments on this variance request. Please include it in the official file and provide this office with a copy of the written decision made regarding this case if it is heard before the Board of Appeals.

Please contact me at 410-260-3481 if you have questions about any of these comments.

Sincerely,

A handwritten signature in cursive script that reads "Wanda Cole".

Wanda Cole
Natural Resources Planner

cc: SM 448-01

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

Ms. Theresa Dent
St. Mary's County Department of Planning & Zoning
22740 Washington Street
PO Box 653
Leonardtown, MD 20650-0653

RE: 01-130-033 SAYSF Bible Church Multi-purpose Building Addition

Dear Ms. Dent,

Thank you for the opportunity to comment on the revised site plan for the above referenced project. All of the comments regarding this project, as listed in my April 27, 2001 letter to Mr. Billy Mehaffey, have been satisfactorily addressed. A copy of that letter is attached for your file.

Please call me at 410-260-3481 if you have questions.

Sincerely,

Wanda Cole
Natural Resources Planner

cc: SM 258-01

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

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

April 27, 2001

Mr. Billy Mehaffey
Mehaffey & Associates, P.C.
21685 Indian Bridge Road
California, MD 20619

Re: SAYSF Bible Church Addition to Multi-Purpose Building
DPZ # 00-200-004

Dear Mr. Mehaffey,

Thank you for the opportunity to comment on the above-referenced site plan. The project is located within the Limited Development Area of the Critical Area of Green Holly Pond and Patuxent River. There will be no impacts to the 100-foot Expanded Buffer, nor to wetlands or floodplains. The loss of forest cover will be two trees. Existing impervious area is 20.8%. Impervious surfaces will be removed, resulting in a net decrease in impervious area. The Wildlife and Heritage Division at the Department of Natural Resources has been contacted for a determination on the presence of rare, threatened or endangered species.

The following comments are provided for your use:

1. No mitigation is required to offset impervious surface.
2. The two trees must be replaced one for one. In addition, the amount of existing forest cover must be determined, and if found to be less than 15% of the site, afforestation up to 15% of the site must be accomplished on-site with native tree species. Please consult Ms. Theresa Dent, St. Mary's County Environmental Planner, for recommendations on species which would suit the activities intended for this site. Tall, shade trees near the building and parking area might be the preference of the applicant. Otherwise, for habitat purposes, adding a mix of native tree species adjacent to the existing woodline is recommended.
3. Please provide this office with a copy of the Wildlife and Heritage Division determination when it becomes available. The project must comply with any recommendations/requirements made in that determination.

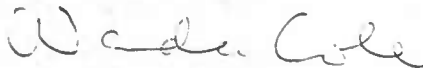
Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 322-9047 Fax: (410) 320-5693

Mr. Billy Mehaffey
Re: SAYSF Bible Church Addition
April 27, 2001
Page Two

4. It is not clear where the starting point is located for measuring the 100-foot and Expanded Critical Area Buffers. Although it appears an adequate Buffer area has been protected, this information should be provided on the plan to verify that information.

I hope that these comments are helpful to you. Please don't hesitate to contact me if you should have any questions. I can be reached at 410-260-3481. My business card is attached for your use.

Sincerely,



Wanda Cole
Natural Resources Planner

cc: SM 258-01
Theresa Dent

Judge John 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. Christine Holmberg
Calvert County Inspections and Permits
150 Main Street
Prince Frederick, MD 20678

RE: Lot 1 Holly Haven (Hoffman)

Dear Ms. Holmberg,

Thank you for the opportunity to comment on the above referenced site plan. The applicant is proposing the construction of a dwelling with porch, deck, garage, driveway and septic on a four-acre lot located in the Critical Area of St. Leonard Creek. There will be no impacts to the Critical Area Buffer expanded to include the tributary stream. This Expanded Buffer needs to be shown on this plan.

This office does not oppose this site plan. The proposed development is within allowable limits for impervious surface areas and forest clearing. None of the work is proposed on slopes greater than 15%.

The applicant is required to mitigate 1:1 for the forest clearing. Some of this mitigation could be reduced if the applicant does not clear the area over the second and third septic reserve areas. We recommend that as much of this mitigation be completed on-site, if feasible.

Please contact me at 410-260-3481 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Wanda Cole".

Wanda Cole
Natural Resources Planner

cc: CA 438-01

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 320-5093

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

Ms. Theresa Dent
St. Mary's County Department of Planning & Zoning
22740 Washington Street
PO Box 653
Leonardtown, MD 20650-0653

RE: CA Permit # 01-0569 John Butterfield

Dear Theresa,

Thank you for the opportunity to comment on the above referenced site plan, which is being submitted for comment prior to being scheduled for a variance hearing with the St. Mary's County Board of Appeals.

This property is a grandfathered lot located in the Critical Area of St. Clement's Bay in a designated Resource Conservation Area. The applicant proposes to construct an addition and patio onto an existing house located entirely within the 100-foot Critical Area Buffer. The proposed development does not exceed the limits for impervious surface areas. No forest vegetation will be removed. The lot is currently 8.4% forested (5000 square feet).

Impacts in the Buffer could be reduced by removing the brick pavers around the crab house in exchange for the new patio. If that is not possible, the proposed patio should be reconfigured to reduce its encroachment toward the shoreline. This could be accomplished by rotating the design 90 degrees and then reducing its width.

Afforestation is necessary to achieve 15% on-site forest cover. Impacts to the Buffer also require mitigation using native plantings at a 3:1 ratio. Native species having landscape appeal is an option for the applicant. It is recommended that the afforestation and mitigation be directed first to the Buffer area.

This letter represents our formal comments on this variance request. Please include it in the official file and provide this office with a copy of the written decision made regarding this case if it is heard before the Board of Appeals.

Please contact me at 410-260-3481 if you have questions about any of these comments.

Sincerely,

A handwritten signature in cursive script that reads "Wanda Cole".

Wanda Cole
Natural Resources Planner

cc: SM 439-01

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 7, 2001

Mr. Ray Dintaman, Jr.
Environmental Review Unit
Maryland Dept of Natural Resources
580 Taylor Avenue, B3
Annapolis, MD 21401

RE: FERC Docket No. CP01-76-000 Cove Point LNG Project
Comments on Environmental Assessment

Dear Mr. Dintaman,

The Chesapeake Bay Critical Area Commission wishes to provide the following comments on the above referenced project. Cove Point LNG Project will not involve any new development activities in the Chesapeake Bay Critical Area. The refurbishment of facilities that lie within the Critical Area can be characterized as maintenance items. Therefore, there are no Critical Area requirements associated with this proposal.

The Environmental Assessment should include a discussion of the presence of the Chesapeake Bay Critical Area on this property, a map that shows the 1000' Critical Area boundary, and discussion on the Critical Area Criteria that would apply to this site, i.e., limitations on impervious surface areas, retention of forest cover, protection of the 100-foot Critical Area Buffer, et al. This discussion would then summarize that no new development occurs in the Critical Area. Authority for implementing Critical Area requirements at this property is delegated to the Calvert County Planning and Zoning Department.

In addition, research on the wildlife species using the offshore facility will be necessary in order to ensure there are no impacts to those species. The findings of this research should also be discussed in the Environmental Assessment. During a tour of the facility on April 10, 2001, I observed an adult peregrine falcon exhibiting territorial behavior at the offshore terminal, suggesting that a nest was nearby and most likely located somewhere on the offshore terminal itself. The peregrine falcon is listed as State Endangered. I also observed a considerable accumulation of bones along the walkways. After discussing these observations with Glenn Therres, Program Manager, Heritage and Biodiversity Program, he is of the opinion that a territorial pair may have established itself on this platform and that confirmation of a nest would

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

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

Mr. Ray Dintaman, Jr.
Re: Cove Point LNG Environmental Assessment
August 7, 2001
Page Two

be necessary. You should be receiving a letter from the Wildlife and Heritage Division with more information regarding this situation.

I also observed at least one osprey nest on the offshore terminal and the presence of several other avian species who might also be using the terminal as a breeding site. Mr. Therres also advised that there are requirements associated with impacts to nesting activity and that would also be addressed in their comment letter.

If you have any questions regarding these comments, please contact me at 410-260-3481.

Sincerely,



Wanda Cole
Natural Resources Planner

Judge John 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. Elsa Ault
Charles County
Department of Planning and Growth Management
PO Box 2150
La Plata, MD 20646-2150

RE: XPS 01-0080: South Port Landing Subdivision Plat

Dear Ms. Ault,

Thank you for the opportunity to comment on the above referenced subdivision. The subdivision proposes seven lots to be located in the Critical Area of Port Tobacco River. This area is designated as a Resource Conservation Area, therefore only lots 8 and 9 will have development rights within the Critical Area. The remaining lots 7, 10, 13, 14, and 15, as well as the designated Open Space area, may not have any development activities in the Critical Area portion of those lots.

We would like to make the following recommendations:

- That Note # 14 be changed to include the restrictions against development in the Critical Area on lots 7, 10, 13, 14, 15 and the Open Space area.
- A note stating that impervious surfaces are limited to 15% of the lot and that forest clearing is limited to no more than 30% of the existing forest on each lot.
- It appears that the forest conservation easement (plat five) is of sufficient size that 15% afforestation is not warranted. If that is not the case, then 15% afforestation must be provided.

If you have any questions regarding these comments, please contact me at 410-260-3481.

Sincerely,

A handwritten signature in cursive script that reads "Wanda Cole".

Wanda Cole
Natural Resources Planner

cc: CS 440-01

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 2, 2001

Ms. Roxana L. Whitt
Calvert County Planning & Zoning
150 Main Street
Prince Frederick, MD 20678

RE: Variance Case No. 01-2720 Dr. and Mrs. Varkey Matthews

Dear Ms. Whitt,

Thank you for the opportunity to comment on the additional information regarding this variance request. The applicants have asked the Board of Appeals to reconsider its May 7, 2001 decision to deny the variance request, and have provided a letter from the Calvert County Health Department to support their request. The applicants had proposed a sewage disposal area in the 100' Critical Area Buffer of Patuxent River on a property located in a Limited Development Area (LDA). The lot is not grandfathered.

The letter from Mr. Paul McFadden of the Calvert County Health Department states why the originally approved sewage reserve area was no longer adequate and indicates that the new designated sewage area was "the best solution". However, he does not state that this is the only solution to the property's septic needs. This office believes that the applicant has not satisfactorily demonstrated that all alternatives have been explored and that the current site plan is the only solution to their septic needs. In a letter from our office dated April 3, 2001, Mr. Andrew Der suggested several ways to revise the site plan so that the sewage reserve area need not encroach into the 100-foot Critical Area Buffer. The applicant has not indicated whether any of these alternatives were explored nor discussed whether or not they were deemed feasible.

In addition to avoiding impacts to the 100' Critical Area Buffer, the site is in need of 15% afforestation. We recommend that this afforestation occur on-site and be first directed to the 100' Critical Area Buffer.

Please include this letter in your file and submit it as part of the official record for this variance. The Commission requests a copy of the written decision made in this case. If the site plan is revised, please forward a copy of the revised site plan to this office.

Sincerely,

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

Wanda Cole
Natural Resources Planner

cc: CA 426-01
CA 154-01

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 320-5093



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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

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

July 31, 2001

Ms. Theresa Dent
St. Mary's County Department of Planning & Zoning
22740 Washington Street
PO Box 653
Leonardtown, MD 20650-0653

RE: CA Permit # 01-1318 Mobley

Dear Ms. Dent,

Thank you for the opportunity to comment on the above referenced site plan, which is being submitted for comment prior to being scheduled for a variance hearing with the St. Mary's County Board of Appeals.

This property is located in the Critical Area of Cherry Cove Creek in a Limited Development Area. It is also a grandfathered lot. The applicant proposes to construct an addition onto an existing house located in the 100' Critical Area Buffer.

This office would not oppose a variance for this request as the addition will not extend any closer to the mean high water line than the existing house, and the amount of additional impervious surface area is within allowable limits.

We recommend that the variance include a condition that the required 3:1 mitigation for Buffer impacts be accomplished on-site and directed first to the 100' Critical Area Buffer. If the site is in need of 15% afforestation, which was unclear based upon the information we received, we also recommend that the afforestation plantings be treated similarly.

Please provide this office with a copy of the written decision made regarding this case if it is heard before the Board of Appeals.

Please don't hesitate to call me at 410-260-3481 if you have questions about any of these comments.

Sincerely,

Wanda Cole
Natural Resources Planner

cc: SM 429-01

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

Ms. Roxana L. Whitt
Calvert County Planning & Zoning
150 Main Street
Prince Frederick, MD 20678

RE: Variance Case No. 99-2576 Marvin Moyers

Dear Ms. Whitt,

Thank you for the opportunity to comment on this variance request. The applicant is requesting a variance to develop a home site on steep slopes and to clear in excess of 30% of the existing forest cover on a parcel that is located in the Limited Development Area of Chesapeake Bay. This clearing is requested to facilitate the construction of a house, driveway and septic system. All of this work will be located in the Critical Area but there will be no impacts to the 100-foot Critical Area Buffer. The impervious surface areas are within allowable limits.

This office has the same comments on this request as stated in letters from LeeAnne Chandler dated July 30, 1999 and August 21, 2000. Those comments are:

Provided this lot is properly grandfathered, this office does not oppose the siting of a single family dwelling on it. However, impacts should be minimized as much as possible. As proposed, 66% of the site will be cleared and graded, with the potential of additional grading if the backup drainfield is needed. The amount of clearing and grading is excessive.

This latest revision of the plan has not reduced the impacts proposed in the 1999 and 2000 versions of the plan. Information has not been provided that describes attempts to modify the septic field layout in a manner acceptable to the County Health Department. It appears the amount of clearing could be reduced if the proposed driveway was located over the backup sewage reserve area.

If the applicant prefers to keep the proposed driveway location as a means to have a small front and back yard, the backup septic fields could be re-designated as the primary septic fields and vice versa. Clearing over the backup fields, which would be located closest to the road, would not be necessary. This scenario would preserve the loss in forest cover but not the impacts to steep slopes.

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

Ms. Roxana Whitt
Re: Moyers variance
July 30, 2001
Page Two

Has the applicant considered turning the house 90 degrees so that the front door faced the existing paved driveway? This would reduce the amount of grading needed on the steep slopes.

It is important that impacts to steep slopes be reduced. These soils are classified as Eroded Lands, Steep. The following excerpts from the 1971 Calvert County soils survey describes the concerns associated with development on these lands:

Most of the land has lost the surface soil and all or most of the subsoil, is severely gullied, or is both. It is a hazard to soils nearby because soil material washed from it can clog ditches and drainageways, and silt up ponds or other bodies of water. Vegetation can be established... through care and effort.

The capability class is VIIe-2. Erosion damages not only the soils of the unit, but even more importantly, damages soils that receive the runoff and erosional debris. Large areas of this land type are in second-growth and severely cutover woodland. These should be managed for the greatest economic return and for watershed protection. Many cleared areas and this stands should be reforested.

The woodland suitability class is 4r1. Limitation to use of heavy equipment is severe in most areas but only moderate in some. The hazard of windthrow varies with the rooting conditions for each tree. The hazard of continued erosion is severe. The establishment of an adequate woodland cover would put this land to one of its most suitable uses. It would also retard runoff and erosion, and the resulting damage to waterways and to other land in the county.

The soil limitations for sewage filter fields, homes with basements, roads, parking lots, paths, trails, lawns, landscaping and home gardens is severe due (steep slopes, severely eroded).

Please include this letter in your file and submit it as part of the official record for this variance. The Commission requests a copy of the written decision made in this case. If the site plan is revised, please forward a copy of the revised site plan to this office.

Sincerely,



Wanda Cole
Natural Resources Planner

cc: CA 427-01
CA 365-99



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

July 25, 2001

Ms. Theresa Dent
St. Mary's County Department of Planning & Zoning
22740 Washington Street
PO Box 653
Leonardtown, MD 20650-0653

RE: CA Permit # 01- 1354 Worch

Dear Theresa,

Thank you for the opportunity to comment on the above referenced site plan, which is being submitted for comment prior to being scheduled for a variance hearing with the St. Mary's County Board of Appeals. This property is a grandfathered lot located in the Resource Conservation Area of Point Lookout Creek.

The applicant needs to construct a replacement septic system to an existing house. The existing septic system has failed and is located on another property. The replacement will utilize a sand mound system to be located 40 feet from the shoreline, placing it within the 100-foot Critical Area Buffer. Given the configuration of the shoreline and the access into the property, all alternative locations would also be close to the shoreline.

We do not oppose the granting of this variance. We recommend that the variance include a condition that 15% afforestation be accomplished on-site in the 100-foot Buffer.

Please send our office a copy of the written decision made regarding this case by the Board of Appeals.

Please contact me at 410-260-3481 if you have questions regarding these comments.

Sincerely,

Wanda Cole
Natural Resources Planner

cc: SM 425-01

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 27, 2001

Ms. Roxana L. Whitt
Calvert County Planning & Zoning
150 Main Street
Prince Frederick, MD 20678

RE: Variance Case No. 01-2743

Dear Ms. Whitt,

Thank you for the opportunity to comment on this variance request. The applicant is requesting a variance to build a detached garage and second driveway on steep slopes in the Critical Area of Scotland Cove. This area is a designated Limited Development Area (LDA). There will be impacts to the 100-foot Critical Area Buffer that has been expanded for steep slopes. The proposed increase in impervious surface areas will be within allowable limits.

This office opposes this request for the following reasons:

1. The proposed garage is unusually large. In fact, it is almost the size of many of the houses along White Sands Drive. It is also unusual in that it includes a basement. Excavation of a basement into a steep slope causes extensive damage to tree roots, which in turn can kill the trees. This situation ultimately weakens the slope, leading to erosion that would not only damage this property, but also the downgrade properties.
2. This request is not consistent with other garages in the neighborhood. During a site visit on July 25, 2001 and a tour of the neighborhood, I observed that less than 50% of the waterfront and waterview properties had garages. Of these, all but two of the garages were attached to the house with their doors facing the road. All appeared to be one and two-car garages. None appeared to have basements. Rather, some of the garages were built into the lower or basement level of the homes.
3. During this site visit, I observed that there were alternative locations on the property for a garage, particularly a garage of typical size. A drawing is attached that shows these locations. These include:
 - An area directly in front of and in line with the large, square portion of the deck (the western end). This is the area where a portion of the second driveway is proposed. It is level here and within easy access of the house. A variance to the building reserve line may be necessary for this location. This office would support such a variance.

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 320-5093

Ms. Roxanna Whitt
Re: Evans variance
July 26, 2001
Page Two

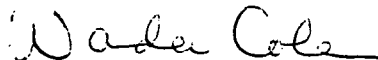
- An area attached directly to the front (street side) of the house. The appearance of the front elevation of the house can be maintained if the garage were attached near its northeast corner. A steep slope variance would still be necessary, however, the footprint would lie partially on a flat area and part on an area that is not as steep, thus reducing the impacts associated with disturbing steep slopes. The garage could be situated in a manner to avoid the need of a variance from septic setbacks. The current sewage reserve area extends to the northwest corner of the house and the front entrance.
- An area over the eastern half of the driveway where the land is level.

4. The applicant currently has reasonable access into the property. This proposal requires building a second access solely to reach a garage and is only viable if Cedar Circle is constructed. On what appears to be Lot 2, a house is under construction. Access into Lot 2 is from White Sands Drive, therefore, Cedar Circle is now needed only to provide access to Lot 1. It would seem more reasonable to construct a standard driveway to Lot 1 rather than a standard County road. If this should become the case, the applicant would need to find an alternative location for the garage.

Based upon my observations at the site and the information that appears on the site plan, the site is lacking in forest cover. This office recommends that native forest plantings be provided to achieve 15% afforestation. We also recommend that the applicant explore alternative locations for a garage that would not require a variance and consider a garage configuration that is consistent with others in the neighborhood.

Please include this letter in your file and submit it as part of the official record for this variance. The Commission requests a copy of the written decision made in this case. If the site plan is revised, please forward a copy of the revised site plan to this office.

Sincerely,

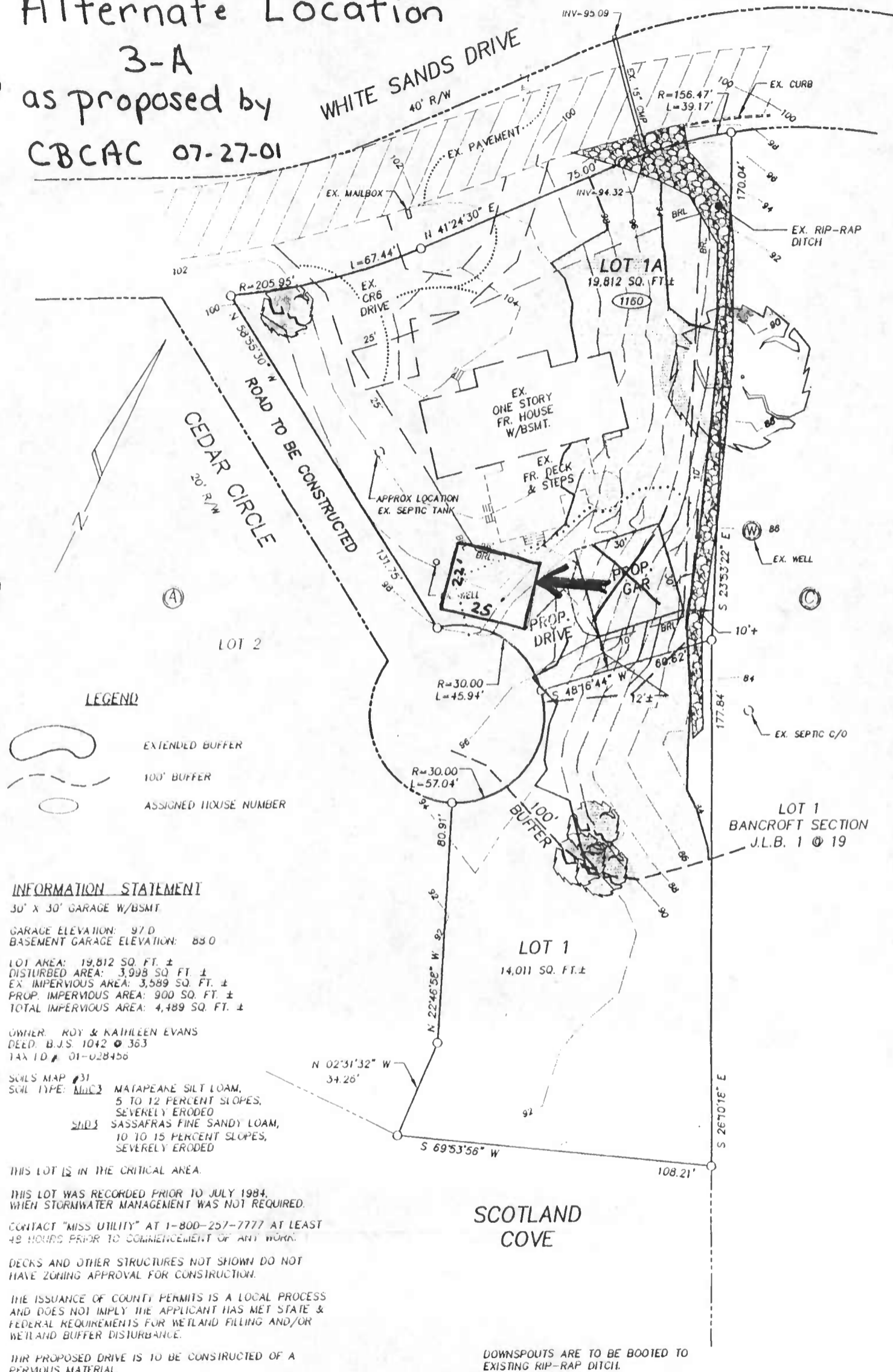


Wanda Cole
Natural Resources Planner

cc: CA 417-01

Alternate Location

3-A
as proposed by
CBCAC 07-27-01



LEGEND

- EXTENDED BUFFER
- 100' BUFFER
- ASSIGNED HOUSE NUMBER

INFORMATION STATEMENT

30' X 30' GARAGE W/BSMT.
GARAGE ELEVATION: 97.0
BASEMENT GARAGE ELEVATION: 88.0
LOT AREA: 19,812 SQ. FT. ±
DISTURBED AREA: 3,998 SQ. FT. ±
EX. IMPERVIOUS AREA: 3,589 SQ. FT. ±
PROP. IMPERVIOUS AREA: 900 SQ. FT. ±
TOTAL IMPERVIOUS AREA: 4,489 SQ. FT. ±
OWNER: ROY & KATHLEEN EVANS
DEED: B.J.S. 1042 @ 363
TAX ID # 01-028456
SOILS MAP #31
SOIL TYPE: M1C3 MATAPEAKE SILT LOAM,
5 TO 12 PERCENT SLOPES,
SEVERELY ERODED
M1D3 SASSAFRAS FINE SANDY LOAM,
10 TO 15 PERCENT SLOPES,
SEVERELY ERODED

THIS LOT IS IN THE CRITICAL AREA.
THIS LOT WAS RECORDED PRIOR TO JULY 1984,
WHEN STORMWATER MANAGEMENT WAS NOT REQUIRED.
CONTACT "MISS UTILITY" AT 1-800-257-7777 AT LEAST
48 HOURS PRIOR TO COMMENCEMENT OF ANY WORK.
DECKS AND OTHER STRUCTURES NOT SHOWN DO NOT
HAVE ZONING APPROVAL FOR CONSTRUCTION.
THE ISSUANCE OF COUNTY PERMITS IS A LOCAL PROCESS
AND DOES NOT IMPLY THE APPLICANT HAS MET STATE &
FEDERAL REQUIREMENTS FOR WETLAND FILLING AND/OR
WETLAND BUFFER DISTURBANCE.
THE PROPOSED DRIVE IS TO BE CONSTRUCTED OF A
PERVIOUS MATERIAL.

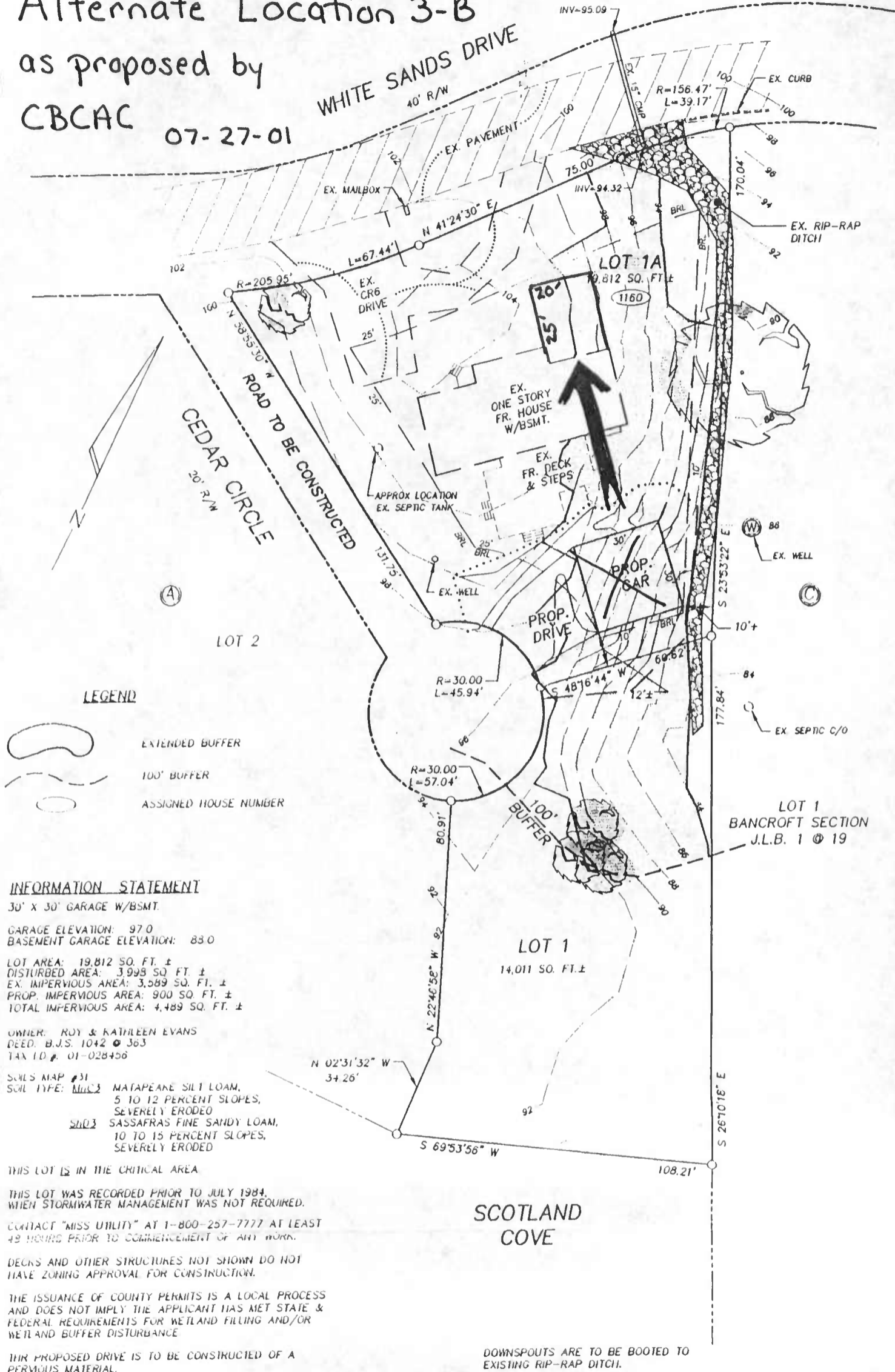
SCOTLAND COVE

DOWNSPOUTS ARE TO BE BOOTED TO
EXISTING RIP-RAP DITCH.

BUILDING PERMIT PLAT		COLLINSON, OLIFF & ASSOCIATES, INC. Surveyors • Engineers Land Planners 268 MERRIMAC COURT PRINCE FREDERICK, MARYLAND 20678 301-855-1599 • 410-535-3101 • FAX 410-535-3103	DRAWN BY <u>RCJ</u>
LOT 1A BLOCK A SECTION: BANCROFT ONE			SCALE <u>1" = 40'</u>
WHITE SANDS			DATE <u>6-28-01</u>
FIRST DISTRICT, CALVERT COUNTY, MD.			JOB NO. <u>1-6229</u>
FOR: ROY & KATHLEEN EVANS		FOLDER <u>WHITE SANDS</u>	
			BANCROFT

Alternate Location 3-B

as proposed by
CBCAC 07-27-01



LEGEND

- EXTENDED BUFFER
- 100' BUFFER
- ASSIGNED HOUSE NUMBER

INFORMATION STATEMENT

30' X 30' GARAGE W/BSMT.
GARAGE ELEVATION: 97.0
BASEMENT GARAGE ELEVATION: 88.0
LOT AREA: 19,812 SQ. FT. ±
DISTURBED AREA: 3,998 SQ. FT. ±
EX. IMPERVIOUS AREA: 3,589 SQ. FT. ±
PROP. IMPERVIOUS AREA: 900 SQ. FT. ±
TOTAL IMPERVIOUS AREA: 4,489 SQ. FT. ±

OWNER: ROY & KATHLEEN EVANS
DEED: B.J.S. 1042 @ 363
TAX ID # 01-028456

SOILS MAP #31
SOIL TYPE: Mu3 MATAPEAKE SILT LOAM,
5 TO 12 PERCENT SLOPES,
SEVERELY ERODED
Su03 SASSAFRAS FINE SANDY LOAM,
10 TO 15 PERCENT SLOPES,
SEVERELY ERODED

THIS LOT IS IN THE CRITICAL AREA

THIS LOT WAS RECORDED PRIOR TO JULY 1984,
WHEN STORMWATER MANAGEMENT WAS NOT REQUIRED.

CONTACT "MISS UTILITY" AT 1-800-257-7777 AT LEAST
48 HOURS PRIOR TO COMMENCEMENT OF ANY WORK.

DECKS AND OTHER STRUCTURES NOT SHOWN DO NOT
HAVE ZONING APPROVAL FOR CONSTRUCTION.

THE ISSUANCE OF COUNTY PERMITS IS A LOCAL PROCESS
AND DOES NOT IMPLY THE APPLICANT HAS MET STATE &
FEDERAL REQUIREMENTS FOR WETLAND FILLING AND/OR
WETLAND BUFFER DISTURBANCE.

THE PROPOSED DRIVE IS TO BE CONSTRUCTED OF A
PERVIOUS MATERIAL.

DOWNSPOUTS ARE TO BE BOOTED TO
EXISTING RIP-RAP DITCH.

SCOTLAND
COVE

BUILDING PERMIT PLAT

LOT 1A BLOCK A SECTION: BANCROFT ONE

WHITE SANDS

FIRST DISTRICT, CALVERT COUNTY, MD.

FOR: ROY & KATHLEEN EVANS



COLLINSON, OLIFF & ASSOCIATES, INC.

Surveyors • Engineers
Land Planners

288 MERRIMAC COURT

PRINCE FREDERICK, MARYLAND 20678

301-855-1549 • 410-535-5101 • FAX 410-535-3103

DRAWN BY: RCJ

SCALE: 1" = 40'

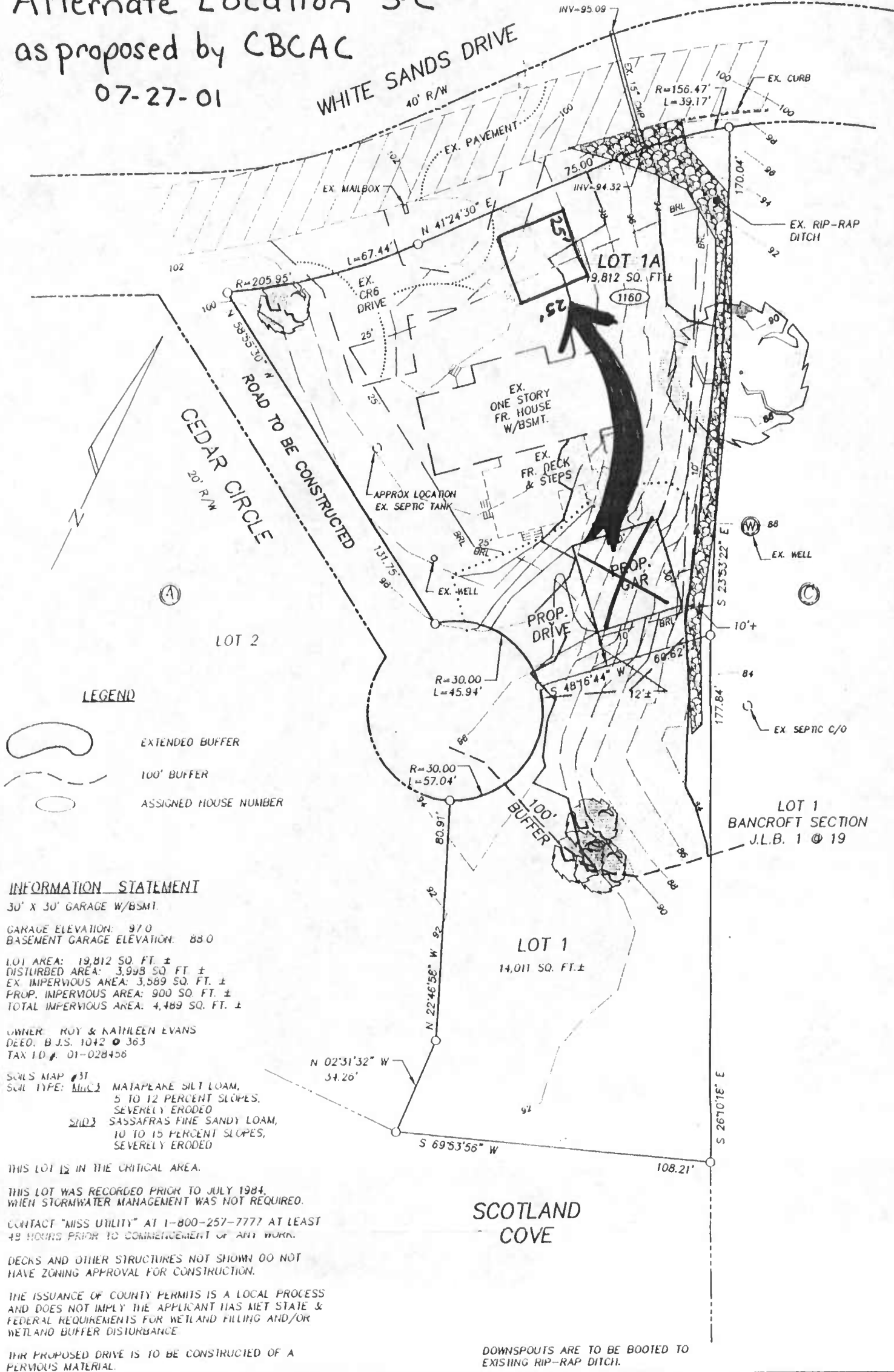
DATE: 6-28-01

JOB NO.: 1-6229

FOLDER: WHITE SANDS
BANCROFT

Alternate Location 3-C as proposed by CBCAC

07-27-01



LEGEND

- EXTENDED BUFFER
- 100' BUFFER
- ASSIGNED HOUSE NUMBER

INFORMATION STATEMENT

30' X 30' GARAGE W/BSMT.
 GARAGE ELEVATION: 97.0
 BASEMENT GARAGE ELEVATION: 88.0
 LOT AREA: 19,812 SQ. FT. ±
 DISTURBED AREA: 3,998 SQ. FT. ±
 EX. IMPERVIOUS AREA: 3,589 SQ. FT. ±
 PROP. IMPERVIOUS AREA: 900 SQ. FT. ±
 TOTAL IMPERVIOUS AREA: 4,489 SQ. FT. ±
 OWNER: ROY & KATHLEEN EVANS
 DEED: B.J.S. 1042 @ 363
 TAX ID #. 01-028456
 SOILS MAP #31
 SOIL TYPE: M10C3 MATAPEAKE SILT LOAM,
 5 TO 12 PERCENT SLOPES,
 SEVERELY ERODED
 S10Q3 SASSAFRAS FINE SANDY LOAM,
 10 TO 15 PERCENT SLOPES,
 SEVERELY ERODED

THIS LOT IS IN THE CRITICAL AREA.
 THIS LOT WAS RECORDED PRIOR TO JULY 1984,
 WHEN STORMWATER MANAGEMENT WAS NOT REQUIRED.
 CONTACT "MISS UTILITY" AT 1-800-257-7777 AT LEAST
 48 HOURS PRIOR TO COMMENCEMENT OF ANY WORK.
 DECKS AND OTHER STRUCTURES NOT SHOWN DO NOT
 HAVE ZONING APPROVAL FOR CONSTRUCTION.
 THE ISSUANCE OF COUNTY PERMITS IS A LOCAL PROCESS
 AND DOES NOT IMPLY THE APPLICANT HAS MET STATE &
 FEDERAL REQUIREMENTS FOR WETLAND FILLING AND/OR
 WETLAND BUFFER DISTURBANCE.
 THE PROPOSED DRIVE IS TO BE CONSTRUCTED OF A
 PERVIOUS MATERIAL.

DOWNSPOUTS ARE TO BE BOOTED TO
 EXISTING RIP-RAP DITCH.

BUILDING PERMIT PLAT	
LOT 1A BLOCK A SECTION: BANCROFT ONE	
WHITE SANDS	
FIRST DISTRICT, CALVERT COUNTY, MD.	
FOR: ROY & KATHLEEN EVANS	

COLLISON, OLIFF & ASSOCIATES, INC.
 Surveyors • Engineers
 Land Planners
 288 MEMMIAC COURT
 PRINCE FREDERICK, MARYLAND 20678
 301-855-1509 • 410-535-3101 • FAX 410-535-3103

DRAWN BY	RCJ
SCALE	1" = 40'
DATE	6-28-01
JOB NO.	1-6229
FOLDER	WHITE SANDS BANCROFT

CLEARINGHOUSE REVIEW

RECEIVED

July 23, 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)
 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. ^{JWP}Price, Director, Program Open Space

SUBJ: DNR Clearinghouse Review of Local POS Project #3944-3-356
 Savoy East Park Site Development, Baltimore County

This project proposes to develop a 4.1 acre neighborhood park in Randallstown at a site that was previously known as the "Savoy East Apartments." Park construction will impact approximately 3.15 acres. Park amenities include a playground, paved multi-use paths, two open fields for free play, landscaping, a paved access drive and 20-space 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

- | | | |
|---|-------|-------|
| 1. The project does not conflict with the plans, programs or objectives of this Agency. | (n/a) | wdc |
| 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.



Judge John 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. Theresa Dent
St. Mary's County Department of Planning & Zoning
22740 Washington Street
PO Box 653
Leonardtown, MD 20650-0653

RE: CA permit # 01-265 Webb

Dear Ms. Dent,

Thank you for the opportunity to comment on the above referenced site plan, which is being submitted for comment prior to being scheduled for a variance hearing with the St. Mary's County Board of Appeals. This property is located in the Limited Development Area of Patuxent River and is a grandfathered lot.

The applicant proposes to construct a house with a porch, deck, septic mound and driveway on a completely wooded lot. There will be no impacts to 100-foot Critical Area Buffer as it does not occur on this site. The development will require the removal of 42% of the existing forest cover.

This office would not be opposed to the granting of a variance for this request. The clearing has been limited to that necessary to facilitate the development and the facilities are sized conservatively. We also agree that there is probably little opportunity to accomplish the required 3:1 forest mitigation on-site, therefore, fees-in-lieu would be appropriate.

Please provide this office with a copy of the written decision made regarding this case if it is heard before the Board of Appeals.

Please don't hesitate to call me at 410-260-3481 if you have questions about any of these comments.

Sincerely,

Wanda Cole
Natural Resources Planner

cc: SM 420-01

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 18, 2001

Ms. Roxana L. Whitt
Calvert County Planning & Zoning
150 Main Street
Prince Frederick, MD 20678

RE: Variance Case No. 01-2742 Southern Maryland Tri-County Community Action Committee

Dear Ms. Whitt,

Thank you for the opportunity to comment on this variance request. The applicant is requesting a variance to clear more than 30% of the existing forest cover on a fully wooded lot. This clearing is necessary to build a house with deck, driveway and septic system on a grandfathered lot in the Limited Development Area of Chesapeake Bay. The 100-foot Critical Area Buffer does not occur on this site.

This office does not oppose this variance request. The clearing is limited to only that necessary to facilitate the development, and the proposed facilities are sized conservatively.

We recommend that the following condition be made part of the variance approval:

- **That the required 3:1 forest mitigation be provided.**

Please include this letter in your file and submit it as part of the official record for this variance. The Commission requests a copy of the written decision made in this case. If the site plan is revised, please forward a copy of the revised site plan to this office.

Sincerely,

Wanda Cole
Natural Resources Planner

cc: CA 416-01

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 18, 2001

Mr. Keith Kelley
Baltimore County
Department of Environmental Protection
and Resource Management
401 Bosley Avenue, Suite 416
Towson, MD 21204

RE: 01-10 James Miller, Jr. Subdivision

Dear Mr. Kelley,

Thank you for the opportunity to comment on the above referenced subdivision. Mr. Miller proposes to subdivide a 1.9-acre lot located in the Limited Development Area of Frog Mortar Creek into a total of three lots.

The total proposed impervious surface areas will not exceed 15% for the parcel. Lot 3, which will contain 20.3% impervious surfaces, is within the allowable limits for impervious surfaces. As long as the parent parcel does not exceed 15% impervious surface areas, an individual lot subdivided after 1985 may realize a maximum 25% in impervious surfaces.

It appears from the information shown that 15% afforestation will be necessary. This afforestation should be first directed to the 100-foot Critical Area Buffer but at the minimum, can be accomplished in the area between Edwards Lane and Wagner Lane.

This office does not oppose this subdivision as proposed. However, we are concerned about the future needs of Lot 1. The house on Lot 1 is only 340 square feet in size. It is conceivable that a future property owner will need more space to accommodate a family. Since the impervious surface areas will be maximized upon subdivision, and since there will be little opportunity to remove impervious surfaces from Lots 2 and 3 after they are sold, the owner of Lot 1 will need to

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

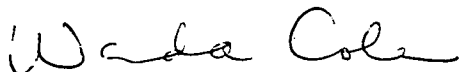
Mr. Keith Kelley
Re: James Miller, Jr. Subdivision
July 18, 2001
Page Two

apply for a variance. This office cannot support a subdivision that will require a variance and conversely, would not support a variance for a need that could have been resolved prior to subdivision. Therefore, we recommend that the applicant consider removing existing impervious surfaces now and allocate the newly created available impervious amounts equally to Lot 1 and Lot 2. This could be accomplished by the following approaches:

- Remove the driveway on Lot 3 between Edwards Lane and the macadam parking pad at Lot 3. Access into Lot 3 can still be achieved via Wagner Lane. This would decrease the existing impervious surface area by approximately 3,680 square feet.
- Remove a portion of the width of Wagner Lane as it crosses Lots 1 through 3. The road could be narrowed to 10' in width and still accommodate most vehicles that would normally visit these properties. This would decrease the amount of impervious surface area by about 2,000 square feet. However, removing a portion of the pavement along its entire length would compromise the integrity of the remaining pavement.
- Remove the sheds.

If the applicant pursues a reduction in existing impervious surface areas, please provide this office with a copy of the revised site plan. If you have any questions regarding these comments, please contact me at 410-260-3481.

Sincerely,



Wanda Cole
Natural Resources Planner

cc: BC 415-01



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 18, 2001

Ms. Kathy Blagburn
US Army Corps of Engineers
Baltimore District
PO Box 1715
Baltimore, MD 21203-1715

Re: CENAB-OP-R (Linde, Armando/Breakwater with Sand Backfill)

Dear Ms. Blagburn,

The Chesapeake Bay Critical Area Commission would like to provide the following comments regarding the proposed request to install pre-cast concrete breakwaters at the subject site.

1. The contour and depth of the offshore area suggests that this is a low-energy environment where the rate of erosion could be expected to be minor. If this is the case, the need for a breakwater seems excessive. However, the use of sand backfill landward of the breakwater and channelward of the bulkhead will create habitat that may be suitable as nesting habitat for diamondback terrapins and horseshoe crabs. The applicant may wish to utilize marsh plantings to increase the habitat benefits within the new intertidal area.
2. The project description does not state the need behind its purpose. Unless the bulkhead is severely deteriorated and has failed to function, the bulkhead should be sufficient at halting erosion in this area. Has the applicant considered placing riprap along the base of the bulkhead instead? The adjacent property owner to the west has done this. Has the riprap been successful in achieving shoreline protection in that area?
3. What is the navigational access that will be achieved by this project? If boats are to be launched from the beach, the plan should show where and describe the types of boats to be launched. Disturbances to the sand during launching may compromise the integrity of the beach and facilitate erosion.

St. Mary's County has primary authority for regulating local projects with Critical Area impacts. The applicant should be advised to contact St. Mary's County Department of Planning and Zoning directly at 301-475-4670.

Thank you for the opportunity to comment.

Sincerely,

Wanda Cole
Natural Resources Planner

cc: Theresa Dent
Phil Mohler

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 322-9047 Fax: (410) 320-5093

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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

July 17, 2001

Ms. Kathy Blagburn
US Army Corps of Engineers
Baltimore District
PO Box 1715
Baltimore, MD 21203-1715

Re: CENAB-OP-RMS (Allen, Lida/Breakwaters & Pier)

Dear Ms. Blagburn,

The Chesapeake Bay Critical Area Commission would like to provide the following comments regarding the proposed request to install pre-cast concrete breakwaters at the subject site.

1. The contour and depth of the offshore area suggests that this is a low-energy environment where the rate of erosion could be expected to be minor. If this is the case, the need for breakwaters seems excessive. We would recommend that the applicant use sand fill with marsh plantings behind a low-profile, stone groin instead. This would provide additional shallow water habitat rather than displacing it with breakwaters.
2. The landward retreat of the unprotected beach, where marsh plants continue to grow, appears to be a direct result of the effects of having bulkheads on both sides and the presence of the timber groin. Any structure placed channelward of this beach should not further intercept littoral drift.
3. The project description does not describe the need behind its purpose. Unless the bulkhead is severely deteriorated and has failed to function, the bulkhead should be sufficient at halting erosion in this area. Has the applicant considered placing riprap along the base of the bulkhead instead?
4. Concrete breakwaters measuring nearly three feet high in an area where mean high water is only one foot ten inches seems excessive and would appear garish along the shoreline.

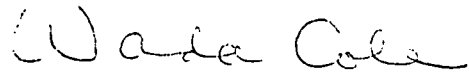
Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Ms. Kathy Blagburn
Re: Lida Allen
July 17, 2001
Page Two

It is our understanding that the St. Mary's County Department of Planning and Zoning has also provided you with comments regarding this project, and those comments may be specific to Critical Area requirements. St. Mary's County has primary authority for regulating local projects with Critical Area impacts. The applicant should be advised to contact St. Mary's County Department of Planning and Zoning directly at 301-475-4670.

Thank you for the opportunity to comment.

Sincerely,



Wanda Cole
Natural Resources Planner

cc: Theresa Dent
Phil Mohler



Judge John 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. Christine Holmberg
Reforestation Planner
Calvert County Department of
Planning & Zoning
150 Main Street
Prince Frederick, MD 20678

Re: Rick Butler: Unauthorized Fill in the Critical Area Buffer

Dear Ms. Holmberg,

Thank you for the opportunity to comment on your draft letter to Mr. Butler regarding the disposition of the unauthorized fill he allowed to be placed on his property in the 100-foot Critical Area Buffer. The course of action you have outlined for Mr. Butler is appropriate for this situation. Due to the steep slopes and the fact that runoff is channeled through this area, I would prefer that the fill material not be disturbed again, but rather, left in place and stabilized at once with the mitigation plantings.

While I realize Mr. Butler's violation should not be treated any differently from any other violation, given Mr. Butler's age, health, and the likelihood that he is living on a fixed, retirement income, removing the fill might not be an action he can afford. Mr. Butler expressed a keen interest in landscaping. He may be very receptive to being able to use attractive mitigation plantings that would enhance his landscape. A 3:1 mitigation using both trees and shrubs would help stabilize the site.

I hope these comments have been helpful. Please don't hesitate to call me at 410-260-3481 if you have any questions about them.

Sincerely,

Wanda Cole
Natural Resources Planner

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 322-9047 Fax: (410) 320-5093

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. Theresa Dent
St. Mary's County Department of Planning & Zoning
22740 Washington Street
PO Box 653
Leonardtown, MD 20650-0653

RE: 01-1243 Luznar

Dear Ms. Dent,

Thank you for the opportunity to comment on the above referenced site plan, which is being submitted for comment prior to being scheduled for a variance hearing with the St. Mary's County Board of Appeals.

This property is located in the Critical Area of Nat's Creek in a Limited Development Area. It is also a grandfathered lot. The applicant proposes to construct a porch onto an existing house to replace an existing, smaller stoop. The porch would be located within the 100-foot Critical Area Buffer.

This office would not be opposed to the granting of a variance for this request. We recommend that the variance include a condition that the 3:1 mitigation plantings be accomplished on-site, as it appears from the information provided that there is sufficient room to do so.

Please provide this office with a copy of the written decision made regarding this case if it is heard before the Board of Appeals.

Please don't hesitate to call me at 410-260-3481 if you have questions about any of these comments.

Sincerely,

A handwritten signature in cursive script that reads "Wanda Cole".

Wanda Cole
Natural Resources Planner

cc: SM 409-01

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

Ms. Theresa Dent
St. Mary's County Department of Planning & Zoning
22740 Washington Street
PO Box 653
Leonardtown, MD 20650-0653

RE: 01-1238 Garrison

Dear Ms. Dent,

Thank you for the opportunity to comment on the above referenced site plan, which is being submitted for comment prior to being scheduled for a variance hearing with the St. Mary's County Board of Appeals.

This property is located in the Critical Area of Potomac River in a Limited Development Area. It is also a grandfathered lot. The applicant proposes to construct an addition onto an existing house and a shed. The entire property is located within the 100-foot Critical Area Buffer.

This office would not be opposed to the granting of a variance for this request. However, we discourage placing the proposed shed in the location shown on the plan, as it creates a new area of disturbance with associated environmental impacts. Therefore, we recommend that the variance include the following conditions:

- That the shed be either attached to the house or located immediately adjacent to the house or its driveway. This would keep all the development activities and their impacts within a single development "envelope".
- That the 3:1 mitigation plantings be accomplished on-site. It appears from the information provided that there is sufficient room to do so.

Please provide this office with a copy of the written decision made regarding this case if it is heard before the Board of Appeals.

Please don't hesitate to call me at 410-260-3481 if you have questions about any of these comments.

Sincerely,

Wanda Cole
Natural Resources Planner

cc: SM 408-01

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

Ms. Theresa Dent
St. Mary's County Department of Planning & Zoning
22740 Washington Street
PO Box 653
Leonardtown, MD 20650-0653

RE: 01-1128 Hackathorn Variance Request

Dear Ms. Dent,

Thank you for the opportunity to comment on the above referenced site plan, which is being submitted for comment prior to being scheduled for a variance hearing with the St. Mary's County Board of Appeals.

This property is located in the Critical Area of Potomac River in a Limited Development Area. It is also a grandfathered lot. The applicant proposes to construct a house with garage, driveway, concrete pads, and two porches. There will be no disturbances within the 100-foot Critical Area Buffer.

The Critical Area law allows grandfathered lots of this size to create a maximum impervious area of 5,445 square feet. On this lot, 5,445 square feet of impervious surface area would cover 22.8% of the lot, whereas impervious surface limits on non-grandfathered LDA parcels are normally 15%. This proposal exceeds the maximum allowance by 528 square feet. Since this site is not constrained by the dedication of a sewage reserve area, nor will there be setbacks required for a well and septic area, there is opportunity to reconfigure the development footprint so that a variance is not necessary. This could be accomplished by moving the house closer to the road, thereby making it consistent with the alignment of the house on Lot 33; or by reducing the footprint of the house.

Tree clearing will be within allowable limits and 1.5:1 forest mitigation will be provided. We recommend that the mitigation be completed on-site and directed first to the 100-foot Critical Area Buffer.

Critical Area notes should be added to the plan that no disturbances within the 100-foot Critical Buffer Area are permitted, and that the forest mitigation must be protected from future disturbances.

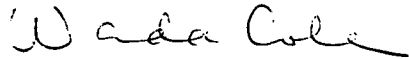
Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Ms. Theresa Dent
Re: Hackathorn
July 16, 2001
Page Two

Please provide this office with a copy of the written decision made regarding this case if it is heard before the Board of Appeals.

If you have questions about any of these comments, please contact me at 410-260-3481.

Sincerely,



Wanda Cole
Natural Resources Planner

cc: SM 387-01



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 16, 2001

Mr. Wayne Young
Director, Environmental Dredging
Maryland Environmental Service
2011 Commerce Park Drive
Annapolis, Maryland 21401

Re: Critical Area Commission Unanimous Approval of Hart-Miller Island Boat Ramp
CENAB-OP-RMN 00-66-852

Dear Mr. Young,

I am pleased to inform you that on July 11, 2001, the Chesapeake Bay Critical Area Commission unanimously approved the above referenced project in accordance with COMAR 27.02.05 State Agency Actions Resulting in Development on State-Owned Lands. This approval is subject to the following condition:

- That the required State tidal wetlands license be obtained prior to initiating the project.

Thank you for your participation and assistance in this process.

Attached for your use is a copy of the staff report that was provided to the Commissioners for review prior to voting on this proposal. If you have any questions, please don't hesitate to contact me at 410-260-3481.

Sincerely,

Wanda Cole
Natural Resources Planner

cc: Bob Tabiz, MDE

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

Chesapeake Bay Critical Area Commission

STAFF REPORT

July 11, 2001

APPLICANT: Maryland Environmental Service

PROPOSAL: Boat Ramp

JURISDICTION: Baltimore County

COMMISSION ACTION: Vote

STAFF RECOMMENDATION: Approval With Condition

STAFF: Wanda Cole

**APPLICABLE LAW/
REGULATIONS:**

COMAR 27.02.05.04 State Agency Actions Resulting in Development on State-Owned Lands: Water-Dependent Facilities

DISCUSSION:

The Maryland Environmental Service (MES) is proposing to construct a boat ramp adjacent to an existing personnel pier at the Hart-Miller Island Dredged Material Containment Facility (HMI). This work is proposed in the 100-foot Critical Area Buffer of Chesapeake Bay and is not an Intensely Developed Area.

By design, HMI is being converted to wildlife habitat important as a nesting area for colonial waterbirds; as a migratory stopover for shorebirds and songbirds; and as a protected wintering waterfowl concentration area. Over time, some areas of HMI will evolve into suitable nesting habitat for both resident and migratory songbirds.

The concrete boat ramp will measure 30' x 104' and will extend a maximum 80' channelward of mean high water. A stone revetment will flank the perimeter to protect the edge of the concrete. The ramp will permanently displace 4,165.9 square feet of tidal wetlands and 814.1 square feet of the 25-foot nontidal wetland buffer. To offset impacts to shallow water bottom, MES is proposing to restore a 9,960 square foot area of nontidal wetlands that has been overgrown by phragmites. This is not required as mitigation; rather MES is offering to improve the conditions of this low-quality, nontidal wetland area by removing phragmites and planting suitable wetland species. Phragmites control will be continued as a periodic maintenance item. Maryland Department of the Environment has not yet issued the State tidal wetland license but has indicated that the project, as proposed, presents no concerns.

Staff Report
Re: HMI Boat Ramp
July 11, 2001
Page Two

The purpose of the ramp is to allow various-sized craft to be brought on-shore for protection from sudden storms, for maintenance of on-board equipment, to allow a variety of craft to be available on-site, and for emergency response at the facility (landing craft).

There are no proposed impacts to any other Habitat Protection Areas.

RECOMMENDATION: Approve with a condition that MES obtain the required State tidal wetland license prior to construction.

cc: 19-01

LEGEND



□ NON-TIDAL WETLANDS IMPACT (0 ACRES OR 0.0 sq.ft.)

■ LIMITS OF WETLAND FILLING (0.11 ACRES OR 4980.0 sq.ft.)



PROPOSED STONE REVETMENT (1524.86 sq.ft.)

— LOD — LIMIT OF DISTURBANCE

25 FT WETLAND BUFFER

EXISTING ELECTRIC BOX

EXISTING FACTORY TEST ELECT BOX

EXISTING ENERGIZED UG ELEC

PROPOSED BOAT RAMP
(104' X 30' X 8" REINFORCED CONCRETE SLAB)

TEMPORARY COFFER DAM WITH 12" DIA. TIMBER PILES AND T&G SHEET PILING (TYP.)

PROPOSED STONE REVETMENT

LIMITS OF NON-TIDAL WETLANDS

25 FT WETLAND BUFFER

MLW

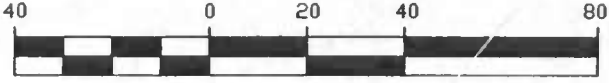
MHW

RECEIVED

JUN 11 2001

CHESAPEAKE BAY CRITICAL AREA COMMISSION

GRAPHIC SCALE



(IN FEET)
1 INCH = 40 FT

DWG. - J:/HMI/STA265/PERMIT/MAP_No1

TRACKING NO. 200066852

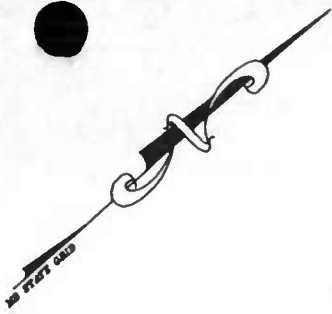


MARYLAND PORT ADMINISTRATION



MARYLAND ENVIRONMENTAL SERVICE

SITE LOCATION AND WETLAND AREAS
HART MILLER ISLAND
DREDGED MATERIAL CONTAINMENT FACILITY
BALTIMORE COUNTY, MARYLAND
MAP No. 1 MAY 2001



2:1 RATIO
MITIGATION AREA
(0.23 ACRES OR 9960.0 sq. ft.)

HART ISLAND

PROPOSED BOAT
RAMP AREA

GRAPHIC SCALE



(IN FEET)
1 INCH = 400 FT

DWG. - J./HMI/STA265/PERMIT/MAP_5A

TRACKING NO. 200068852



MARYLAND
PORT
ADMINISTRATION



MARYLAND
ENVIRONMENTAL
SERVICE

PROPOSED WETLAND MITIGATION PLAN
HART MILLER ISLAND
DREDGED MATERIAL CONTAINMENT FACILITY
BALTIMORE COUNTY, MARYLAND
MAP No. 5A

MAY 2001



Reader

Judge John 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 13, 2001

Ms. Staci Hutchins
Environmental Planner
Bolton Latham, LLC
24 Industrial Drive, Ste 1
Waldorf, MD 20602

Re: Indiantown Farm, BL # S1624-0001

Dear Ms. Hutchins,

Thank you for your letter dated June 21, 2001 in which you requested environmental information regarding this property. I would like to provide you with the contact information for each agency that would be able to furnish you with the detailed information you are requesting for various categories:

- **Natural Heritage Areas:** Ms. Lori Byrne, MD Department of Natural Resources, Wildlife and Heritage Division, 580 Taylor Ave, E-1, Annapolis, MD 21401. Telephone: 410-260-8573
- **Fisheries and Aquatic Habitats:** Mr. Ray Dintaman, Jr., MD Department of Natural Resources, Environmental Review Unit, 580 Taylor Ave, B-3, Annapolis, MD 21401. Telephone: 410-260-8330
- **Tidal Wetlands:** Mr. Phil Mohler, MD Department of the Environment, 200 Duke St, #2700, Prince Frederick, MD 20678. Telephone: 410-414-3400
- **St. Mary's County Critical Area Criteria Applicable to this site:** Ms. Theresa Dent, St. Mary's Department of Planning and Zoning, PO Box 653, Leonardtown, MD 20650. Telephone: 301-475-4670

You might also wish to investigate the coastal flooding elevations for this property, determine the presence or absence of archeological and cultural resources, and the soils capabilities. Coastal flooding information may be available from the MD Department of the Environment, Water Management Administration at 2500 Broening Highway, Baltimore, MD 21224-6612.

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

Ms. Staci Hutchins
Re: Contacts for environmental information
Page Two

Archeological and cultural resource information is available from the MD Historical Trust at 100 Community Place, Crownsville, MD 21032. Telephone: Ms. Elizabeth J. Cole, 410-514-7631. Web site: www.marylandhistoricaltrust.net.

You may be able to determine much of this information on your own by consulting the MERLIN database web site: www.mdmerlin.net. This web site provides data layers that provide general guidance on the presence or absence of many resources for a specific site within Maryland. If you have trouble using MERLIN, please contact the web manager indicated on the home page.

In addition to all of this, your project may require a Forest Stand Delineation and Forest Conservation Plan. To determine if this will be the case, contact the Forestry Division, MD Department of Natural Resources, 580 Taylor Avenue, E-1, Annapolis, MD 21401. Web site: www.dnr.state.md.us/forests/treelaws .

I hope this information will be of help to you as you prepare your report.

Sincerely,



Wanda Cole
Natural Resources Planner

Judge John 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

Mr. John S. Oliff
Collinson, Oliff & Associates, Inc.
288 Merrimac Court
PO Box 2209
Prince Frederick, Maryland 20678

Re: Soper Property, Lots 3 and 4, Calvert County
MSD 20-01-02 & MSD 20-01-03

Dear Mr. Oliff,

Thank you for providing such a comprehensive title history of the Soper tract, as well as the revised maps and explanation of how the necessary changes to the plat will be handled. It appears all my comments have been adequately addressed.

I have one last comment regarding the minimum amount of forest to be retained on the Holland parcel. The Criteria allow a maximum clearing of 30% of the existing forest cover without a variance. Since this office does not support a subdivision that will require a variance, 70% of the existing 12.3 acres of forest is the minimum amount of forest to be retained. This acreage would be 8.61 acres instead of the 5.08 noted in your letter.

As a reminder, a copy of the determination letter from the DNR Wildlife and Heritage Division must be provided to this office prior to completing the subdivision process.

Your cooperation and patience in this process has been greatly appreciated.

Sincerely,

A handwritten signature in cursive script that reads "Wanda Cole".

Wanda Cole
Natural Resources Planner
WC/jjd

cc: Ms. Olivia Vidotto
CA 57-01
CA 58-01

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 26, 2001

Mr. Keith Kelley
Baltimore County
Department of Environmental Protection
and Resource Management
401 Bosley Avenue, Suite 416
Towson, Md 21204

RE: 00-27 Grover Hutchins Variance Request

Dear Mr. Kelley,

Thank you for the opportunity to comment on the above referenced variance request. The applicant has requested a variance to build a replacement dwelling in the 100-foot Critical Area Buffer of Shallows Creek. The existing house is also in the Buffer. This area is a designated Limited Development Area. The impervious surfaces will remain within allowable limits and there will be no impacts to existing trees.

This office does not oppose this variance request. It is consistent with similar uses on neighboring properties and the applicant has made every effort to locate the development as far from Shallow Creek as possible. We request that the following comments be made conditions of the variance:

- That 3:1 mitigation plantings be provided to offset impacts to the Buffer
- That 15% afforestation be provided on-site. There appears to be sufficient grassed area available between the house and the shoreline to accomplish these plantings.

Please include in your file and submit it as part of the official record for this variance. The Commission requests a copy of the written decision made in this case.

If you have any questions regarding these comments, please feel free to contact me at 410-260-3481.

Sincerely,

A handwritten signature in cursive script that reads "Wanda Cole".

Wanda Cole
Natural Resources Planner
WC/jjd
cc: BC 361-01

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 26, 2001

Ms. Elsa Ault
Charles County
Department of Planning and Growth Management
PO Box 2150
La Plata, MD 20646-2150

RE: Site Visit and Follow up to Efton Hill Site Plan

Dear Ms. Ault,

This letter is a follow-up to our June 8, 2001 site visit with Wes Tomlinson. Please consider it as our formal comments for the variance to be scheduled in the near future.

The site is largely forested. Due to the development activities occurring in the Expanded Critical Area Buffer, forest mitigation will be required at a 3:1 ratio.

The existing gravel road does not represent a new development activity in the Expanded Critical Area Buffer. However, it crosses three small streams without the benefit of culverts. Culverts are needed and permits will be required from Maryland Department of the Environment (MDE) for the nontidal wetland and waterway impacts. The applicant should contact MDE as soon as possible to begin the permit process. Any addition of gravel to the roadbed would constitute a floodplain fill. MDE may view this activity as a maintenance item that requires prior approval.

No approvals should be granted for this site plan until a copy of the determination letter from DNR's Wildlife & Heritage Division is provided to this office.

It is our understanding that the deed to the Larsen tract described two parcels. This development is proposed on one of those parcels and does not represent a new subdivision of the property.

Please send this office a copy of any written decision made regarding this case. If you have any questions regarding these comments, please contact me at 410-260-3481.

Sincerely,

A handwritten signature in cursive script that reads "Wanda Cole".

Wanda Cole
Natural Resources Planner
WC/jjd
cc: CS 272-01

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 26, 2001

Ms. Elsa Ault
Charles County
Department of Planning and Growth Management
PO Box 2150
La Plata, MD 20646-2150

RE: Parcel 50, Blue Heron Place (Eldredge)
Letter from Coastal Resources, Inc.

Dear Ms. Ault,

Thank you for providing a copy of the letter from Mr. Chuck Weinkam of Coastal Resources, Inc., in which he described the soils testing conducted on the Eldredge property in 1993 and 1998. It is the opinion of this office that the applicant has not yet demonstrated that there is no opportunity to move the sewage reserve area out of the 100-foot Critical Area Buffer so that a variance would not be needed.

Mr. Weinkam states that "most of the property exhibits signs of poor drainage due to slowly permeable soils" and "preliminary testing showed relatively little variation in the soil profile over most of the site." If the areas closest to the proposed house passed perc, would other nearby areas not also pass perc?

Mr. Weinkam refers to the proposed sewage reserve area as being the preferred site. The series of perc tests performed on April 21, 1998 as shown on Exhibit A, attached to the copy of the deed, indicates test pits "1A, B, D and F" were good percs. According to the scale shown on Exhibit A, all these perc test areas occur from 150- 200' from mean high water and therefore, would be outside the 100-foot Critical Area Buffer. In addition, test pit "1D" is located outside the forested area.

There is no information regarding the results of perc test pits C-1, E-1, F-1, and G-1 on the March 2001 site plan. All of these areas are located outside the 100-foot Critical Area Buffer. Test sites C- 1 and E-1 are also located outside the forested area.

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

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

Ms. Elsa Ault
June 26, 2001
Page Two

It is generally considered proper maintenance to avoid planting trees close to septic drain fields in order to prevent roots from clogging the drains. The proposed sewage reserve area places the drain fields in an area that would be surrounded by trees, thus compromising the integrity and longevity of the system.

If you should have any questions regarding these comments, please don't hesitate to contact me at 410-260-3481.

Sincerely,



Wanda Cole
Natural Resources Planner

WC/jjd

cc: CS 335-01



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 24, 2001

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

RE: Light Rail Double Track Project- Section 6, Baltimore County
Planting Agreement

Dear Mr. Newton:

Thank you for submitting the Planting Agreement for the Section 6 of the Light Rail Double Track project located in Baltimore County. I have reviewed the planting plan and the Agreement form and find the information provided meets the Critical Area requirements for this portion of the project.

As we discussed during our meeting on June 12, 2001, the Planting Agreement will remain in effect for five years after the completion of all of the plantings. The five-year term is being requested in the event a short-term drought cycle occurs soon after the normal two-year maintenance period expires.

I look forward to working with you on drafting the sand filter maintenance agreement.

Sincerely,

Wanda Cole
Natural Resources Planner

cc: 24-99

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 22, 2001

Ms. Roxana L. Whitt
Calvert County Planning & Zoning
150 Main Street
Prince Frederick, MD 20678

RE: Variance Case No. 01-2749 Skelton

Dear Ms. Whitt,

Thank you for the opportunity to comment on this variance request. The applicant is requesting an amendment to a steep slope variance to build a larger deck onto an existing house than what had been previously approved.

The impervious surface areas appear to be within allowable limits.

This office does not oppose this variance and requests that the following comment be made a condition of the variance:

- That 15% afforestation using native species be provided on this property.

Please include this letter in your file and submit it as part of the official record for this variance. The Commission requests a copy of the written decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Wanda Cole".

Wanda Cole
Natural Resources Planner

cc: CA 378-01

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

Reader



Judge John 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 22, 2001

Ms. Elsa Ault
Charles County
Department of Planning and Growth Management
PO Box 2150
La Plata, MD 20646-2150

RE: SFD # 010493 Waveland Lot 32A
Mrs. Kim Hill Site Plan

Dear Ms. Ault,

Thank you for the opportunity to comment on the above referenced site plan. The applicant proposes to construct a dwelling with garage, porch, covered deck, driveway, well and septic in the designated Resource Conservation Area of Port Tobacco Creek. None of the proposed development occurs within the 100-foot Critical Area Buffer.

This site plan was nicely done. The applicant has complied with the criteria regarding clearing limits and forest mitigation. The development is within the limits on impervious surface. The following comments are provided for you use:

- The development appears to abut the 100-foot Critical Area Buffer. Construction equipment might inadvertently encroach into the Buffer during construction. To prevent this from occurring, the 100-foot Critical Area Buffer line should be in some way marked so equipment operators will know the limits of disturbance.
- If possible, construction access to the revetment project is encouraged to take place from the water rather than by land. This would eliminate the need to access the area through the Buffer. It appears no grading will be necessary to facilitate landward access to the shoreline. All vegetation removed for access must be replaced 1:1 regardless of size.

If you have any questions regarding these comments, please don't hesitate to contact me at 410-260-3481.

Sincerely,

A handwritten signature in cursive script that reads "Wanda Cole".

Wanda Cole
Natural Resources Planner

cc: CS 356-01

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

Reader



Judge John 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 20, 2001

Ms. Roxana L. Whitt
Calvert County Planning & Zoning
150 Main Street
Prince Frederick, MD 20678

RE: Variance Case No. 01-2742 Tochtermann
Marine Shed in the 100-foot Critical Area Buffer

Dear Ms. Whitt,

Thank you for the opportunity to comment on this variance request. The applicant is requesting a variance to build a marine shed that will facilitate an existing marine business conducted on the property. Approximately two-thirds of this shed will be located in the 100-foot Critical Area Buffer of Patuxent River in a designated Limited Development Area (LDA).

Although the plan does not provide detailed information regarding the impervious areas on the property, it appears the development at the site is within allowable limits for impervious surfaces. In addition, the increase in impervious area for the shed will be offset, in part, by the razing a portion of another structure. The other structure is not only located entirely in the Critical Area Buffer, but sits very close to the shoreline.

The Critical Area Commission does not oppose this variance and requests that the following comments be made conditions of the variance:

1. That the Calvert County 2:1 forest mitigation requirement be provided on-site and directed first to the 100-foot Critical Area Buffer.
2. That 15% afforestation be provided on-site if existing forest cover is below this threshold.

This office recommends that Calvert County consider mapping this area as a Buffer Exemption Area to be consistent with other similar uses in

Please include this letter in your file as part of the official record for this variance. The Commission requests a copy of the written decision made in this case.

Sincerely,

Wanda Cole
Natural Resources Planner

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

Reader



Judge John 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 19, 2001

Mr. Jim Gotsch
DH Steffens Company
317 Charles Street
PO Box 1709
La Plata, MD 20646

RE: SPSP 00-130-116 St. Clement's Island Potomac River Museum
Proposed Grass Parking Area

Dear Mr. Gotsch,

Thank you for providing the revised site plan for the above referenced project. The scope of the overall project has been reduced to avoid impacts to sensitive areas both within and outside the Critical Area.

As a County-owned property, the St. Mary's County Department of Planning and Zoning will need to provide a letter stating that this project is consistent with the County's Critical Area Program. No approvals for this project should be granted until this office has received the letter of consistency.

Clearing within the Critical Area portion of the site has been reduced to 26% of the existing forest that occurs there. The mitigation ratio will be 1.5:1 to offset this loss of forest cover. We encourage the applicant to work closely with County Planning and Zoning staff to locate suitable, on-site mitigation areas elsewhere on the Museum property or off-site within the adjacent community.

There will be no increase in impervious surfaces and existing impervious areas are well within maximum allowable limits.

Please contact me at 410-260-3481 if you have questions about any of these comments.

Sincerely,

A handwritten signature in cursive script that reads "Wanda Cole".

Wanda Cole
Natural Resources Planner

cc: Theresa Dent
SM 12-01

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

Roeder



Judge John 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 19, 2001

Ms. Roxana L. Whitt
Calvert County Planning & Zoning
150 Main Street
Prince Frederick, MD 20678

RE: Variance Case No. 01-2744 Billman
Development in the 100-foot Critical Area Buffer

Dear Ms. Whitt,

Thank you for the opportunity to comment on this variance request. The applicant is requesting a variance to build a house with attached garage, two porches, well and portions of a driveway and septic system in the 100-foot Critical Area Buffer of Mills Creek. This property is a grandfathered lot located in a designated Limited Development Area (LDA).

The Critical Area Commission does not oppose this variance and recommends that the following comments be made conditions of the variance:

1. That the setback requirement along the road be waived so that the septic reserve area and the house can be moved closer to the road. This will reduce the encroachment toward the shoreline and minimize the impacts to the 34% steep slope.
2. That no tree clearing is to occur over the second and third boxes of the septic reserve area until needed to replace a failed first box.
3. That the required 2:1 forest mitigation be first directed to the existing, open area between the shoreline and the proposed dwelling.
4. That the applicant provide 3:1 mitigation plantings to offset the impacts to the 100-foot Buffer.
5. That the roof drain system be redesigned to direct stormwater toward the front of the lot rather than toward Mills Creek. This will further reduce impacts to the steep slope.

Please include this letter in your file as part of the official record for this variance. The Commission requests a copy of the written decision made in this case.

Sincerely,

Wanda Cole
Natural Resources Planner

cc: CA 370-01

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



Reader



Judge John 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 18, 2001

Mr. Fred Bedell
Southern Region, Engineering & Construction
Maryland Department of Natural Resources
580 Taylor Avenue, D3
Annapolis, MD 21401

Re: Brink Cottage Septic Field Replacement

Dear Mr. Bedell,

Thank you for providing information on the above-referenced project. DNR proposes to replace an existing septic field system with an upgraded system. The new septic fields will be located outside the 100-foot Critical Area Buffer and will not require the removal of any trees. Access to the work area is over an existing gravel driveway.

This project is considered a maintenance item, therefore it does not require formal approval by the Critical Area Commission.

If you have any questions, please contact me at 410-260-3481.

Sincerely,

A handwritten signature in cursive script that reads "Wanda Cole".

Wanda Cole
Natural Resources Planner

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

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



Reader



Judge John 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 18, 2001

Ms. Olivia Vidotto
Calvert County Department of Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

Re: SD-01-06 N. Chesapeake Beach Subdivision

Dear Ms. Vidotto,

Thank you for the opportunity to comment on the above referenced subdivision. The applicant has submitted a preliminary plan for the subdivision of a 0.653 acre parcel into two lots. This property lies within a designated Limited Development Area of Chesapeake Bay.

The following comments are provided for your file:

- The 1000-foot Critical Area boundary needs to be shown on the plan. Similarly, information on the soils survey map suggests that the Expanded Critical Area Buffer may need to be delineated on this parcel.
- Information regarding vegetative cover must also be shown.
- This plan indicates that 67% of the existing forest cover will be removed. Clearing in excess of 30% of the existing forest would require a variance. This office cannot support a subdivision that would require a variance.
- The note on the plan regarding this project being exempt from Forest Conservation requirements needs to be clarified. This property is exempt from Forest Conservation Act (FCA) requirements only because the Critical Area forest conservation requirements will apply to this site instead.
- A note should be added to the plan regarding the 15% maximum impervious surface limits.
- This property will lose its grandfathered status upon subdivision.

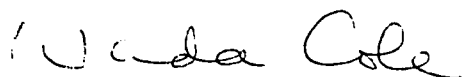
Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Ms. Olivia Vidotto
Re: N. Chesapeake Beach
June 18, 2001
Page Two

- A copy of the letter from the Department of Natural Resources Wildlife and Heritage Division regarding the determination on rare, threatened, and endangered species at this site must be provided to this office. No approvals for development should be granted before this letter is received.

Please contact me at 410-260-3481 if you have any questions about these comments.

Sincerely,



Wanda Cole
Natural Resources Planner

cc: CA 346-01

Reader



Judge John 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

Mr. Donald J. Ocker
NG&O Engineering, Inc.
PO Box 643
Leonardtown, MD 20650-0643

RE: Cedar Cove P.U.D. Kedges Strait
Revised Boundary Line Adjustment Plat, Job No. 93NGO1334

Dear Mr. Ocker,

I have reviewed the boundary line adjustment plat which was revised on May 15, 2001. All of my comments regarding the necessary Critical Area information have been addressed and appear on the plat in an accurate and clearly-understood manner.

This plat in its current form is very nicely done and would make a good example of how to present Critical Area information for future subdivision submittals. I particularly appreciated the use of the "CA" notation behind the lot numbers as a means to separate the lots located in the Critical Area from those that were not. The information in the revised Resource Protection Table was clearly and logically presented. Critical Area notes number 5 and 8 on sheet number 3 were excellent additions to this plat. These seemingly simple items will be important reminders of the reforestation ratios and the need for planting plans to the various builders and homeowners who will develop these lots.

Thank you for your cooperation during this process.

Sincerely,

A handwritten signature in cursive script that reads "Wanda Cole".

Wanda Cole
Natural Resources Planner

cc: SM 54-01
Theresa Dent

Branch 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. Theresa Dent
St. Mary's County Department of Planning & Zoning
22740 Washington Street
PO Box 653
Leonardtown, MD 20650-0653

RE: SMC # 01-0959 Charles F. Porcari
Variance Request for Porch in the Buffer

Dear Ms. Dent,

Thank you for the opportunity to comment on the above referenced site plan, which is being submitted for comment prior to being scheduled for a variance hearing with the St. Mary's County Board of Appeals. Your summary report was very thorough and appreciated.

This office would not oppose the granting of this variance for development in the 100-foot Critical Area Buffer as it represents a reasonable expansion of living space. The increase in impervious surface area is within the maximum allowable limits.

We request that the following be made a condition of the variance:

- That both the required 15% afforestation and 3:1 mitigation plantings, using native species, be accomplished on-site.

Please consider this letter as formal comments on this proposal and place it in the official file. Please provide this office with a copy of the written decision made regarding this case.

Feel free to call me at 410-260-3481 if you have questions about these comments.

Sincerely,

A handwritten signature in cursive script that reads "Wanda Cole".

Wanda Cole
Natural Resources Planner

cc: SM 345-01

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 15, 2001

Ms. Theresa Dent
St. Mary's County Department of Planning & Zoning
22740 Washington Street
PO Box 653
Leonardtown, MD 20650-0653

RE: ISUB # 01-110-012 Evergreen Park on the Bay
Six lot farmstead subdivision

Dear Ms. Dent,

Thank you for providing the opportunity to comment on the above referenced subdivision. This proposed subdivision is located partially in the Critical Area of Chesapeake Bay in a designated Resource Conservation Area (RCA).

The following comments are provided for your file:

- General Note # 3 must be changed to show that the Critical Area overlay for this parcel is RCA.
- The density on the Critical Area portion of the property would allow only one dwelling unit. If three waterfront lots are desired, all development activities- including sewage reserve areas- on two of the lots must occur outside the Critical Area. A note will be required on the plan to restrict development on two of the lots to only the non-Critical Area portions of the property.
- If this subdivision represents a change in use from agriculture to residential, the 100-foot Critical Area Buffer must be fully established in native forest plantings.
- Information on topography and vegetative cover needs to be shown in order to determine if the 100-foot Critical Area Buffer needs to be expanded for steep slopes, wetlands, or tributary streams.
- Any existing development must be shown.
- Because two of the lots will not have any density within the Critical Area, the construction of a pier on these properties would not be consistent with the intent and purpose of the RCA designation.

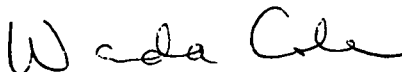
Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Ms. Theresa Dent
Re: Evergreen Park on the Bay
June 15, 2001
Page Two

- The subdivision plan should include Critical Area notes regarding:
 1. The 15% limit on impervious surfaces.
 2. The need for 15% afforestation, if required.
 3. The 30% limit on forest clearing.
 4. The need for forest mitigation based upon the amount of clearing proposed.
 5. That afforestation or reforestation should first be directed on-site to the 100-foot Critical Area Buffer.
- A copy of the letter from the Department of Natural Resources Wildlife and Heritage Division regarding the determination on rare, threatened and endangered species must be provided to this office.

Please don't hesitate to call me at 410-260-3481 if you have questions about any of these comments.

Sincerely,



Wanda Cole
Natural Resources Planner

cc: SM 337-01



Reade

Judge John 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

Mr. Keith Kelley
Baltimore County
Department of Environmental Protection
and Resource Management
401 Bosley Avenue, Suite 416
Towson, Md 21204

RE: 00-24 Isabel and Robert Baynes

Dear Mr. Kelley,

Thank you for the opportunity to comment on the above referenced variance request. The applicant proposes to subdivide a parcel into two lots and is requesting permission to maintain the 100-foot Critical Area Buffer in its existing mowed condition. This property is located in the Critical Area of Seneca Creek and a designated Limited Development Area. One of these lots will be transferred to the applicant's son. The proposed impervious surface areas are within allowable limits.

After reviewing the site plan with the applicants, the applicants agreed to provide the required 15% afforestation in the 100-foot Critical Area Buffer to the greatest extent possible. The applicants will provide native plantings in the area between the boat ramp and the northeast tip of the parcel; in the low-lying corners on each side of the pier; and will supplement the existing hardwood grove with understory plantings. I will forward copies of plant lists to the applicant for their use in selecting preferred species.

This office does not oppose the granting of this variance to allow the pastures and existing willow harvest operation to continue in the remaining areas of the 100-foot Buffer. The applicant's willow groves provide water quality and wildlife habitat benefits.

We request that the following comments be made conditions of the variance:

- The required 15% afforestation must be accomplished on-site in the agreed upon areas. Native species suitable to the existing soil conditions should be used. The afforested areas must be protected from all future disturbance by development activities.
- The pony pasture areas must be kept at least 25 feet away from the shoreline areas.

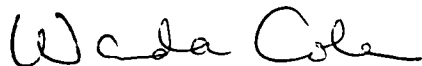
Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Mr. Keith Kelley
Re: Baynes Variance Request
June 15, 2001
Page Two

Please consider this letter as formal comments and place it in the file. Please provide a copy of the written decision made in this case.

If you should have any questions regarding these comments, please feel free to contact me at 410-260-3481.

Sincerely,



Wanda Cole
Natural Resources Planner

cc: BC 297-01



Reader

Judge John 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

Mr. Peter Merrill
Project Planning
State Highway Administration
PO Box 717
Baltimore, MD 21203-0717

Re: MD 509 over Governor's Run, Calvert County
In-place Replacement of Existing Bridge

Dear Mr. Merrill,

Enclosed for your use is a copy of the Calvert County Critical Area overlay map which includes the above referenced project area, and a copy of the State projects checklist to assist you in preparing this project for submittal to this office for review. Please place my name on the invitation list for the preliminary investigation when the time comes.

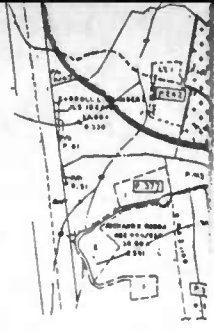
Please call me at 410-260-3481 if you have any questions during the design development for this project.

Sincerely,

Wanda Cole
Natural Resources Planner

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

1" = 2000'



SCIENTIST CLIFFS

SCIENTIST CLIFFS RD

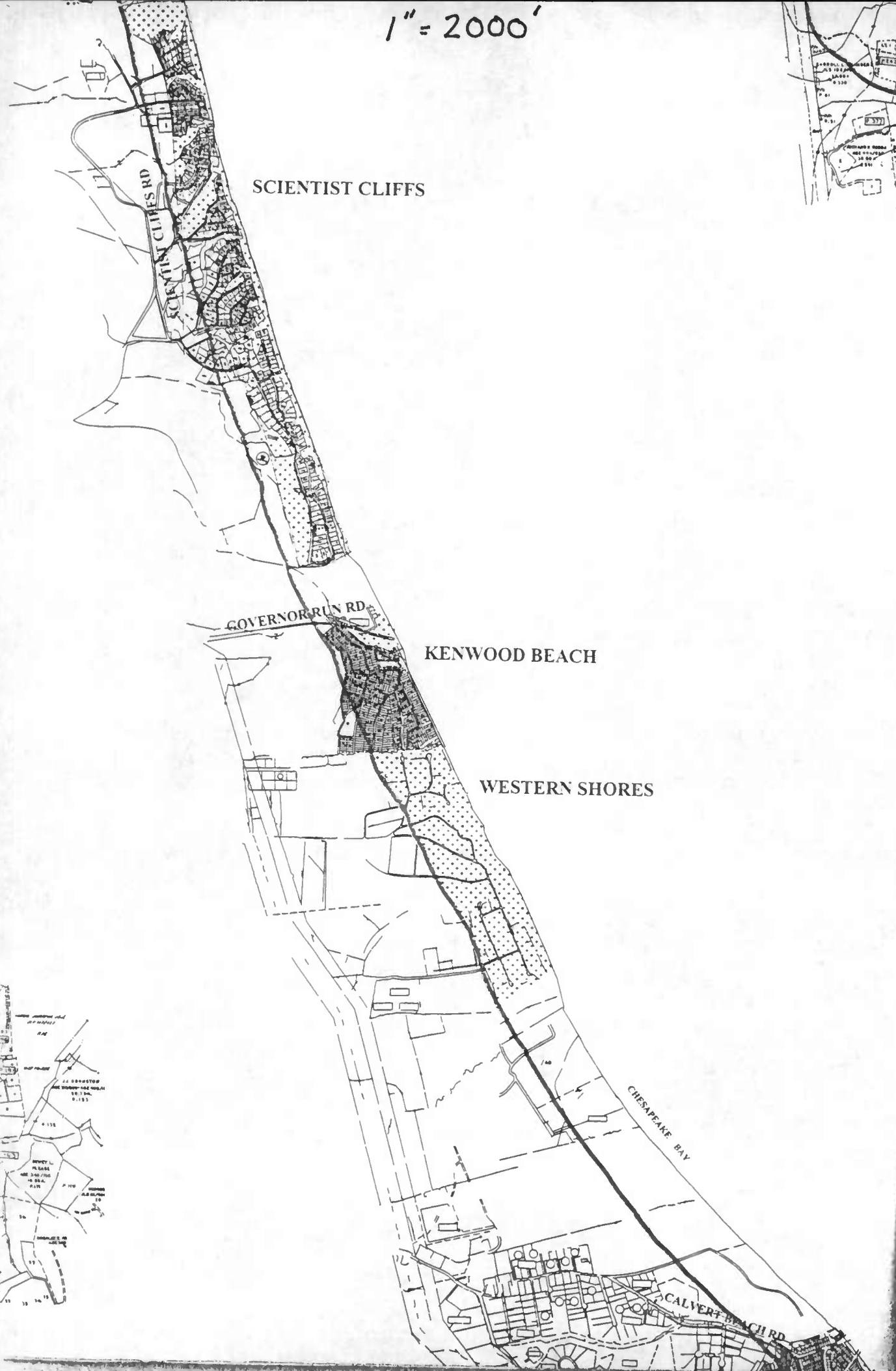
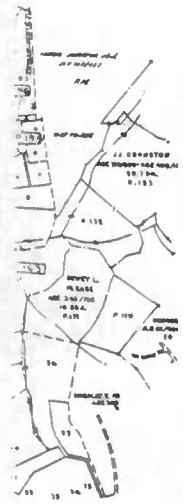
GOVERNOR RUN RD

KENWOOD BEACH

WESTERN SHORES

CHESAPEAKE BAY

CALVERT BEACH RD



Reader



Judge John 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 14, 2001

Mr. Bruce A. Young
District Manager
St. Mary's Soil Conservation District
PO Box 810
Leonardtown, MD 20650

Re: Historic St. Mary's City Shoreline Protection and Marsh Creation Project

Dear Mr. Young,

On June 6, 2001, the Chesapeake Bay Critical Area Commission unanimously approved the above referenced project located in St. Mary's County. One condition was incorporated into this approval:

That the applicant obtain a valid State tidal wetlands license prior to construction.

We understand that the wetlands license application has long been initiated and that the Maryland Department of the Environment, who will be issuing this license, is also providing the funding for the project.

When the design details are available for the Milburn Creek portion of the project, please send me a copy for review. I will present them at a future meeting of the Commission as an update only. If you will be scheduling any site visits for Milburn Creek in the future, I would be interested in attending with you. I can be reached at 410-260-3481 or via email at wcole@dnr.state.md.us.

Again, it was a pleasure to work with you and MDE on this project. If you have any additional questions, please feel free to me.

Sincerely,

Wanda Cole
Natural Resources Planner

cc: Phil Mohler, MDE Prince Frederick
Gary Setzer
State 14-01

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 14, 2001

Mr. and Mrs. Robert Baynes
1047 Bowleys Quarters Road
Baltimore, MD 21220

Re: Native Plant Lists

Dear Mr. and Mrs. Baynes,

It was a pleasure talking with you during our recent site visit. As promised, I have enclosed two copies of plant lists of native species that you might use in your afforestation areas. I would like to point out that the one list of deer-resistant plants (that is hand-written) also includes some non-native species that should not be used for afforestation purposes but that you might want to use for your flower gardens. You will have to cross-reference this list with the others to determine which ones are native.

I have hi-lited those species which will tolerate wet conditions and/or which have attractive colorations that will make them more enjoyable to you. Some attract butterflies, bees and hummingbirds which will increase the wildlife habitat benefits on your property.

We observed some nice clumps of soft rushes, sedges, and marsh hibiscus growing naturally along the bulkhead area. If you don't need to mow this area, you would eventually end up with a nice buffer with some attractive wetland plants. Ducks love to eat the seeds from these plants as do many of the smaller, migratory songbirds.

If you have any questions regarding these plants, please give me a call at 410-260-3481. Good luck with your new house plans!

Sincerely,

A handwritten signature in cursive script that reads "Wanda Cole".

Wanda Cole
Natural Resources Planner

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

Reader



Judge John 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 14, 2001

Mr. Keith Kelley
Baltimore County
Department of Environmental Protection
and Resource Management
401 Bosley Avenue, Suite 416
Towson, Md 21204

RE: 00-25 Timothy Farish
Variance to Construct A Garage in the 100-foot Critical Area Buffer

Dear Mr. Kelley,

Thank you for the opportunity to comment on the above referenced variance request. The applicant has requested a variance to build a garage in the 100-foot Critical Area buffer in the Critical Area of Schoolhouse Cove. This area is designated as a Limited Development Area. The impervious surfaces will remain within allowable limits and there will be no impacts to existing trees.

This office does not oppose this variance request. It is consistent with similar uses on neighboring properties. We request that the following comments be made conditions of the variance:

- That five new trees be planted on-site to meet the requirements for both the 3:1 mitigation for impacts to the Buffer and 15% afforestation. There appears to be sufficient grassed areas available to accomplish these plantings.

Please consider this letter as formal comments and place it in the file. Please provide a copy of the written decision made in this case.

If you should have any questions regarding these comments, please feel free to contact me at 410-260-3481.

Sincerely,

Wanda Cole
Natural Resources Planner

cc: BC 298-01

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 14, 2001

Mr. Keith Kelley
Baltimore County
Department of Environmental Protection
and Resource Management
401 Bosley Avenue, Suite 416
Towson, Md 21204

RE: 00-26 Eugene and Georgina Huffines
Variance to Construct A Dwelling in a Nontidal Wetland Buffer

Dear Mr. Kelley,

Thank you for the opportunity to comment on the above referenced variance request. The applicant has requested a variance to build a dwelling in the 25-foot nontidal wetland buffer on an undeveloped lot in the Critical Area of Middle River and Galloway Creek. This area is designated as a Limited Development Area.

It is unclear as to whether the 100-foot Critical Area Buffer occurs on this property. The report provided with the site plans mentions an adjacent tributary. The site plan shows a 100-year floodplain but does not show its associated stream. The applicant should determine if the 100-foot Critical Area Buffer or Expanded Buffer occurs on this lot and provide mitigation accordingly.

This office does not oppose this variance request. The applicant has cooperated to locate the dwelling as far away from the nontidal wetland buffer as possible. The wetlands appear to be somewhat isolated and have already been compromised by the mowing and other development activities in the area. Impervious surfaces are within allowable limits and there will be no impacts to forest vegetation. We request the following comments be made conditions of the variance:

- The presence of the 100-foot Critical Area or Expanded Buffer for the tributary stream be determined for this lot. If development activities lie within this Buffer, 3:1 mitigation using native species will be required.
- The required 15% afforestation be accomplished on-site using native forest vegetation species.

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

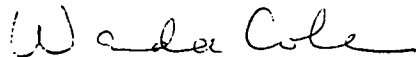
Mr. Keith Kelley
Re: Huffines Variance
June 14, 2001
Page Two

- The Maryland Department of the Environment approve the impacts to the nontidal wetland buffer prior to construction.

Please consider this letter as formal comments and place it in the file. Please provide a copy of the written decision made in this case.

If you should have any questions regarding these comments, please feel free to contact me at 410-260-3481.

Sincerely,



Wanda Cole
Natural Resources Planner

cc: BC 299-01

Reader



Judge John 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 14, 2001

Mr. Mark Spencer
Resource Planning
580 Taylor Avenue, E4
Annapolis, MD 21401

RE: 01-DNR-046 King's Landing: Various Trail and Shoreline Projects

Dear Mr. Spencer,

Thank you for the opportunity to comment on the above referenced proposal. The Calvert Soil Conservation District (SCD) has proposed to design and construct these projects. All of these projects are located within the Critical Area of Cocktown Creek, Chew Creek or Patuxent River. Many of these projects are also proposed within the 100-foot Critical Area Buffer or Expanded Buffer.

It is our understanding that neither the landlord nor the tenant have determined which, if any, of these projects might be pursued. The Calvert SCD has advised that the information submitted to date is not detailed and further studies will be needed to determine the full impacts of the footprint of these projects. Therefore, the following comments will be general guidance.

Projects proposed in the Critical Area on State-owned lands must be approved by the Critical Area Commission. The Commission meets the first Wednesday of each month. Projects will be placed on the agenda for the Commission meeting when they have reached a final design stage, and when all other required permits and approvals have been issued by their respective agencies.

As project details are being developed, this office will be pleased to offer guidance that would enable the applicant to design a project that would be supported by this office. I have enclosed for your use a State projects checklist and guidance documents regarding protection of the 100-foot Critical Area Buffer and mitigation requirements that would be useful to you during the design of these or other projects. Please do not hesitate to contact me with any questions you may have. My business card is attached for your use.

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

Mr. Mark Spencer

Re: King's Landing Projects in the Critical Area

June 14, 2001

Page Two

Shoreline protection projects on state-owned lands are an appropriate use of the 100-foot Critical Area Buffer. The shoreline protection measures used should be designed according to the degree of erosion that is occurring at the site. In areas where the erosion is almost insignificant or not an immediate threat to facilities, we encourage no shoreline measures be implemented or marsh plantings be utilized. Marsh plantings should be sited to maximize solar aspect so that no grading of banks or clearing of trees and/or shrubs will be necessary. Conservative pruning of tree limbs to increase sunlight infiltration is acceptable.

In areas of minor erosion, the use of non-structural and low-profile practices is encouraged. These would include a combination of low-profile sills, groins and marsh plantings. Structural methods such as shoreline armoring with riprap revetment or bulkhead should be avoided unless the erosion problem is significant, the fetch is great, and other methods have proven to be inadequate in similar environments

Access to the shoreline for construction should be along existing access points or from the water. Trail construction, bank grading, and tree clearing primarily for the purpose of establishing equipment access to the shoreline are methodologies which cannot be supported by the Commission. We observed high, well-vegetated banks along the shoreline during our site visit. It appears all shoreline work will need to be done from the water.

In-kind repairs to existing facilities and trails do not require Critical Area Commission approval. Upgrades of deteriorated boardwalks to different types and dimensions represent a change in the scope of work and will require prior Commission approval. Changes in trail surfaces from pervious to impervious will also require Commission approval.

The Commission encourages new trails to be located outside the 100-foot Critical Area Buffer to the greatest extent possible, particularly in areas where access to the waterfront is already available. Portions of trails that would cross into the Buffer should be sited to avoid encroachment into other Habitat Protection Areas. Lower tree limbs may be conservatively pruned to open up views to hikers. We would be pleased to provide assistance to you in locating suitable areas that will minimize impacts to Habitat Protection Areas.

The pedestrian bridge proposed to cross Cocktown Creek is mentioned in both the 1990 Master Plan for King's Landing and its 1995 Update. This bridge appears on the map in an area downstream from this proposal, where only one stream crossing would be required and possibly less impacts to wetland vegetation. A bridge would require a State tidal wetlands license from Maryland Department of the Environment and it seems unlikely such a permit would be granted.

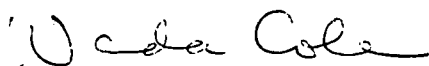
Mr. Mark Spencer
Re: King's Landing Projects in the Critical Area
June 14, 2001
Page Three

We will need more detail on any proposed pedestrian connection between the Cammack and King's Landing areas before being able to advise whether this is something that would be approved by the Commission. It appears the bridge would be more a means to access between the two properties than a tool to facilitate conservation and environmental education. During the site visit I observed that similar conservation and wetland education opportunities already exist along the existing foot trail and decking. The impacts from placing a bridge across this undisturbed wetland complex seems counter-intuitive to conservation teachings.

Repairs to the dam would require upgrading the dam to current standards and specifications. The new scope of work would require Commission approval. Design details would first be necessary before we can provide any insight as to whether the Commission approval might be granted. As mentioned in the 1990 Master Plan, an interesting and healthy, freshwater wetland system now exists within the pond. This resource might be lost or damaged if repairs to the pond breach create deeper backwaters. The existing freshwater wetland lends itself to a unique opportunity to demonstrate how poor maintenance at a facility can sometimes result in something good. The differences between estuarine and freshwater aquatic systems can also be easily observed here. Since the pond breach does not pose any immediate or long-term risk to the downstream environment, I would personally recommend that the dam be left as is.

If you have any questions, please do not hesitate to call me at 410-260-3481.

Sincerely,



Wanda Cole
Natural Resources Planner



Judge John 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

Ms. Elsa Ault
Charles County
Department of Planning and Growth Management
PO Box 2150
La Plata, MD 20646-2150

RE: Parcel 50, Blue Heron Place (Eldredge)
Site Development Plan and Sewage Easement Plat

Dear Ms. Ault,

Thank you for the opportunity to comment on the above referenced project. The applicant proposes to construct a replacement dwelling with well and septic, a porch, and loop driveway in the Critical Area of Perry Creek in a designated Resource Conservation Area (RCA). The applicant is requesting a variance to place the septic system in a forested portion of the 100-foot Critical Area Buffer.

This office is opposed to this request as proposed. The applicant has not adequately demonstrated that there are no other alternative locations for the septic system outside the 100-foot Critical Area Buffer on this 35.5 acre parcel. It appears that perc test locations were chosen relative to the desired location for the house as opposed to investigating the remainder of the property for an area that would also work. The applicant should re-investigate the soils on this property for alternative septic disposal sites in an effort to first avoid the need for a variance.

The report that was provided to support the variance request mentions that the area is already cleared. Does this mean that the area for the septic has already been cleared? If so, the plan has labeled the treeline in this area as "proposed", as if no disturbance has yet occurred there. If disturbance has already occurred, it appears this action may represent a Critical Area violation.

Mitigation for Buffer impacts are required at a 3:1 ratio.

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

Ms. Elsa Ault
Re: Parcel 50, Blue Heron Place
June 13, 2001
Page Two

The plan does not show a stabilized access point leading from the driveway to either the existing garage or to an attached garage. Will parking be outside in the driveway or inside a garage? If the latter, a stabilized access will probably be desired and should be shown and accounted for in the impervious surface calculations.

Please consider this letter as formal comments and place them in the variance file. Please provide a copy of the written decision that is made in this case if the variance is granted.

If you should have any questions regarding these comments, please don't hesitate to contact me at 410-260-3481.

Sincerely,



Wanda Cole
Natural Resources Planner

cc: CS 335-01



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. Reed Faasen
Charles County
Department of Planning and Growth Management
PO Box 2150
La Plata, MD 20646-2150

RE: XPN 01-06: Gunston Pointe
Preliminary Subdivision Plan

Dear Mr. Faasen,

Thank you for the opportunity to comment on the subdivision referenced above. The subdivision proposes to create three lots and two residue areas in the Critical Area. The subject parcel is located within a designated Resource Conservation Area.

The following recommendations are provided for your consideration:

- The designation on the plan, "Private Tidal Wetlands", is incorrect. Tidal wetlands channelward of mean high water are, by legal definition, State tidal wetlands. Unless the applicant provides detailed information to show otherwise, this designation must be changed on the plan.
- The acreage for State tidal wetlands must be subtracted from the total parcel acreage prior to calculating density. The information regarding the number of possible lots in the Critical Area will need to be revised based upon the total fastland acreage given in the Lot and Residue Area Tabulation (149.03 acres.)
- The plan indicates that Charles County has approved three prior subdivisions from which this parcel resulted. Please verify that the density calculations during those subdivisions were correct and that no special conditions (i.e., conservation easements) were placed on this tract that may affect the density requirements.

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

Mr. Reed Faasen
Re: Gunston Pointe Subdivision
June 13, 2001
Page Two

- The plan indicates that a portion of the parcel is in agricultural use. Since there is a change in use from agricultural to residential, the 100' Critical Area Buffer must be fully established in forest vegetation. There are only a few remaining areas in the existing Buffer that are not already forested, so this requirement can be easily met. There are two small open areas in the Buffer on Lot 16, two small areas on Residue B, and one small area on Lot 17.
- A Critical Area note should also be provided to protect the 100' Critical Area Buffer from all further disturbances.
- A Critical Area note should be included that forest clearing is limited to no more than 30% of the existing forested areas, and that forest mitigation will be required for any forest vegetation removed. A second note should also state that all remaining forested areas shall remain undisturbed unless otherwise permitted.
- The information from the Paul Facchina approved site plan must be shown on Lot 16. A note should now be included regarding the percentage of existing/proposed impervious surface areas on this lot.
- On all but Residue A, it appears that the extent of the Expanded Buffer may have been inaccurately determined. It would be to the applicant's benefit to reassess the criteria used to determine this location.
- The symbol used to indicate the limit of the Critical Area on the plan is a solid line, which does not match the dashed line symbol shown in the legend.
- A note should be included on the plan that Lots 16 and 17 cannot be further subdivided without growth allocation. Residues A and B may not be buildable as proposed. A note regarding buildable status should be added to the plat.
- The incisiveness of the ravines on Lot 18 and Residue A suggest that streams most likely exist within them. Although the soils maps and USGS topo do not show streams in these areas, the applicant should field verify that no other streams exist.
- There is a potential forest mitigation area on Residue B in the long, narrow opening in the forest. This opening extends into Zone 1 around the eagle's nest. We recommend that any future forest mitigation requirements, resulting from site plan approvals within this subdivision, be first directed to this area.

Mr. Reed Faasen
Re: Gunston Pointe Subdivision
June 13, 2001
Page Three

- Access into the westernmost portion of Residue B is currently over an existing gravel farm road. The boundary lines for Lots 16 and 17 appear to truncate this access. Similarly, the configuration for Residue B shows a narrow strip of land that seems to lead through areas where it is unlikely that permits could be obtained.

If you have any questions regarding these comments, please contact me at 410-260-3481.

Sincerely,

Wanda Cole

Wanda Cole
Natural Resources Planner

cc: CS 329-01

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

Ms. Karen Arnold
State Highway Administration
PO Box 717
Baltimore, MD 21203-0717

Re: MD 151: 50' South of Morse Lane (ADC 45 E-8)

Dear Ms. Arnold,

I consulted the map for the Baltimore County Critical Area locations and noted that the project area is located inside the 1000-foot Critical Area boundary. I have enclosed for your use a copy of the Critical Area Map for this area. It's scale is 1" = 600'.

Baltimore County has designated this area as a Limited Development Area, however, since this is a State project, the Critical Area Commission will most likely consider this an Intensely Developed Area. The 10% Rule calculations will need to be performed to determine if any Best Management Practices are required to reduce phosphate pollutant loadings.

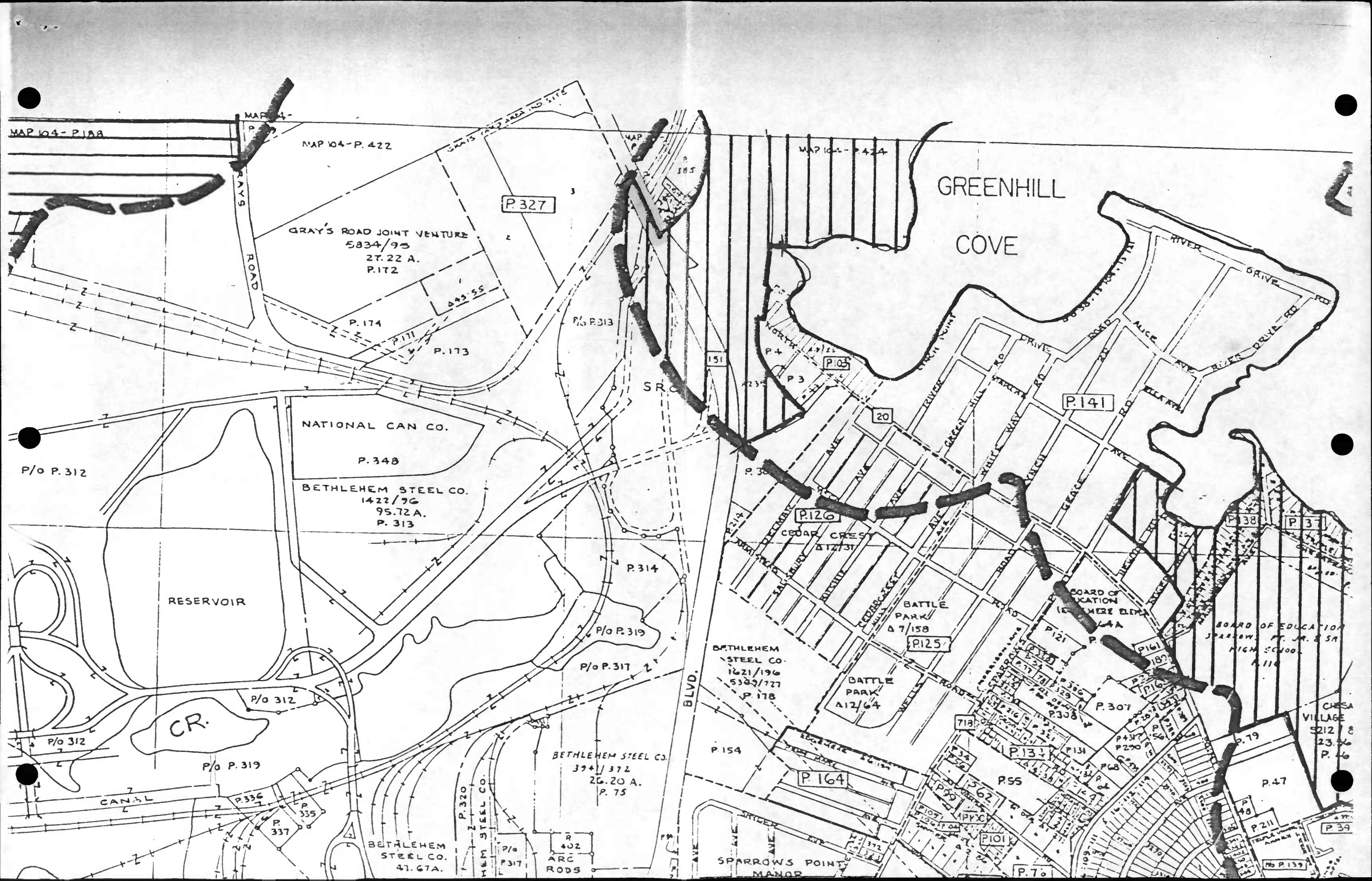
Thank you for contacting our office for assistance. Please contact me at 410-260-3481 if you have any questions regarding Critical Area requirements during the design of this project.

Sincerely,

A handwritten signature in cursive script that reads "Wanda Cole".

Wanda Cole
Natural Resources Planner

Encl. (2)



GREENHILL
COVE

GRAY'S ROAD JOINT VENTURE
5834/95
27.22 A.
P. 172

NATIONAL CAN CO.
P. 348

BETHLEHEM STEEL CO.
1422/96
95.72A.
P. 313

RESERVOIR

CR.

P/O P. 319

BETHLEHEM STEEL CO.
394/372
26.20 A.
P. 75

BETHLEHEM
STEEL CO.
47.67A.

BETHLEHEM
STEEL CO.
1621/196
5323/727
P. 178

BATTLE
PARK
A12/64

P. 125

P. 164

SPARROWS POINT
MANOR

BOARD OF EDUCATION
SPARROW PT. J. & SA
HIGH SCHOOL
A. 116

CHESA
VILLAGE
5212 8
23.76
P. 46

P. 39

MAP 104-P. 188

MAP 104-P. 422

MAP 104-P. 424

P. 327

P. 141

P. 126

P. 38

P. 37

P. 314

P/O P. 317

P/O 312

P/O 312

P. 154

718

P. 131

P. 562

P. 101

P. 70

P. 19

P. 47

P. 211

P. 139

MAP 104-P. 188

MAP 104-P. 422

MAP 104-P. 424

GRAY'S ROAD

SR 151

BLVD.

GREEN HILL

DRIVE

RIVER

DRIVE

DRIVE

DRIVE

DRIVE

DRIVE

DRIVE

DRIVE

DRIVE

DRIVE

DRIVE

DRIVE

DRIVE

DRIVE

DRIVE

Judge John 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. Elsa Ault
Charles County
Department of Planning and Growth Management
PO Box 2150
La Plata, MD 20646-2150

RE: Nikki Subdivision: Lot 2 Site Plan

Dear Ms. Ault,

Thank you for the opportunity to comment on the above referenced site plan. The applicant proposes to construct a dwelling with well and septic, a porch, and a parking area in the Critical Area of Port Tobacco River in a designated Resource Conservation Area. None of this development will occur within the 100-foot Critical Area Buffer.

This office would like to acknowledge that this site plan is very nicely done. The applicant has complied with the criteria regarding forest mitigation and limits on impervious surface. The mitigation is being provided primarily in the 100-foot Critical Area Buffer. The clearing for the force main line is no more than ten (10) feet wide which will preserve the forest canopy in what appears to be Forest Interior Dwelling Species (FIDS) habitat.

The only recommendation I would offer is, if at all possible and if construction is due to begin this season, to defer clearing of the sewer line until after July 15-31 when the young of most FIDS species will have fledged from their nests. Most of these species now have chicks in the nest. There would not be sufficient time for these species to successfully lay a second set of eggs and fledge their young before migration begins in August.

If you should have any questions regarding these comments, please don't hesitate to contact me at 410-260-3481.

Sincerely,

A handwritten signature in cursive script that reads "Wanda Cole".

Wanda Cole
Natural Resources Planner

cc: CS 358-01

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. Theresa Dent
St. Mary's County Department of Planning & Zoning
22740 Washington Street
PO Box 653
Leonardtown, MD 20650-0653

RE: Woodard: Addition in the Critical Area Buffer

Dear Ms. Dent,

Thank you for the opportunity to comment on the above referenced site plan, which is being submitted for comment prior to being scheduled for a variance hearing with the St. Mary's County Board of Appeals.

This property is a grandfathered lot located in the Critical Area of Carhagena Creek in a designated Resource Conservation Area. The applicant proposes to construct an addition onto an existing house. The majority of the existing and proposed structures are located in the 100-foot Critical Area Buffer.

It appears that the addition will create 1,000 square feet of new impervious surface, which is within the maximum allowable limits for impervious surfaces. It also appears that much of the disturbance within the Buffer could be minimized if the addition were moved down along the same side of the house so that it shared a common wall with the garage.

This office does not oppose the granting of this variance and requests that the following comments be made conditions of the variance:

- Mitigation for impacts to the 100-foot Critical Area Buffer must be provided on-site in the 100-foot Critical Area Buffer at a 3:1 ratio using native species.
- The plan be revised to show the correct acreage that is located in the Critical Area, the exact amount of proposed impervious area, and the correct amount of existing forest cover for the entire parcel.
- If required, 15% afforestation using native species must also be provided on-site.

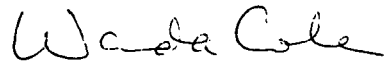
Please consider this letter as formal comments on this proposal and place it in the official file. We request a copy of the written decision that is made regarding this case.

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

Ms. Theresa Dent
Re: Woodard
June 11, 2001
Page Two

Please don't hesitate to call me at 410-260-3481 if you have questions about any of these comments.

Sincerely,

A handwritten signature in cursive script that reads "Wanda Cole".

Wanda Cole
Natural Resources Planner

cc: SM 300-01



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 11, 2001

Ms. Theresa Dent
St. Mary's County Department of Planning & Zoning
22740 Washington Street
PO Box 653
Leonardtwn, MD 20650-0653

RE: Davis Variance Request
Addition in the Buffer

Dear Ms. Dent,

Thank you for the opportunity to comment on the above referenced site plan, which is being submitted for comment prior to being scheduled for a variance hearing with the St. Mary's County Board of Appeals. Your summary report was very thorough and appreciated.

This office does not oppose this variance request as proposed. We request that the 3:1 mitigation using native species be made a condition of the variance.

Please consider this letter as formal comments on this proposal and place it in the official file. Please provide this office with a copy of the written decision made regarding this case.

Feel free to call me at 410-260-3481 if you have questions about these comments.

Sincerely,

Wanda Cole
Natural Resources Planner

cc: SM 355-01

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 11, 2001

Ms. Theresa Dent
St. Mary's County Department of Planning & Zoning
22740 Washington Street
PO Box 653
Leonardtown, MD 20650-0653

RE: CA Permit # 01-0806 Doherty Variance Request

Dear Ms. Dent,

Thank you for the opportunity to comment on the above referenced site plan, which is being submitted for comment prior to being scheduled for a variance hearing with the St. Mary's County Board of Appeals. The applicant wishes to construct a pool with deck and surrounding walkway. These amenities will cause the site to exceed the maximum allowable impervious limit of 15%.

This office recommends that the applicant remove an equal amount of existing impervious area so that a variance will not be necessary. Some potential options would be:

- Replace some of the existing walkways with mulch pathways, pervious pavers or
- Narrow or remove the smaller walkways entirely.
- Change the configuration of the northwest corner of the driveway from a 90-degree angle to one that is curved and narrows the width of the driveway in this area. Attractive vegetative plantings using native species could be provided in the newly pervious area.
- Reduce the footprint of the deck and walkways around the pool.

Please consider this letter as formal comments on this proposal and provide this office with a copy of the written decision made regarding this case. Feel free to call me at 410-260-3481 if you have questions about these comments.

Sincerely,

Wanda Cole
Natural Resources Planner

cc: SM 353-01

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

Mr. Peter Merrill
Project Planning
State Highway Administration
PO Box 717
Baltimore, MD 21203-0717

Re: MD 246 from MD 235 to 800' west of Saratoga
St. Mary's County Tax Map 43

Dear Mr. Merrill,

I consulted the map for the St. Mary's County Critical Area locations and determined that the entire Limits of Work for this project are located outside the 1000-foot Critical Area boundary.

Thank you for contacting our office regarding this information.

Sincerely,

Wanda Cole
Natural Resources Planner

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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

June 11, 2001

Ms. Theresa Dent
St. Mary's County Department of Planning & Zoning
22740 Washington Street
PO Box 653
Leonardtown, MD 20650-0653

RE: ISUB # 01-110-006 Slye Fox Subdivision

Dear Ms. Dent,

Thank you for providing the opportunity to comment on the above referenced subdivision. This proposed subdivision is located mostly outside the Critical Area. A small portion of the southeast corner of parcel 46 lies within the Critical Area of Carthegenia Creek in a designated Resource Conservation Area (RCA).

The following comments are provided for your file:

- The parcel does not have sufficient acreage to meet the density requirements for subdivisions in the RCA. Therefore, only one lot in the Critical Area may be delineated without growth allocation.
- A 100-foot Critical Area Buffer must be located and drawn for the one lot in the Critical Area, as Carthegenia Creek is a tributary stream.
- Critical Area notes should be shown on the plat regarding the 15% limit on impervious surfaces.
- Similarly, a note should also be included regarding a maximum clearing limit of 30% of the existing forest. Column "C" of the Resource Protection Lands Table would not apply to the Critical Area lot. Depending on how the Critical Area lot line is to be redrawn, a note should also be included regarding the need for 15% afforestation and/or forest mitigation.
- A Critical Area note regarding permanent protection of the afforestation/forest mitigation area must be placed on the plat, as well as a note that no disturbance may occur in the 100-foot Critical Area Buffer.

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

Ms. Theresa Dent
Re: Slye Fox Subdivision
June 11, 2001
Page Two

- If this subdivision represents a change in use from agriculture to residential, the 100-foot Critical Area Buffer must be fully established in native forest plantings. It appears that may already be the case.
- The plat should clarify the location of the development envelope relative to the sewage reserve area (SRA). The area currently shown as Lot 2 appears to have very little developable area outside the SRA.
- A copy of the letter from the Department of Natural Resources Wildlife and Heritage Division regarding the determination on rare, threatened and endangered species must be provided to this office.

Please don't hesitate to call me at 410-260-3481 if you have questions about any of these comments.

Sincerely,



Wanda Cole
Natural Resources Planner

cc: SM 303-01



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. Colleen J. Bonnell
Town Planner
Commissioners of Leonardtown
41675 Park Avenue
PO Box 1
Leonardtown, MD 20650

Re: Leonardtown Waste Water Treatment Plant BNR Upgrade

Dear Ms. Bonnell,

Thank you for the opportunity to comment on the correspondence from Sterns & Wheeler regarding the plant upgrade project. This project is located in the Critical Area of Town Run in a designated Intensely Developed Area. There will be no impacts in the 100-foot Critical Area Buffer nor will there be any loss of forest cover. Mitigation for the 2,119 square feet of permanent disturbance will be provided on-site at a 1:1 ratio, and will be placed in the 100-foot Critical Area Buffer along the fence that borders Town Run.

The 10% Rule calculations have been provided. Although one page of the worksheet is titled "Annapolis WRF Odor Control", the figures given are consistent with the Leonardtown project. The consultant has asked that the 10% reduction of phosphate loadings be waived based upon the amount of phosphorous that would be removed from the wastewater. This waiver cannot be granted as the requirements for stormwater versus wastewater are two separate sets of regulation.

Regarding the precedent set for the waiver, Mr. Sturdevant did not enclose a copy of the Anne Arundel County response to the 10% Rule waiver request. I contacted Mr. George Eberle at Anne Arundel County who then referred me to Mr. Merrill Plate. Mr. Plate stated that Anne Arundel County requirements for stormwater and wastewater are also separate sets of requirements that must be met. He is not aware that a waiver was given, and stated that if any waiver had been given, it was a mistake. I have enclosed for your use a copy of the Anne Arundel County variance decision on the Cox Creek WWTP in which the County's Board of Appeals required the 10% pollutant reductions as a condition of the variance.

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

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

Ms. Colleen Bonnell
Re: Leonardtown WWTP
June 8, 2001
Page Two

If you would like my assistance in determining an appropriate best management practice to meet the 10% pollutant reduction needs at this site, please don't hesitate to ask.

The Planting Agreement is showing one shrub to be equivalent to 200 square feet of coverage. The guidance documents recommend one shrub being equivalent to 50 square feet. Unless the Town's Critical Area Program states otherwise, we would prefer that the 50 square feet of coverage per shrub be applied. The species to be used were not listed. We would like to recommend that native species be used.

Please feel free to call me at 410-260-3481 if you have any questions regarding these comments.

Sincerely,



Wanda Cole
Natural Resources Planner

cc: LE 417-99

George John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

March 23, 1998

Suzanne Schappert
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Dear Ms. Schappert:

I would like to comment on Variance 1998-0020-V, the application of Anne Arundel County Department of Public Works. The applicant proposes to construct a new blower building in the Buffer. We understand this project results from an agreement made between the Public Works Department and the Maryland Department of the Environment. Under this agreement the Public Works Department would institute a Biological Nutrient Removal process. This program is part of a larger effort of the Bay Program to meet the target 40% reduction in nutrients entering the Chesapeake Bay by the year 2000. This office supports efforts made at water reclamation facilities across the State to implement measures that will reduce nutrients entering the Bay and its tributaries.

The Department of Public Works is upgrading the Cox Creek Water Reclamation Facility (WRF) for this purpose. Unfortunately, the proposed building is located in the Buffer which coincidentally is a very important component of the natural landscape in that it functions as a filter to impede nutrients from entering the Bay and its tributaries. We understand the proposed building will be located over existing impervious area. It was not made clear in the application why the proposed building was necessary inside the Buffer. It appears the site is constrained by existing buildings and parking areas. In any case, we do not oppose this variance since it appears no new impervious areas will be created in the Buffer. Any new or additional disturbance to the Buffer that may result from construction of the building should be mitigated at a 3:1 ratio with native species.

The application does mention that an area of existing impervious surface will be removed to offset the proposed building. It was not clear whether this area is also inside the Buffer, however we would encourage any unnecessary impervious areas to be removed, particularly if they are in the Buffer. We do not agree that this area will offset the impacts of the proposed building,

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

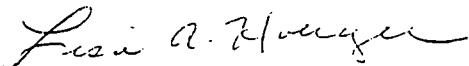
Ms. Schappert
Page Two
March 23, 1998

consequently approval of the building location should not be based on the fact that there will be some area of impervious surface removed elsewhere on the site. It should also not preclude the applicant from providing mitigation for any new area of disturbance either inside or outside of the Buffer.

Finally, this office believes the applicant should provide some type of water quality treatment for the new building even if it will be over existing impervious area. New development or redevelopment of a site affords the property owner the opportunity to correct and/or address how stormwater is treated that is leaving the site. The Critical Area Criteria in COMAR 27.01.02.03.D instruct local jurisdictions to require an applicant proposing development in an Intensely Developed Area (IDA) to reduce pollutants leaving a site 10% below pre-development levels or to provide offsets.

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

Sincerely,



Lisa A. Hoerger
Environmental Specialist

cc: AA 77-98

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 7, 2001

Mr. Michael G. Ewing
Maryland Department of Natural Resources
Waterway Improvement Program
E-4, Tawes Building
Annapolis, MD 21401

Re: Clearinghouse Review: Harbor of Refuge at Chesapeake Beach

This project must be submitted to the Town of Chesapeake Beach for Critical Area review to ensure its consistency with the Town's Critical Area Program and ordinances. We recommend that a detailed site plan be provided at the earliest opportunity to:

Mr. John Hofmann
PO Box 2542
Prince Frederick, MD 20678

We recommend that the site plan include information on the location of the proposed dredge site, the method of dredging to be used, the dredged material disposal site, and information on the presence of submerged aquatic vegetation in the project area.

If you have any questions regarding these comments, please contact me at 410-260-3481.

Sincerely,

A handwritten signature in cursive script that reads "Wanda Cole".

Wanda Cole
Natural Resources Planner

cc: John Hofmann
Michelle Jenkins
Mary Owens

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

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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

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

June 7, 2001

Mr. Michael G. Ewing
Maryland Department of Natural Resources
Waterway Improvement Program
E-4, Tawes Building
Annapolis, MD 21401

Re: Clearinghouse Review: Harbor of Refuge at Chesapeake Beach

This project must be submitted to the Town of Chesapeake Beach for Critical Area review to ensure its consistency with the Town's Critical Area Program and ordinances. We recommend that a detailed site plan be provided at the earliest opportunity to:

Mr. John Hofmann
PO Box 2542
Prince Frederick, MD 20678

We recommend that the site plan include information on the location of the proposed dredge site, the method of dredging to be used, the dredged material disposal site, and information on the presence of submerged aquatic vegetation in the project area.

If you have any questions regarding these comments, please contact me at 410-260-3481.

Sincerely,

Wanda Cole
Natural Resources Planner

cc: John Hofmann
Michelle Jenkins
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 5, 2001

Ms. Theresa Dent
St. Mary's County Department of Planning & Zoning
22740 Washington Street
PO Box 653
Leonardtown, MD 20650-0653

RE: Lot 7, Mulberry South Development
Ridgell Site Plan

Dear Ms. Dent,

Thank you for the opportunity to comment on the above referenced site plan, which is being submitted for comment prior to being scheduled for a variance hearing with the St. Mary's County Board of Appeals.

This property, which is a grandfathered lot, is located in the Critical Area of Breton Bay in a designated Resource Conservation Area. The applicant proposes to construct a house, garage, and deck onto an existing foundation. This foundation is located entirely in the 100-foot Critical Area Buffer.

The proposed impervious surface areas are within the maximum allowable 5,445 square feet limit for grandfathered lots of this size.

This office does not oppose this variance, however, we recommend the following conditions if the variance is approved:

- The computation for the required afforestation is incorrect. The site plan should be revised to show that nine (9) trees are required to meet the afforestation requirement ($3,470 / 400 = 8.675$, rounded off to the closest whole number is 9.) Plantings should include native species.
- Mitigation for Buffer impacts is required at a 3:1 ratio.

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

Ms. Theresa Dent
Re: Ridgell Site Plan
June 5, 2001
Page Two

- It is recommended that no trees be planted over the septic fields as the tree roots may clog the drain fields and cause the septic system to fail. It is recommended that the trees be planted in groups to form a grove with a closed canopy, as opposed to being planted singularly or in a row. This planting arrangement will improve the habitat in the area. The plantings should be spaced no less than twenty (20) feet apart.

Please consider this letter as formal comments on this proposal and place it in the official file. Please provide this office with a copy of the written decision made regarding this case.

Please don't hesitate to call me at 410-260-3481 if you have questions about any of these comments.

Sincerely,



Wanda Cole
Natural Resources Planner

cc: SM 301-01

For CAC Reader



Judge John 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 5, 2001

Ms. Theresa Dent
St. Mary's County Department of Planning & Zoning
22740 Washington Street
PO Box 653
Leonardtown, MD 20650-0653

RE: STSP# 01-130-037 Harry Lundenberg School of Seamanship

Dear Ms. Dent,

This letter is follow-up to my phone conversation on May 25, 2001 with Mr. Phil Shire of your office, in which I gave verbal concurrence that compliance with the 10% Rule had been met.

This project is located in a designated Intensely Developed Area (IDA). None of the work is proposed in the 100-foot Critical Area Buffer. None of the work will require the removal of forest cover.

The applicant proposes to remove a building and sidewalk, and replace it with a similarly-sized building, sidewalk and an area of new pavement. This re-development project will provide for a net decrease in impervious surface of 2,358 square feet. In addition, the applicant proposes to remove an additional 9,825 square feet of impervious surface located adjacent to the nearby library building.

Projects in the IDA must comply with the 10% Rule for removal of phosphorus pollutant loads. The proposed net decrease in impervious surface areas will result in a negative pollutant removal requirement, therefore, no additional best management practices are required and the compliance with the 10% Rule has been met.

Mitigation plantings are not required, although the applicant will be providing some landscape plantings around the new building. The area around the library, where the excess impervious area will be removed, will be restored to grass lawn. The applicant is encouraged to provide additional plantings using native species in this area.

This would be an excellent site to use as a receiving area for off-site Critical Area mitigation plantings. If the School is receptive to this idea, we would encourage St. Mary's County Planning and Zoning and the School to pursue a partnership that will facilitate such a use.

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

Ms. Theresa Dent
Re: Lundenberg School
June 5, 2001
Page Two

Thank you for the opportunity to review and comment. Please don't hesitate to call me at 410-260-3481 if you have questions about any of these comments.

Sincerely,



Wanda Cole
Natural Resources Planner

cc: SM 295-01



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

May 29, 2001

Ms. Theresa Dent
St. Mary's County Department of Planning & Zoning
22740 Washington Street
PO Box 653
Leonardtwn, MD 20650-0653

RE: DPZ # 01-0766 Lot 59, Landings at Piney Point
Variance for Dwelling in the 100' Critical Area Buffer

Dear Ms. Dent,

Thank you for the opportunity to comment on the above referenced site plan, which is being submitted for comment prior to being scheduled for a variance hearing with the St. Mary's County Board of Appeals.

This property is located in the Critical Area of Piney Point Creek in a designated Resource Conservation Area. It is also a grandfathered lot. The applicant proposes to construct a minimum 3,000 square foot house with garage and driveway with nearly half the footprint of the house located within the 100' Critical Area Buffer. The house is set back fifty feet from the road. The dwelling will have public water and sewer. Proposed impervious surfaces are within allowable limits.

This office cannot support this variance as proposed. It appears the house could be moved closer to the 25 foot front yard setback to reduce the impact in the Buffer. The footprint is large and, if redesigned, it appears much of this Buffer encroachment could be eliminated. Mitigation for impervious surface impacts in the Critical Area Buffer must be provided as proscribed in the County regulations.

If the information regarding existing forest cover is correct, it appears that afforestation up to 15% of the parcel size must be provided on-site. It is recommended that the afforestation be first directed on-site to the Critical Area Buffer. If the forest cover information is incorrect, please send a copy of the revised plan that shows the correct information. Any clearing of forest cover in the Critical Area Buffer requires 3:1 forest mitigation using native species. Mitigation of forest cover outside the Critical Area Buffer is required at a 1:1 ratio. All mitigation should be first directed on-site to the Critical Area Buffer.

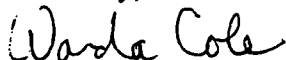
Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Ms. Dent
May 29, 2001
Page Two

Please consider this letter as formal comments on this proposal and place it in the official file. If the plan is revised, please forward it and we will provide additional comments. Please provide this office with a copy of the written decision made regarding this case if it is heard before the Board of Appeals.

Please don't hesitate to call me at 410-260-3481 if you have questions.

Sincerely,



Wanda Cole
Natural Resources Planner

WC/jjd

cc: SM 289-01

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

May 29, 2001

Ms. Roxana L. Whitt
Calvert County Planning & Zoning
150 Main Street
Prince Frederick, MD 20678

RE: Variance Case No. 01-2734 Brent Matthews
Deck in the Buffer

Dear Ms. Whitt,

Thank you for the opportunity to comment on this variance request. The applicant is requesting a variance to build a 1,055 square foot deck in the 100' Critical Area Buffer. This property is located in the designated Limited Development Area (LDA) of Patuxent River.

There were two drawings provided with this request. One drawing shows the deck as having spaces between the deck boards with gravel beneath. This same drawing indicates there will be no roof area over the deck. Assuming this the intended deck design, the impervious surface areas on this property will remain within allowable limits. The footprint for the house and driveway has increased in size from that which was reviewed by this office for variance 99-2599.

This office does not oppose the variance, however, we recommend that the variance include a condition that mitigation for disturbances within the 100' Critical Area Buffer be in accordance with Calvert County Critical Area Ordinance 4-4.07 E.4.b.

Please include this letter in your file and submit it as part of the official record for this variance. The Commission requests a copy of the written decision made in this case. If the site plan is revised, please forward a copy of the revised site plan to this office.

Sincerely,

A handwritten signature in cursive script that reads "Wanda Cole".

Wanda Cole
Natural Resources Planner

cc: CA 285-01

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

May 29, 2001

Ms. Roxana L. Whitt
Calvert County Planning & Zoning
150 Main Street
Prince Frederick, MD 20678

RE: Variance Case No. 01-2737 Donald and Amelia Phillips
Garage Addition in the 100' Critical Area Buffer

Dear Ms. Whitt,

Thank you for the opportunity to comment on this variance request. The applicant is requesting a variance to build a 384 square foot garage in the 100' Critical Area Buffer. This property is located in the designated Resource Conservation Area (RCA) of Mill Cove.

This office does not oppose this request. We recommend that the variance include a condition that mitigation for disturbance within the 100' Critical Area Buffer be in accordance with Calvert County Critical Area Ordinance 4-4.07 E.4.b.

Please include this letter in your file and submit it as part of the official record for this variance. The Commission requests a copy of the written decision made in this case. If the site plan is revised, please forward a copy of the revised site plan to this office.

Sincerely,

A handwritten signature in cursive script that reads "Wanda Cole".

Wanda Cole
Natural Resources Planner

cc: CA 288-01

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

May 29, 2001

Ms. Roxana L. Whitt
Calvert County Planning & Zoning
150 Main Street
Prince Frederick, MD 20678

RE: Variance Case No. 01-2735 Gary and Marie Paramski
Exceeding Impervious Surface Limits

Dear Ms. Whitt,

Thank you for the opportunity to comment on this variance request. The applicant is requesting a variance to build a 260 square foot deck in the Critical Area. This property is located in a designated Limited Development Area (LDA).

The construction of the deck would result in 28.66% impervious surface area on a lot that measures 0.275 acres. Grandfathered lots of this size are allowed up to 31.25% impervious surface area, therefore this request does not require a variance.

We recommend that the deck be constructed to minimize water quality impacts, i.e., spacing between the deck boards with gravel beneath the deck.

Please include this letter in your file and submit it as part of the official record for this variance. The Commission requests a copy of the written decision made in this case. If the site plan is revised, please forward a copy of the revision to this office. If you have any questions regarding these comments, please contact me at 410-260-3481.

Sincerely,

Wanda Cole
Natural Resources Planner

cc: CA 286-01

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

May 29, 2001

Ms. Roxana L. Whitt
Calvert County Planning & Zoning
150 Main Street
Prince Frederick, MD 20678

RE: Variance Case No. 01-2736 James and Nancy Smith
Dwelling in the 100' Critical Area Buffer

Dear Ms. Whitt,

Thank you for the opportunity to comment on this variance request. The applicant is requesting a variance to build a dwelling that will partially extend into the 100' Critical Area Buffer of Back Creek. This property is located in a designated Limited Development Area (LDA).

The proposed dwelling extends across the 100' Critical Area Buffer line by 35 feet. This office cannot support this variance request. The footprint of the house measures well over 4,000 square feet. A smaller footprint would enable a dwelling to be constructed without encroaching into the 100' Critical Area Buffer. Therefore, we recommend that the applicant reduce the footprint of the dwelling to one that can be constructed without the need of a variance.

An assessment of the existing forest cover will be needed in order to determine whether afforestation is necessary at this site. Afforestation up to 15% of the parcel may be required. It is recommended that this afforestation be first directed to the Critical Area Buffer.

Please include this letter in your file and submit it as part of the official record for this variance. The Commission requests a copy of the written decision made in this case. If the site plan is revised, please forward a copy of the revised site plan to this office.

Sincerely,

Wanda Cole
Natural Resources Planner

cc: CA 287-01

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

May 29, 2001

Mr. Reed Faasen
Charles County
Department of Planning and Growth Management
PO Box 2150
La Plata, MD 20646-2150

RE: XRS 00-0150 Branitan Subdivision

Dear Mr. Faasen,

Thank you for the opportunity to comment on the subdivision referenced above. The subdivision proposes the creation of two parcels in the Critical Area. Parcel one will measure 6.675 acres and includes an existing dwelling and outbuilding; the residue will measure 79.575 acres. The subject property is located within a designated Resource Conservation Area.

This office does not oppose this subdivision. The following recommendations are provided for your consideration:

- If there is a change in use from agricultural to residential, the 100' Critical Area Buffer must be fully established in forest vegetation. A Critical Area note should also be provided to protect the 100' Critical Area Buffer from all further disturbances.
- A Critical Area note should be provided that impervious surface areas are limited to 15% on each parcel.
- A Critical Area note should be included that forest clearing is limited to no more than 30% of the existing forested areas.

If you have any questions regarding these comments, please contact me at 410-260-3481.

Sincerely,

A handwritten signature in cursive script that reads "Wanda Cole" followed by a stylized initial or mark.

Wanda Cole
Natural Resources Planner

cc: CS 293-01

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

May 27, 2001

Ms. Karen Arnold
State Highway Administration
PO Box 717
Baltimore, MD 21203-0717

Re: MD 7: US 40 to I-695 East
SHA Project No. BA688A21

Dear Ms. Arnold,

I consulted the map for the Baltimore County Critical Area locations and noted that the entire Limits of Work for this project are located outside the 1000-foot Critical Area boundary. You may be interested to know that the Critical Area boundary occurs not too far south of the US 40 Limit of Work. If any work is needed on SHA-maintained connector roads in that area, Critical Area review will be necessary.

Thank you for contacting our office for assistance.

Sincerely,

A handwritten signature in cursive script that reads "Wanda Cole".

Wanda Cole
Natural Resources Planner

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

May 23, 2001

To: Mosquito MOU Team
From: Wanda Cole *WC*
Subject: Review of MDA Comments on Draft MOU

MDA has sent comments as hand-written notes marked on the draft MOU. I have enclosed a copy of for your review and response. For the sake of time, I only quickly skimmed the comments, so there is no summary of the substance of the comments.

One of the first comments pertains to the list of SSPRA polygons and Public Emergency Response. MDA indicates these are new to them, however, we did discuss these at our August meeting. At that meeting, DNR agreed to assist MDA by making this a quick and easy process for them. As a result, MDA agreed to send Patricia Feraro to a MERLIN training session and DNR asked Kevin Boone to assist their webmaster to determine why MDA could not use MERLIN.

In hindsight, maybe the process should be made even simpler by asking MDA to fax us maps of the emergency treatment areas and let DNR staff compare the maps to this list. This may not be more work than what we experienced last year. From what I've seen in the papers this year, although MDA intends to step up its WNV activities, Baltimore is going to be more cautious in what they react to. The argument: chance of any one mosquito carrying WNV is very low, thus risk of contracting WNV is very low, and risk of death or serious complications once WNV contracted is very, very low.... versus the known hazards of the chemicals being applied.

Branch Office: 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

May 23, 2001

Ms. Theresa Dent
St. Mary's County Department of Planning & Zoning
22740 Washington Street
PO Box 653
Leonardtown, MD 20650-0653

RE: Dashiell Variance Request for Deck

Dear Ms. Dent,

Thank you for the opportunity to comment on the above referenced site plan, which is being submitted for comment prior to being scheduled for a variance hearing with the St. Mary's County Board of Appeals.

This property is located in the Critical Area of St. Clement's Bay and is a grandfathered lot. The entire property lies within the 100-foot Critical Area Buffer.

The applicant proposes to replace a concrete stoop with an impervious deck resulting in a net increase of 176 square feet of impervious area.

This office would not oppose this variance provided that the applicant provides the 15% afforestation as well as the 3:1 mitigation for the disturbances to the Buffer, as outlined in your letter dated May 2, 2001.

Please consider this letter as formal comments on this proposal and place it in the official file. Please provide this office with a copy of the written decision made regarding this case if it is heard before the Board of Appeals. A copy of the modified site plan would be appreciated.

Please don't hesitate to call me at 410-260-3481 if you have questions about any of these comments.

Sincerely,

A handwritten signature in cursive script that reads "Wanda Cole".

Wanda Cole
Natural Resources Planner

cc: SM 262-01

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

In ?
Due 06-05-01

CLEARINGHOUSE REVIEW

May 22, 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)

FROM: *Mike* Michael G. Ewing, Director, Waterway Improvement Program

SUBJ: DNR Clearinghouse Review of Boating Infrastructure Grant Program (BIG) for a Harbor of Refuge at Chesapeake Beach, in Calvert County

This project proposes the construction of a timber breakwater, 12 transient slips, and dredging to complete a harbor of refuge for this area of the Chesapeake Bay.

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.

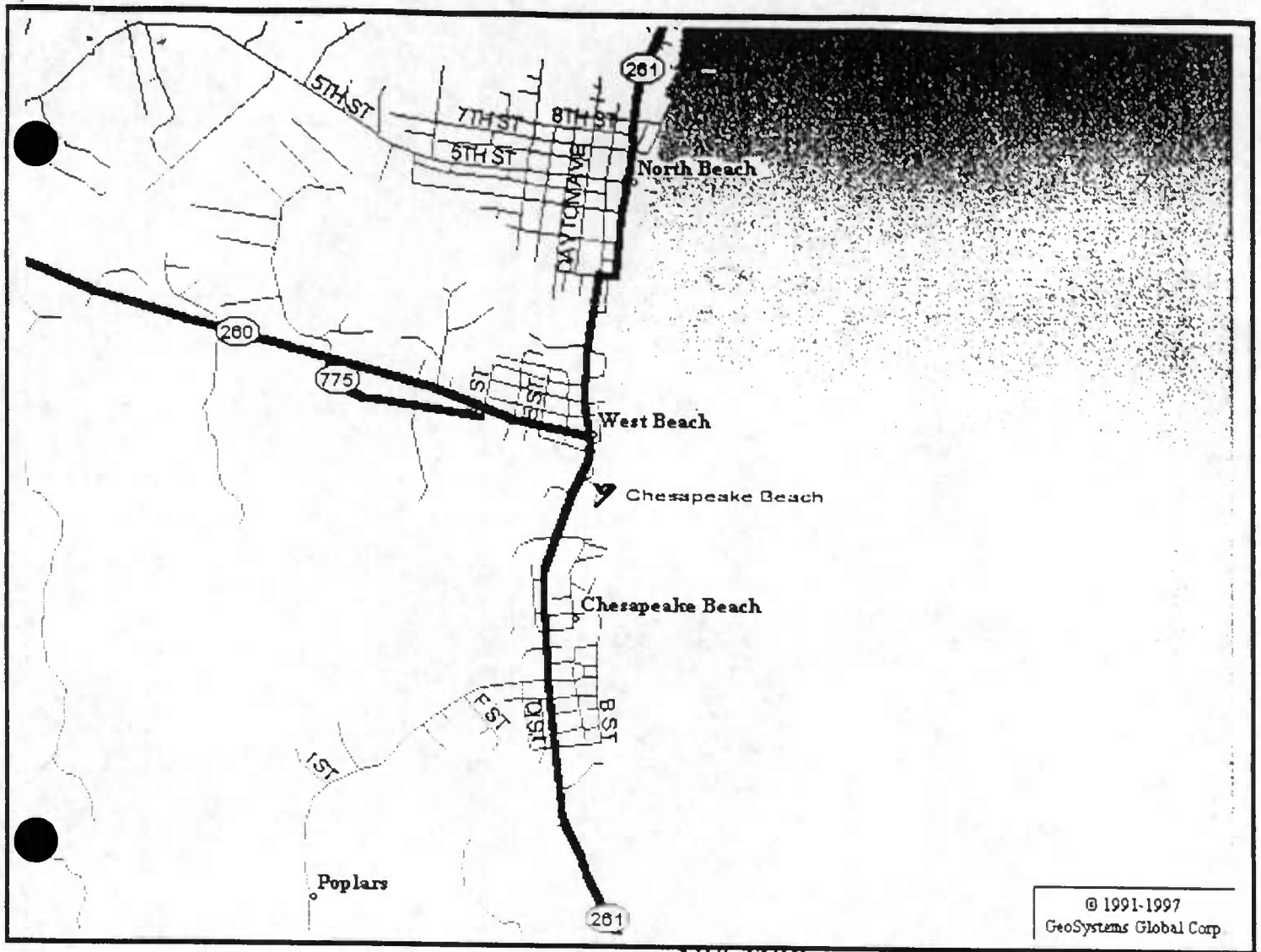
CHECK ONE AND INITIAL

CHECK

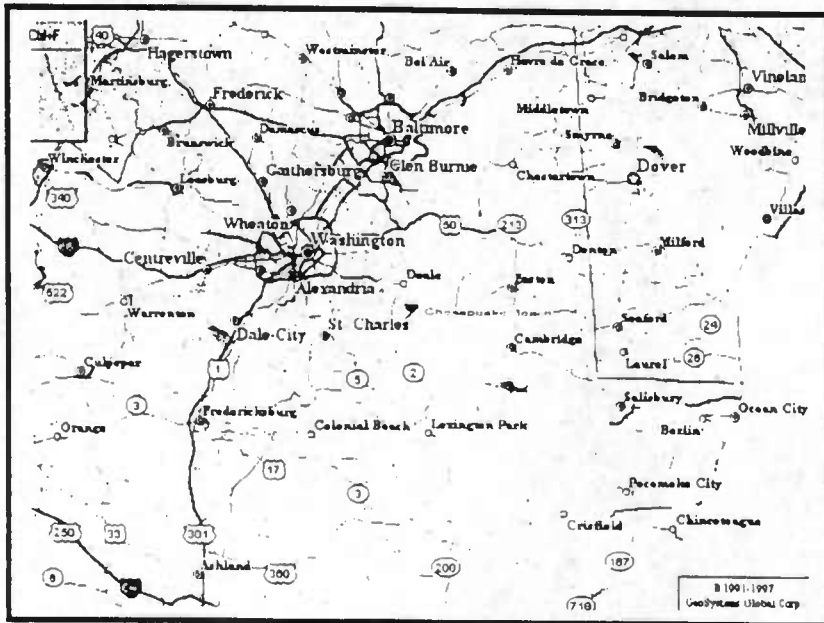
INITIAL

- | | | |
|---|-------------------------------------|------------|
| 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. | <input checked="" type="checkbox"/> | <i>wdc</i> |
| 3. The project conflicts with this Agency's plans, programs or objectives for the reasons indicated on the attachment. | _____ | _____ |

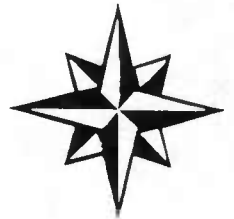
Please return to Sharon Boston, Waterway Improvement Program, Tawes State Office Building (E-4) Annapolis, upon completion of review.



Sue Map



Location Map



Chesapeake Beach
 Calvert County
 FY 2002 BIG Program
 Grant Amount: \$ 265,000

Tier 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

May 21, 2001

Ms. Elsa Ault
Charles County
Department of Planning and Growth Management
PO Box 2150
La Plata, MD 20646-2150

RE: Efton Hill Site Plan for Variance Review

Dear Ms. Ault,

Thank you for the opportunity to comment on the above referenced site plan, which has been submitted prior to being scheduled for a variance hearing. The applicant proposes to construct a 3,200 square foot dwelling with sewage reserve area and drilled well in the Expanded Critical Area Buffer of Nanjemoy Creek. This property lies in a designated Resource Conservation Area.

The plan is missing important information that I will need in order to give you an informed reply:

- 1) There is no information on existing forest cover. Mr. Tomlinson told me this was an old mining site. I looked at aerial photos using the MERLIN database and it appears the entire parcel is wooded or a mixture of woods and shrub/scrub.
- 2) There should be a Critical Area note on the plan that mitigation for clearing in the Buffer is required at a 3:1 ratio.
- 3) Please provide more information that shows the existing gravel road that runs through the floodplain and wetland areas. It does not appear on the USGS topo or aerial imagery that I consulted.
- 4) I will need to see a copy of the determination letter from DNR's Wildlife & Heritage Division before giving formal comments on this proposed variance. I checked the sensitive species database and discovered the following:

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

Ms. Elsa Ault
Re: Efton Hill
May 21, 2001
Page Two

a) All of the wetlands surrounding the hill are Wetlands of Special State Concern. Since the road runs through the wetlands, any work on the road may require a permit from the Maryland Department of the Environment.

b) Half of the property is a designated Natural Heritage Area. It is possible that a conservation easement exists for this site.

c) All of the property is considered a Sensitive Species Project Review Area, which means there is something important living in the area and will require special treatment.


5) I checked the Tax Assessment database for the tax map and parcel numbers given on the plan and found that the information did not match this site plan. The parcel is currently listed to June L. Larsen as a 126.68 acre tract in agricultural use. This tract was conveyed to Ms. Larsen on May 23, 1988. This database is generally up to date.

If this tract has been subdivided since 1988, I will need to see the subdivision plans. This office has no project review record for a subdivision under the names of John Mills, June Larsen, Grayton Ridge, nor for any property located on Tax Map 69.

Please note that if the use of this property is a conversion from agricultural to residential, the 100-foot Critical Area Buffer must be fully established in forest cover.

If you should have any questions regarding these comments, please don't hesitate to contact me at 410-260-3481.

Sincerely,



Wanda Cole
Natural Resources Planner

cc: CS 272-01



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

May 17, 2001

Ms. Theresa Dent
St. Mary's County Department of Planning & Zoning
22740 Washington Street
PO Box 653
Leonardtown, MD 20650-0653

RE: Andrea and Whit Field
Proposed Screened Porch

Dear Ms. Dent,

Thank you for the opportunity to comment on the above referenced proposal, which is being submitted for comment prior to being scheduled for a variance hearing with the St. Mary's County Board of Appeals.

This property is located entirely in the Critical Area of Forest Landing Creek. The photograph that was provided shows the house extremely close to the top of a high, steep slope. It suggests that the 100-foot Critical Area Buffer may need to be expanded for contiguous steep slopes. It appears that once the buffer is expanded four feet for one percent of slope, the entire house site may fall within the Expanded Buffer. As a result, any changes to the footprint around the house would require a variance.

The applicants propose to construct a screened porch onto an existing house. The porch is proposed for construction in the 100-foot Critical Area Buffer as it would be located on the side of the house that faces the shoreline. The purpose of the porch is to provide insect-free enjoyment of the outdoors.

The house currently has a deck that also faces the water. Instead of converting the deck into a screened porch, the applicants have requested approval to remove the deck and replace it with an addition to the house.

The applicants must provide a plan that shows accurate topographic information as well as the location of the 100-foot Critical Area Buffer or Expanded Buffer line. Information on existing and proposed impervious surface areas must also be provided.

The applicants currently have reasonable use of the property. The property is large enough to allow both the addition and the screened porch to be attached to the house in locations away from the steep slopes. The applicants would not lose the enjoyment of the water views attainable from the main portion of the house.

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

Ms. Theresa Dent
Re: Andrea and Whit Field
May 17, 2001
Page Two

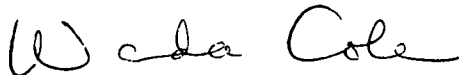
While this office would not oppose a variance for the addition and the porch, the applicants should be made aware that the encroachment toward the slopes presents a serious risk to both their personal property and safety should the weight of the structures, combined with the additional runoff and destruction of tree roots, weaken the top of the slope and cause slope failure. At the very minimum, the screened porch should be built on timber supports rather than a foundation in order to reduce damage to tree roots. Roof drainage from both structures should be redirected so that it discharges behind the house and farther away from the slopes.

Buffer mitigation plantings using native species must be provided at a 3:1 ratio and planted on-site in the Buffer. A planting plan will be necessary.

Please consider this letter as formal comments on this proposal and place it in the official file. Please provide this office with a copy of the written decision made regarding this case if it is heard before the Board of Appeals. A copy of the modified site plan would be appreciated.

Please don't hesitate to call me at 410-260-3481 if you have questions about any of these comments.

Sincerely,



Wanda Cole
Natural Resources Planner

cc: SM 199-01



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

May 16, 2001

Ms. Theresa Dent
St. Mary's County Department of Planning & Zoning
22740 Washington Street
PO Box 653
Leonardtwn, MD 20650-0653

RE: Lot 5002-1, Prospect Hills Subdivision
Revised Site Plan

Dear Ms. Dent,

I have reviewed the site plan which was revised on May 4, 2001. This plan has provided all the information previously requested by this office.

The applicant still needs to provide this office with a copy of the determination letter from Ms. Lori Byrne of the Department of Natural Resources Wildlife and Heritage Division. Ms. Byrne's determination must be in writing.

Thank your for your assistance during this review.

Sincerely,

A handwritten signature in cursive script that reads "Wanda Cole".

Wanda Cole
Natural Resources Planner

cc: SM 197-01
Larry Miller

CAC Reader

Judge John 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 15, 2001

Ms. Theresa Dent
St. Mary's County Department of Planning & Zoning
22740 Washington Street
PO Box 653
Leonardtown, MD 20650-0653

RE: ISUB # 01-100-014 Clarke's Range Family Subdivision Plat

Dear Ms. Dent,

Thank you for the opportunity to review the above referenced subdivision plat. The applicant proposes to subdivide a 30-acre farmstead into two lots and Farmstead A. Of this tract, 23.2 acres lies within the designated Limited Development Area of Blake Creek.

The following information needs to be provided on the plat. Please send this office a copy of the revised plat once it is available.

- The proposed subdivision meets both the size and density requirements for intra-family transfers within the Critical Area. A note should be included on the plat that states that no further subdivision may occur on this parcel within the Critical Area.
- The plat should include the names of the immediate family members to whom these two lots will be transferred, as well as their relationship to Richard P. and Bonnie J. Gallant.
- The amount of existing forest given in column C of the Resource Protection Lands Table "1" appears to be incorrect as the amount given does not match the amount of forest cover shown on the plat. The accurate amount of forest cover must be determined and shown on the table, and the existing tree line must be accurately shown.
- The Resource Protection Lands Table identifies a 50% preservation of agricultural and woodland area. The Critical Area Criteria for St. Mary's County prohibits greater than 30% forest clearing. If the existing forest cover is located entirely within the 100-foot Critical Area Buffer- where it must remain undisturbed- this would be a moot point. However, if more of the site is forested, the table must be amended to reflect the maximum clearing limits.

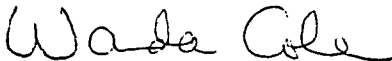
Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Ms. Theresa Dent
Re: Clarke's Range Family Subdivision
May 15, 2001
Page Two

- If the existing forest cover is less than 15% of the site, afforestation using native plantings must be provided. The afforestation amount and locations must be designated on the plat.
- If the existing land use is agriculture, this subdivision will require the establishment of a fully-forested, 100-foot Critical Area Buffer. If this will be the case, it appears the 15% afforestation would no longer be appropriate.
- The amount of existing impervious area shown on Farmstead A should be given. A note should be included on the plat to state that impervious surfaces are limited to no more than 15% on each lot.

Please don't hesitate to call me at 410-260-3481 if you have questions about any of these comments.

Sincerely,



Wanda Cole
Natural Resources Planner

cc: SM 260-01
Nokleby Surveying, Inc.



Judge John 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 14, 2001

Ms. Theresa Dent
St. Mary's County Department of Planning & Zoning
22740 Washington Street
PO Box 653
Leonardtown, MD 20650-0653

RE: ISUB # 01-100-011 Abell Estates simplified plat
Lots 1 and 286

Dear Ms. Dent,

Thank you for the opportunity to comment on the above referenced site plan. As both of these lots occur outside the Critical Area, this office has no comments on the proposed subdivision.

Sincerely,

Wanda Cole

Wanda Cole
Natural Resources Planner

cc: SM 259-01

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

May 10, 2001

Ms. Theresa Dent
St. Mary's County Department of Planning & Zoning
22740 Washington Street
PO Box 653
Leonardtown, MD 20650-0653

RE: Cedar Cove P.U.D. Kedges Strait
Site Plans for Lots 22, 23, 53, and 54

Dear Ms. Dent,

I have reviewed the site plans for the above-referenced lots and have the following comments:

- Critical Area Notes # 2, 5, and 14 do not appear to apply to these sites;
- Forest mitigation must be accomplished at a 1.5:1 ratio using native plantings. A planting plan will be needed. Mitigation should first be directed on-site to the maximum extent practical. Some of this mitigation could be directed to the existing, cleared areas in the designated open spaces.
- Lots 22 and 54 exceed the maximum 30% forest clearing. It will be necessary to ascertain whether this amount of clearing, in conjunction with that being proposed on the remaining lots, will remain within the maximum 30% forest clearing allowed for the entire subdivision site.

Please don't hesitate to call me at 410-260-3481 if you have questions about any of these comments.

Sincerely,

Wanda Cole
Natural Resources Planner

cc: SM 54-01

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 322-9047 Fax: (410) 320-5093

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

May 7, 2001

Ms. Theresa Dent
St. Mary's County Department of Planning & Zoning
22740 Washington Street
PO Box 653
Leonardtown, MD 20650-0653

RE: Cedar Cove P.U.D. Kedges Strait
Boundary Line Adjustment Plat

Dear Ms. Dent,

I have reviewed the boundary line adjustment plat for the above-referenced subdivision. This office has no comments on the lot configurations shown provided they meet with local zoning requirements.

The information in the Resource Protection Table contains errors regarding maximum allowable limits for impervious surface area and forest clearing. The figures shown for maximum impervious surface area on Lots 13, 51, 52, and 56 exceed the maximum 25% limit. All these lots are showing 30% impervious or higher. The correct maximum impervious surface areas are: Lot 13= 2,178 square feet, Lot 51= 2,528 square feet, Lot 52= 2.468 square feet, and Lot 56= 2,528 square feet.

With regard to forest clearing, the applicant has used the afforestation requirements for sites with little or no forest cover instead of the requirements for limits on clearing of existing forest cover. The figures for existing forest cover on each lot may also be in error. According to the tree line shown on the plat, lots 14-17 and lots 19-29 should be completely wooded. The "Total C" shown on the table indicates less. The existing forest cover must be verified; the "Total C" for each lot should match the tree line on the plat.

The site is largely wooded. Forest clearing is limited to 30% of the site. The plat needs to specify the location(s) where the remaining 70% of the forest will be permanently protected from further disturbance.

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

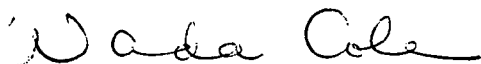
Ms. Theresa Dent
Re: Kedge's Strait Boundary Line Adjustment Plat
May 7, 2001
Page Two

It is recommended that the applicant delete the "15%" column under "Total C" and replace it with a column that shows the limits of forest clearing at each lot. This level of detail is necessary in order to streamline the permit review process and ensure that forest clearing limits for the project are not exceeded. The site's cumulative limits of forest clearing must not exceed 30%. The column for "Developable Area S.F." should be carefully revised as there may be lots where the impervious surface area will set the limits of disturbance, whereas for others, the amount of forest clearing will set the limits of disturbance.

Forest mitigation at a 1.5:1 ratio using native plantings must be provided for all forest cover that will be lost. A planting plan will be needed. Mitigation should first be directed on-site to the maximum extent practical. Some of this mitigation could be directed to the existing, cleared areas in the designated open spaces.

Please don't hesitate to call me at 410-260-3481 if you have questions about any of these comments.

Sincerely,



Wanda Cole
Natural Resources Planner

cc: SM 54-01
John B. Norris, Jr.

Judge John 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 4, 2001

Mr. John S. Oliff
Collinson, Oliff & Associates, Inc.
288 Merrimac Court
PO Box 2209
Prince Frederick, Maryland 20678

Re: Soper Property, Lots 3 and 4, Calvert County
MSD 20-01-02 & MSD 20-01-03

Dear Mr. Oliff,

Thank you for providing the copy of the topographic map showing the outline of the entire tracts being proposed for subdivision and their existing forest cover.

It is my understanding from Ms. Olivia Vidotto that Calvert County Department of Planning and Zoning has issued preliminary approvals for these lots, pending all plan review comments having been addressed. The information shown on this topographic map is exactly the type of information that needs to be included on the subdivision plans.

This map also shows wetlands which I presume are tidal. If any of these wetlands are mapped as state tidal wetlands, the landward limit of those state tidal wetlands must also be designated on the subdivision plans. The acreage of the state tidal wetlands must be determined and subtracted from the total acreage of the property. The resultant acreage is the figure upon which density requirements, impervious surface and forest clearing percentages are calculated.

This map does not complete the explanation of the parent tract history of the Soper property. Your original submittal to Calvert County Planning and Zoning showed a map of the parent tract which included both parcels 26 and 43, plus an area that appears to be an outparcel contiguous to the south boundary of parcel 43 and the west boundary of parcel 207. Please explain whether these parcels were at one time part of the original Soper tract and when they were subdivided from it. If they were a part of the Soper tract, please also include their acreages and the number of dwelling units on them.

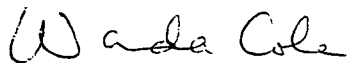
Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

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

Mr. John S. Olliff
Re: Soper Property, Lots 3 and 4
May 4, 2001
Page Two

I would appreciate the opportunity to review the revised subdivision plans once all of the comments in my February 26 (Lot 3) and March 19, 2001 (Lot 4) letters to Ms. Vidotto have been addressed. Feel free to forward a copy directly to me or via Ms. Vidotto, whichever is most convenient to you. I may be reached at 410-260-3481 if you have any questions regarding the comments provided thus far.

Sincerely,



Wanda Cole
Natural Resources Planner

cc: Olivia Vidotto
CA 57-01
CA 58-01

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

May 1, 2001

Ms. Theresa Dent
St. Mary's County Department of Planning & Zoning
22740 Washington Street
PO Box 653
Leonardtown, MD 20650-0653

RE: Howard and Mary Wesley
40185 Beach Drive

Dear Ms. Dent,

Thank you for the opportunity to comment on the above referenced site plan, which is being submitted for comment prior to being scheduled for a variance hearing with the St. Mary's County Board of Appeals.

This property is located in the Critical Area of Trent Hall Limited Development Area. It is also a grandfathered lot. The applicant proposes to construct a house with attached garage, driveway, and supporting well and septic system.

A portion of the sewage reserve area (SRA) will be located within the 100-foot Critical Area Buffer. It is not clear from the plan whether any clearing will be required in the Buffer to install the SRA. It appears that no forest cover exists in this area.

- **Mitigation for disturbance in the Buffer is required at a 3:1 ratio, using native plantings. This mitigation should occur on-site within the remainder of the Buffer.**

Proposed impervious surfaces will be less than the allowed maximum of 5,445 square feet.

Mitigation for forest clearing and afforestation is being provided to achieve the required 15% forest cover. The planting plan appears to be the landscaping around the house and driveway. Additional water quality and habitat benefits could be realized at this site if the Buffer on this property were established in additional, native shrub and tree plantings.

- **The applicant is encouraged to consider providing additional plantings in the 100-foot Critical Area Buffer.**

If these recommendations are followed, this office would not oppose a variance for development on this lot.

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

Ms. Theresa Dent
Re: Lot 18, Leverings
May 1, 2001
Page Two

Please consider this letter as formal comments on this proposal and place it in the official file. Please provide this office with a copy of the written decision made regarding this case if it is heard before the Board of Appeals. A copy of the modified site plan would be appreciated.

Please don't hesitate to call me at 410-260-3481 if you have questions about any of these comments.

Sincerely,



Wanda Cole
Natural Resources Planner

cc: SM 229-01



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

April 30, 2001

Ms. Elsa Ault
Charles County
Department of Planning and Growth Management
PO Box 2150
La Plata, MD 20646-2150

RE: VI# 01-0005 Morgantown Electric Generating Station Containment Berm

Dear Ms. Ault,

Thank you for the opportunity to comment on the above referenced site plan. The applicant proposes to construct an earth containment berm in a designated Intense Development Area of Potomac River. The berm parallels both the shoreline and an oil pipeline. The entire project lies within the 100-foot Critical Area Buffer and will require a variance for the proposed disturbances.

The earth containment facility will require the grading of the slope and placement of fill material on the west side (river side) of the oil pipeline. These disturbances in the Buffer are necessary to remove low areas along the slope that would act as drainage channels to the river in the event of an oil spill. The grading will also create a top of berm elevation that remains consistent as it parallels the river and pipeline. Nearly 720' of storm drain pipe will be installed along the berm's length in order to bypass clean runoff around the facility, thus separating stormwater runoff from any potential oil spillage that might occur.

Stormwater will be collected in two impoundment structures and discharged via two perforated, low-flow outlet pipes. The discharge to these pipes is controlled via a slide gate. It is my understanding from Mr. James Erdman at Ben Dyer Associates that these gates remain open to allow rainwater to discharge and are closed during oil containment events. Mr. Erdman also advised that the oil pipeline only carries oil during off-loading operations and that someone mans the slide gate as off-loading proceeds.

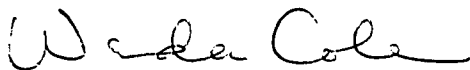
Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Ms. Elsa Ault
Re: Morgantown Electric Containment Berm
April 30, 2001
Page Two

I expressed to Mr. Erdman my concern that a breach in the pipeline at night could go unnoticed and oil would pass through these discharge pipes directly into the river. Therefore, this office does not oppose a variance for this project provided that a note is very clearly added to the plan that the slide gate is to be closed prior to and during any time in which oil is expected to be conveyed through or held in this pipeline.

If you should have any questions regarding these comments, please don't hesitate to contact me at 410-260-3481.

Sincerely,



Wanda Cole
Natural Resources Planner

cc: CS 177-01

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

April 27, 2001

Mr. Joseph M. Di Misa
Environmental Planner
Woolpert LLP
409 East Monument Avenue
Dayton, OH 45402-1261

Re: Blossom Point Research Facility
Charles County, Maryland

Dear Mr. Di Misa,

Thank you for your request for information regarding the Chesapeake Bay Critical Area requirements that would apply to the Blossom Point Research Facility. It appears that some of the proposed projects will occur within the 1000-foot Critical Area boundary, as well as the 100-foot Critical Area Buffer and/or Expanded Buffer. This facility would be considered an Area of Intense Development.

To be consistent with the Critical Area provisions, the Blossom Point Master Plan and design plans should address the following items:

1. The locations of the 1000-foot Critical Area boundary and the 100-foot Critical Area Buffer and/or Expanded Buffer should be determined and shown on the site plans. Copies of the Critical Area maps for the Blossom Point area are enclosed.
2. Avoid and/or minimize disturbances in the 100-foot Critical Area Buffer or Expanded Buffer. Please refer to the enclosed guidance sheet on measuring the Buffer and additional literature regarding protection and enhancement of the Buffer. You will need to quantify the Buffer impacts and provide mitigation plantings for any disturbances at a 3:1 ratio.
3. Avoid impacts to Habitat Protection Areas (HPA), such as the habitat of rare, threatened or endangered species (RTE), habitat for Forest Interior Dwelling Species (FIDS), wetlands, forested areas, steep slopes, and areas containing hydric and/or easily-erodible soils. For a determination on the presence of RTE and FIDS species, you may contact

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

Mr. Joseph Di Misa
Re: Blossom Pt Research Facility
April 27, 2001
Page Two

Ms. Lori Byrne at the Maryland Department of Natural Resources, Wildlife and Heritage Division, 580 Taylor Avenue, E-1, Annapolis, MD 21401, phone 410-260-8573. For information regarding proposed impacts to nontidal wetlands, you may contact Ms. Judy Cole, Maryland Department of the Environment (MDE), 200 Duke Street, Suite 2700, Prince Frederick, MD 20678, phone 410-414-3400. Mitigation requirements for impacts to nontidal wetlands both within and outside the Critical Area are addressed through the MDE nontidal wetlands permit process.

4. Minimize the increase in impervious surfaces and apply the 10% Rule to determine the amount of pollutant loadings that must be reduced at the site. The enclosed 10% Rule guidance documents will assist you in selecting a Best Management Practice (BMP) device which can be accommodated into the site design. There is a worksheet in the Applicant's guide that must be completed during the site design phase.

5. Minimize the loss of forest cover. The peninsula at Blossom Point is conducive to the movements of migratory species. It is a riparian corridor that provides important resting and foraging areas to these species during spring and fall migration. It is recommended that any proposed clearing remove no more than 20% of the existing forest cover. The amount of forest clearing must be quantified and any loss is to be mitigated by providing plantings using native tree species at a 1:1 ratio. The mitigation ratio increases to 1.5:1 if the clearing exceeds 20% of the existing cover. A guidance paper on Forest Mitigation is also enclosed.

Again, thank you for your inquiry. Please do not hesitate to contact me at 410-260-3481 if you have any questions.

Sincerely,



Wanda Cole
Natural Resources Planner

cc: 10-01
Judy Cole
Lori Byrne

grades



Judge John 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 27, 2001

Ms. Olivia Vidotto
Calvert County Department of Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

Re: MSD-01-11-26 Gott Realty Co. Property
Tax Map 26 P/O Parcel 40

Dear Ms. Vidotto,

Thank you for the opportunity to comment on the above referenced subdivision. The applicant proposes a minor subdivision of a 97.6 acre parcel of which 95.2 acres lie within the Critical Area of Buzzard Island Creek. This area is designated as a Resource Conservation Area (RCA).

The information provided in the review packet does not give a complete and clear understanding of what it is the applicant would like to do. The applicant needs to clarify the following items and re-submit them for review:

- The Critical Area Form (CAF) states that this is not an intra-family transfer, however, Lot 1 on the plan is labeled as a family conveyance. Is Lot 1 part of a non-Critical Area intra-family transfer, or are all of the lots part of an intra-family transfer? If the latter, the owner is a corporate entity, not a person, and cannot perform such a transfer. In addition, intra-family transfers cannot occur on parcels greater than 60 acres nor less than seven.
- The CAF indicates that 95.2 acres lie within the Critical Area while the Subdivision Application Cover Sheet states 6.4 acres occur within the Critical Area. What is the correct acreage?
- The parent tract and its correct acreage must be shown on the plan in order to determine if the density calculations for subdividing in an RCA are correct. The parent tract must show the locations of existing impervious areas and forest cover and quantify their amounts.

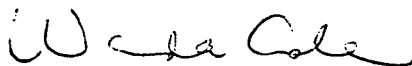
Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Ms. Olivia Vidotto
Re: Gott Realty
April 27, 2001
Page Two

- The plan must indicate the remaining development capacity allowable in the RCA.
- It appears the 100-foot Critical Area Buffer does not occur on this parcel. If this is not the case, the location of the Critical Area Buffer and its starting point must be shown on the plan. For subdivision purposes, any state tidal wetland acreage present on the site must be subtracted when calculating density and limits on impervious surface area and forest clearing.
- Since the layout of the homesites has not been determined, the site plan should state the maximum allowable limits of impervious surface area and forest clearing for each proposed lot. Afforestation may be necessary once the correct parent parcel has been evaluated. If so, a planting plan using native species must be provided.
- A determination of the presence of rare, threatened or endangered species must be obtained from the Wildlife and Heritage Division of the Department of Natural Resources. A copy of the determination must be provided to this office.

Once this information is made available, this office will be able to complete its review. Thank you for your further assistance. If you have any questions about these comments, please do not hesitate to contact me at 410-260-3481.

Sincerely,



Wanda Cole
Natural Resources Planner

cc: CA 164-01

Reader



Judge John 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 27, 2001

Mr. Billy Mehaffey
Mehaffey & Associates, P.C.
21685 Indian Bridge Road
California, MD 20619

Re: SAYSF Bible Church Addition to Multi-Purpose Building
DPZ # 00-200-004

Dear Mr. Mehaffey,

Thank you for the opportunity to comment on the above-referenced site plan. The project is located within the Limited Development Area of the Critical Area of Green Holly Pond and Patuxent River. There will be no impacts to the 100-foot Expanded Buffer, nor to wetlands or floodplains. The loss of forest cover will be two trees. Existing impervious area is 20.8%. Impervious surfaces will be removed, resulting in a net decrease in impervious area. The Wildlife and Heritage Division at the Department of Natural Resources has been contacted for a determination on the presence of rare, threatened or endangered species.

The following comments are provided for your use:

1. No mitigation is required to offset impervious surface.
2. The two trees must be replaced one for one. In addition, the amount of existing forest cover must be determined, and if found to be less than 15% of the site, afforestation up to 15% of the site must be accomplished on-site with native tree species. Please consult Ms. Theresa Dent, St. Mary's County Environmental Planner, for recommendations on species which would suit the activities intended for this site. Tall, shade trees near the building and parking area might be the preference of the applicant. Otherwise, for habitat purposes, adding a mix of native tree species adjacent to the existing woodline is recommended.
3. Please provide this office with a copy of the Wildlife and Heritage Division determination when it becomes available. The project must comply with any recommendations/requirements made in that determination.

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

Mr. Billy Mehaffey
Re: SAYSF Bible Church Addition
April 27, 2001
Page Two

4. It is not clear where the starting point is located for measuring the 100-foot and Expanded Critical Area Buffers. Although it appears an adequate Buffer area has been protected, this information should be provided on the plan to verify that information.

I hope that these comments are helpful to you. Please don't hesitate to contact me if you should have any questions. I can be reached at 410-260-3481. My business card is attached for your use.

Sincerely,



Wanda Cole
Natural Resources Planner

cc: SM 258-01
Theresa Dent



Judge John 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 26, 2001

Ms. Elsa Ault
Charles County
Department of Planning and Growth Management
PO Box 2150
La Plata, MD 20646-2150

RE: SFD # 01-222 Potobac Shores, Lot 3

Dear Ms. Ault,

Thank you for the opportunity to comment on the above referenced site plan. The applicant proposes to construct a dwelling with garage, porch, driveway, well and septic in the designated Resource Conservation Area of Port Tobacco River. The entire project lies within the 1000-foot Critical Area boundary; however, the 100-foot Critical Area Buffer does not occur on this lot.

This office has no comments regarding this site plan other than to acknowledge that it is very nicely done. The applicant has complied with the criteria regarding afforestation and limits on impervious surface. I hope the applicant will consider adding to the forest cover component in future years in order to go beyond the landscaping element and create a contiguous, forested area large enough to constitute habitat.

If you should have any questions regarding these comments, please don't hesitate to contact me at 410-260-3481.

Sincerely,

Wanda Cole
Natural Resources Planner

cc: CS 190-01

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

April 26, 2001

Ms. Theresa Dent
St. Mary's County Department of Planning & Zoning
22740 Washington Street
PO Box 653
Leonardtown, MD 20650-0653

RE: Lot 5002-1, Prospect Hills Subdivision
ALM American Construction, Inc.

Dear Ms. Dent,

Thank you for the opportunity to comment on the above referenced site plan. This property is located in the Critical Area of Breton Bay in a designated Resource Conservation Area. The proposed development includes a dwelling, attached garage, driveway, well and septic. None of the proposed development will occur within the 100-foot Critical Area Buffer or its Expanded Buffer.

The following comments are based upon the revised site plan and numerous phone conversations between our respective offices and Mr. Larry Miller of ALM.

All of the homesite development will occur in an area that has been determined to be Forest Interior Dwelling Species (FIDS) habitat, resulting in a loss of FIDS habitat. FIDS habitat is high-quality forest habitat which is important to migratory species that utilize this habitat exclusively during their breeding season. Thus, the continuation of those species depends on preservation and conservation of FIDS habitat.

- This loss must be mitigated on-site with native species at a **minimum** 1:1 ratio. The proposed mitigation area is shown along the driveway and in the corner where the driveway enters the forest. The revised site plan dated April 11, 2001 increased the width of the forest plantings in the area where the driveway enters the forest. However, it also reduced the length of the mitigation area along the driveway.

In my initial discussions with Mr. Miller of ALM American Construction, I was assured that mitigation plantings for FIDS impacts would be done **in addition to** those originally proposed, not instead of. Mr. Miller assured me yesterday that the planting plan will include both the original and the expanded planting plans, and this information will be shown on the plan. This request will result in the planting of approximately twelve additional trees over that which would have been required had this not been FIDS habitat.

- Mr. Miller and I also discussed making further reductions in impacts to FIDS habitat by eliminating or reducing the driveway loop. As proposed, a maximum clearing of 150' wide would result in order to accommodate this design. The prospective buyer prefers a loop. In order to preserve the canopy over the driveway as much as possible, Mr. Miller agreed to relocate the well outside of this loop to a different area within the Limits of Disturbance. This will eliminate the need to remove the trees inside the loop in order to accommodate a well-driller's rig. The new well location needs to be shown on the plan.

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

Ms. Theresa Dent
Re: Lot 5002-1 Prospect Hills
April 26, 2001
Page Two

- Mr. Miller met with Ms. Claudia Jones of this office regarding FIDS impacts. Ms. Jones advised Mr. Miller and the prospective buyer to maintain canopy closure over the driveway to the greatest extent possible. She also requested that wooded buffer between the house and the shoreline be no less than 300' deep. The new LOD on the revised site plan appeared to be leave a buffer only 270-285' deep. In subsequent discussions with Mr. Miller, he advised that the treeline was not properly depicted and should have matched the property line/tidal wetlands line. Mr. Miller will have the treeline drawn in the correct location. Once that is accomplished, the 300' FIDS buffer will be correctly established.
- The location of utilities is not shown. All utilities should be buried within the proposed roadbed so that additional clearing can be avoided.
- Critical Area Note # 4 on the plan regarding no further disturbance to existing forest should also include protection of the mitigation area as well.

Impervious surface calculations have not been provided.

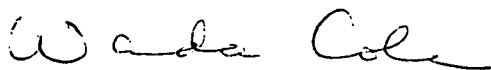
- The calculations must be provided in order to assure that the proposed development has not exceeded the allowable limits. A determination based upon a visual "guestimate" is not an acceptable approach. That information is also necessary in order to track the amount of impervious surface on the property should future development be submitted for review by this or subsequent owners.

The location of the new limits of disturbance is not clear. A remanant notation for the original silt fence line is shown on the plan in the vicinity of the existing/former SRA with no indication why it is needed there.

- Mr. Miller agreed to have the plan cleaned up to clearly identify the limits of disturbance, to remove the extraneous SRA, and to remove the silt fence symbol in the area where it is no longer needed.
- The revised development envelope has most likely changed the amount of site disturbance. The correct amount of site disturbance must be noted on the plan since the minimum mitigation amounts are based upon that figure.

Please don't hesitate to call me at 410-260-3481 if you have questions about any of these comments. Please provide a copy of the revised site plan once it becomes available.

Sincerely,



Wanda Cole
Natural Resources Planner

cc: SM 197-01
Claudia Jones
Larry Miller



Judge John 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 19, 2001

Mr. Phil Mohler
Nontidal Wetlands Division
Water Management Administration
Maryland Department of the Environment
200 Duke Street, # 2700
Prince Frederick, MD 20678

Re: Corporation of Roman Catholic Clergymen, Newtowne Neck, St. Mary's County
Proposed Shoreline Protection Activities

Dear Mr. Mohler,

Thank you for the opportunity to attend the March 22, 2001 inter-agency site visit and to review the preliminary plans for this project. This letter is to provide you with comments related to Chesapeake Bay Critical Area impacts as follow-up to the site visit in which the applicants and their consultants were present.

The St. Mary's County Department of Planning and Zoning has the primary authority for regulating development activities within its Critical Areas. This office assists the County by providing recommendations regarding projects with the potential to have measurable impacts within the Critical Area. The information conveyed during the site visit indicates that this project is in a preliminary planning and design phase. Additional inter-agency meetings will be necessary to review each phase of the design. This office wishes to participate in those meetings and requests being notified of meeting dates. I can be reached at 410-260-3481.

Please inform Ms. Sue Veith and Ms. Theresa Dent of St. Mary's County Department of Planning and Zoning office of design changes and inter-agency meetings as well. They may be reached by calling 301-475-4662 or -4670.

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

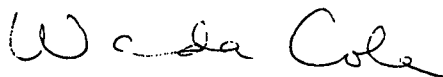
Mr. Phil Mohler
Re: Roman Catholic Clergymen Property
April 19, 2001
Page Two

Mr. Jim Gunn, Coastal Design and Construction, stated during the site visit that access to the shoreline will be over existing farm lanes and that no new access will be built. He also indicated that no stockpiling of materials will occur within the Buffer as it is their intention to ramp down the bank and drop materials directly onto the beach. I do not recall whether he stated how much material would be stockpiled in this manner, i.e., daily deliveries of just enough material to facilitate one day's work as opposed to stockpiling material for several days of work. Transportation costs to this site are likely to be high; it seems there would be little savings to have several loads of material delivered at one time, therefore, there would be no need to do so.

None of the proposed activities require grading the banks or disturbing the 100' Critical Area Buffer. If this remains the case, the primary concern of this office will be for impacts to Habitat Protection Areas, namely the habitat of any rare, threatened or endangered species. A copy of the letter from the Department of Natural Resources (DNR) Wildlife and Heritage Division regarding this determination is requested. As you are aware, we all observed an adult bald eagle enter a pine grove located between Long Point and Cornish Point. It is possible that an active bald eagle's nest is present in that vicinity. Glenn Therres, Biodiversity and Heritage Program Director for DNR, will attempt to confirm the possible nesting during this year's aerial surveys for bald eagle nesting activity.

Thank you again for the opportunity to participate in this review.

Sincerely,



Wanda Cole
Natural Resources Planner

cc: Ms. Sue Veith
Ms. Kathy Blagburn

Judge John 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 16, 2001

Ms. Christine Holmberg
Reforestation Planner
Calvert County Department of
Planning & Zoning
150 Main Street
Prince Frederick, MD 20678

Re: Unauthorized Timber Ramp in the Critical Area Buffer by Scientist Cliffs Association

Dear Ms. Holmberg,

This letter is a follow-up to our visits on April 6 and April 12, 2001 to the above referenced violation site. In particular, this letter provides recommendations on how Calvert County might address this violation as well as the future shoreline maintenance needs of the Association.

The Scientist Cliffs Association (SCA) constructed without a building permit a timber ramp measuring 360 feet long by 8-10 feet wide over a small tributary stream channel located within a designated Limited Development Area of Chesapeake Bay. All of this work is located in the 100 foot Critical Area Buffer expanded to include the tributary stream, its associated nontidal wetlands, contiguous steep slopes, and contiguous highly erodible and/or hydric soils. All disturbance in the 100-foot or Expanded Critical Area Buffer is prohibited unless approved by a variance.

Because this work was done without a building permit or a variance, there was no opportunity for either the County, the Critical Area Commission, Maryland Department of the Environment (MDE), nor the Army Corps of Engineers (COE) to work with the Association members and the adjacent property owners to develop a reasonable and feasible design that could be approved by each of those agencies. As a result, this office does not consider the resulting structure as one it could support had a variance been sought.

On a lateral plane, the timber ramp structure, together with the set of wooden stairs, effectively blocks all sunlight from reaching the nontidal wetland vegetation that is struggling to grow beneath the bamboo and ivy. Lack of sunlight will cause this vegetation to die and the stream channel would lose the root mat that keeps it from eroding.

On a horizontal plane, the ramp has a mere few inches of freeboard over the stream and channel bottom. This situation also obstructs sunlight, but more importantly, it impedes the movement of high stream flows which would carry upland debris after a rain event. This obstruction could cause water to dam up behind the structure. Such a dam would not only jeopardize the integrity of the ramp itself, but it would also force water to find a way around the obstruction in a manner that would blow out the stream channel as well as erode into the toe of the steep and highly erodible slopes. It is significant enough that the property owners have to be concerned with slope failures along the Bay-front portion of their properties; they certainly don't need to contend with additional erosion approaching them from their side yards.

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

Ms. Christine Holmberg
Re: Unauthorized Timber Ramp
April 16, 2001
Page Two

During delivery of the riprap stone, the stone tumbling down the face of the steep ravine slope caused scouring of the slope in an area where runoff flows from the street pavement and over the slope. Rain saturates and loosens soils and the spring is a typically rainy season for Maryland. Losing the vegetation cover in this area could potentially lead to additional erosion that would threaten the integrity of this slope.

Stone landing in the stream channel represents an obstruction of channel flow. The COE has determined it has jurisdiction of the stream and considers the stone a fill.

This office recognizes the Association's right to implement reasonable shoreline protection measures and that access to the shoreline is necessary in order to do so. After walking the beach with Mr. John Lewis (SCA), adjacent property owners Mr. and Mrs. Bob Wilden and Mr. Andrews, Kathy Blagburn (COE) and yourself, it was determined that there are only two other reasonable access points to the beach. Those access points would require crossing over existing groins with heavy equipment and travelling a substantial length of beach in areas most likely utilized as tiger beetle habitat.

Although it is feasible to ramp over the groins, the ramps would have to be set up before and after each work session in order to protect them from the high tide. The equipment being used, though beach-friendly, is not capable of negotiating these ramps nor this distance while pulling a load of stone. Barging in materials is not an option as the near-shore depths are too shallow for the draft of the barge. No equipment boom is long enough to safely reach out over the water from a barge to deliver the materials directly onto the beach. Allowing heavy equipment to unload from an off-shore barge and run through the Bay waters is not a responsible option.

Therefore, for the long term, the Scientist Cliffs Association should look at its long-term, shoreline needs and develop a beach management plan to address how and when they are going to do maintenance along various stretches of beach. The Association must keep in mind the known Habitat Protection Areas for the tiger beetles during their breeding season.

The Association should identify the access points to be used for each beach section and describe any equipment or materials that will be needed during both the transport and construction operations. Stockpile and staging areas should also be determined which can be used for the duration of each maintenance item. This information is typically referred to as a Sequence of Construction and Method of Construction, something that is required on most development plans.

For the short term, Mr. Wilden's gabion revetment project is underway and must be completed by May 15th in order to protect the tiger beetles during their breeding season. Since the damage has been done, I recommend that the SCA be allowed to continue as much work as can be accomplished by May 15th, after which removal of the timber ramp and restoration of the stream channel and steep slopes must begin. This office recommends that the restoration be completed no later than June 30, 2001. Should the SCA desire to use this area again for access, they must apply for a variance through a building permit which gives accurate descriptions of the site conditions, including but not limited to topographic information as well as the details on the elevations, profile and cross-section of any intended structure.

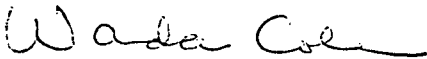
Ms. Christine Holmberg
Re: Unauthorized Timber Ramp
April 16, 2001
Page Three

Mr. Wilden's Recommended Plan of Action in his transmittal dated April 12, 2001 sounds reasonable. Mr. Wilden has since called me and indicated his concern that the force of stone falling on a tarp on the slope face will cause the tarp to roll up, tear and render itself ineffective. That is most likely going to be the case. Since there is not enough time for SCA to build a plywood loading chute, Mr. Wilden proposes to leave in place the stone that has come to rest on the slope and allow it to function as slope protection until the job is finished. I also find that an acceptable approach.

In accordance with Calvert County's Critical Area Program and Ordinances, violations caused by clearing within the Critical Area Buffer of a Limited Development Area require 4:1 mitigation of native plantings that are planted within the 100-foot or Expanded Buffer of the site. If this is not practical given existing conditions, the mitigation must occur elsewhere on the SCA properties within the Critical Area. The SCA will need to develop an appropriate planting plan for County. This office recommends that the planting plan be developed by May 15th, and requests the opportunity to review the plan.

I hope these comments have been helpful. Please don't hesitate to call me at 410-260-3481 if you have any questions about them.

Sincerely,



Wanda Cole
Natural Resources Planner

cc: Kathy McCarthy
Kathy Blagburn
Robert Cole

Judge John 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 9, 2001

Mr. Jason Alwine
Highway Hydraulics Division, C-203

-and-

Mr. Brian Romanowski
Highway Design Division, C-102
State Highway Administration
707 North Calvert Street
Baltimore, Maryland 21202

Re: MD 5 From Causeway in Pt Lookout SP to South of Camp Brown Road
Contract No: SM 774B21 CAC No: 30-00

Dear Mssrs. Alwine and Romanowski,

I am the new Critical Area Planner who will be assisting you with the Critical Area requirements for this project. This letter is being sent to you as follow-up to a meeting between SHA and DNR held at Pt. Lookout S.P. on March 29, 2001 and confirms the information conveyed to you previously by a letter dated August 4, 2000 from Mary Owens of this office.

The Critical Area Commission has determined that this project is subject to the Criteria set forth in COMAR 27.02.05 State Agency Actions Resulting in Development on State-Owned Lands, and 27.02.06 Conditional Approval of State or Local Agency Programs in the Critical Area. A copy of the pertinent sections of COMAR are enclosed for your use.

This project requires approval by the Critical Area Commission once the final design has been determined and all other permits/approvals have been obtained for the project. The Critical Area Commission meets the first Wednesday of every month. SHA will be asked to present its project before the morning Project Review Subcommittee and the afternoon meeting of all the Commissioners. I will assist SHA staff in preparing for that presentation when the time approaches.

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 322-9047 Fax: (410) 320-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-536-0450

Mr. Jason Alwine
Mr. Brian Romanowski
Re: MD 5 at Pt Lookout
April 9, 2001
Page Two

This office has also determined that the project lies within an Area of Intense Development. As such, it is subject to compliance with the 10% Rule calculations for removal of phosphate pollutants. Enclosed for your use is the *Technical Guide* and *Applicant's Guide For 10% Rule Compliance*. These documents will assist you in planning for and selecting a BMP that is suitable for the conditions at this site.

Not all of the project lies within the Critical Area, therefore the 1000-foot Critical Area boundary must be shown on the plans in order to determine exactly which portions of the project are subject to Critical Area regulation. Enclosed for your use are copies of maps prepared by St. Mary's County which show the location of this boundary. Please transfer this information onto any one of your plan sheets using the scale provided. This will make it easier to focus on specific areas of the project.

Similarly, the 100-foot Critical Area Buffer must be shown wherever it occurs throughout the project. The 100-foot Buffer is determined in the field and is expanded to include contiguous nontidal wetlands. Enclosed is a guidance sheet on measuring the Critical Area Buffer.

Once these boundaries have been marked, the extent of Critical Area impacts must be assessed and quantified. Impacts will include:

- The amount of disturbance within the Critical Area portion(s) of the project.
- The amount of disturbance within the 100-foot Critical Area Buffer and/or Expanded Buffer.
- Mitigation for impacts to the 100-foot Critical Area Buffer or Expanded Buffer is required at a 3:1 ratio using forest vegetation. This mitigation must first be directed to the on-site Critical Area Buffer. If this is not completely possible, the remainder of the mitigation must be directed to the Critical Area Buffer within the project vicinity.
- The amount of disturbance to tidal and nontidal wetlands within the Critical Area as a whole, and also within the Critical Area Buffer and/or Expanded Buffer. Mitigation for wetland impacts will be regulated by the Maryland Department of the Environment, whereas Buffer and forest impacts in the Critical Area are regulated by this office. Please keep this office apprised of the mitigation requirements as the plans are finalized. A copy of the MDE tidal and nontidal wetland permits issued for this project must be provided to this office prior to construction.

Mr. Jason Alwine
Mr. Brian Romanowski
Re: MD 5 at Pt Lookout
April 9, 2001
Page Three

- The amount of existing and proposed impervious surface areas within the Critical Area. BMPs are to be provided to offset stormwater quality impacts using the 10% Rule worksheet as a guide in selecting an appropriate BMP.
- Forest cover that is lost in the areas between the 1000-foot Critical Area boundary and the 100-foot Critical Area Buffer (or Expanded Buffer) requires mitigation at a 1:1 ratio, provided that the loss does not exceed 20% of the existing forest cover located within the project's Critical Area. It may be useful to further separate lost forest cover into types- wetland vs. upland- in order to track forest mitigation required by MDE, Forest Service, and the Critical Areas Commission.
- An understory of shrub/scrub plantings may be mixed among the required forest vegetation plantings provided the mixture simulates habitat within the project vicinity in both species composition, density and layout.
- The locations of each specific mitigation type must be clearly designated on the mitigation and/or planting plans.
- The tidal wetland mitigation area at the Jacobs property utilizes the existing 100-foot Critical Area Buffer of Potter Creek. It creates a new mean high water line, which in turn relocates the position of the 100-foot Critical Area Buffer. Whenever the 100-foot Buffer is re-established in this manner, the Buffer area is required to be replanted in forest vegetation. These plantings are not mitigation for the use of the Buffer, but simply the re-establishment of the function of the Buffer. Therefore, the forest plantings shown in this area cannot be applied toward mitigation of lost forest cover that occurs elsewhere in the project.
- The mitigation plan that is provided correctly depicts the new mean high water line, the new 100-foot Buffer line, and the correct planting regime necessary for re-establishing the Buffer.
- The Park Manager, Keith Frere, indicated that the area east of the existing access lane on the Jacobs property is to be planted with trees as part of DNR's Conservation Reserve Enhancement Program (CREP). This area overlaps with the area where SHA proposes forest cover to re-establish the Buffer. It does not matter to this office who does the planting as long as the plantings are accomplished and that the survivability of these trees is consistent with the planting agreement.

Mr. Jason Alwine
Mr. Brian Romanowski
Re: MD 5 at Pt Lookout
April 9, 2001
Page Four

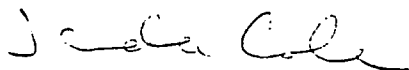
- The CREP contract with DNR requires 400 stems per acre survivability for ten years. Since these plantings are being established by DNR in 2001 and the construction under this SHA contract will not occur until 2003- at the earliest- it will be necessary for SHA to contact DNR Forestry staff to discuss its success in meeting the CREP survivability rate. If deer browse proves to be an obstacle, SHA may need to perform infill plantings with 5' B&B trees whose trunks are wrapped in protective, spiral tree wrap.

Although I no longer work on behalf of the landowner, it is my understanding that the Park Manager, Keith Frere, has advised that there will be no further acreage available at the Jacobs property for any additional mitigation that may be necessary. It is recommended that SHA determine as soon as possible what the Critical Area mitigation requirements will be for this project, and whether any of those mitigation requirements can be met concurrently with the MDE and Forestry mitigation requirements or if additional mitigation areas must be found.

All of the required Critical Area mitigation must be in place prior to the completion of the road construction contract. Periodic joint inspections and a final inspection of the mitigation area is to be held between Critical Area, SHA, and the mitigation contractor's staff prior to releasing the contractor from his contract. A planting agreement with survivability clause will be required for the mitigation plantings. An inspection and maintenance agreement for the stormwater BMP(s) will also be required.

Thank you for your cooperation and participation in this process. If you have any questions about this information, please do not hesitate to contact me at 410-260-3481.

Sincerely,



Wanda Cole
Natural Resources Planner

cc: Keith Frere
Arnold Norden
Barbara Allera-Bohlen
Patricia Greene
Linda Mott



Judge John 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 3, 2001

Ms. Theresa Dent
St. Mary's County Department of Planning & Zoning
22740 Washington Street
PO Box 653
Leonardtown, MD 20650-0653

RE: Lot 18, Levering Subdivision
3D Construction

Dear Ms. Dent,

Thank you for the opportunity to comment on the above referenced site plan, which is being submitted for comment prior to being scheduled for a variance hearing with the St. Mary's County Board of Appeals.

This property is located in the Critical Area of Patuxent River and Town Creek in a designated Limited Development Area. It is also a grandfathered lot. The applicant proposes to construct a house with an internal garage, driveway, deck, and supporting well and septic system.

A portion of this development is proposed within the 100-foot Critical Area Buffer. Buffer impacts include most of the house, the deck and well. Impervious surfaces shown on the plan have since been reduced to less than the allowed maximum of 31.25%. Almost no forest cover exists on this lot.

Impacts in the Buffer could be reduced if the house were moved closer to the street. If this is not possible due to the sewage reserve area, it is recommended that the applicant consider modifying the footprint of the house to one where the garage would extend from the front of the house out over the currently-proposed parking pad. This would allow the front of the house to be pulled back from the shoreline.

Afforestation is required to achieve 15% on-site forest cover. Impacts to the Buffer also require mitigation at a 3:1 ratio. It is recommended that the afforestation and mitigation be directed first to the Buffer area. A Critical Area note must be provided on the plan to state that no further disturbances will occur to the afforestation and mitigation areas. A Critical Area note must be provided on the plan to state that no further disturbances will occur in the Buffer.

If these recommendations are followed, this office would not oppose a variance for development on this lot.

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

Ms. Theresa Dent
Re: Lot 18, Leverings
April 3, 2001
Page Two

Please consider this letter as formal comments on this proposal and place it in the official file. Please provide this office with a copy of the written decision made regarding this case if it is heard before the Board of Appeals. A copy of the modified site plan would be appreciated.

Please don't hesitate to call me at 410-260-3481 if you have questions about any of these comments.

Sincerely,



Wanda Cole
Natural Resources Planner

cc: SM 151-01

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

April 3, 2001

Ms. Roxanna Whitt
Calvert County Department of Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

Re: Mathew, Varkey, Local Case #01-2720, CBCAC #154-01

Dear Ms. Whitt:

Thank you for forwarding the above-referenced variance request. The applicant is requesting a variance for the construction of a septic drain field partially in the 100-foot Buffer to serve a proposed single-family dwelling. The property is not grandfathered and is designated as LDA.

Mr. Paul McFaden of the County's Environmental Health Department has informed me that the property has been re-evaluated since the lot approval in 1990. The Health Department has determined that the soils in the original location of the septic field outside of the 100-foot Buffer would be inadequate due to the high water table. Based on the borings shown on the plan, the only acceptable location for the development as designed was determined to be at its currently proposed location. Because the lot is not grandfathered, we oppose any Buffer disturbance without adequate justification. Until the following alternatives to reducing the septic reserve area (SRA) in the Buffer are considered, we cannot support this variance. While one of these alternatives might be inadequate by themselves, they should be considered cumulatively.

- 1) Because the plan indicates this lot is the result of a family conveyance subdivision, the corner of Lot 2R out of the Buffer adjacent to the proposed driveway turnaround should be evaluated for soil suitability. If feasible, the SRA could be relocated in this area and, if necessary, the turnaround can be eliminated to increase the area. Another possibility would be to divide the sewage treatment burden between two smaller SRAs, one in the corner of Lot 2R and the other where currently proposed but smaller and out of the Buffer.

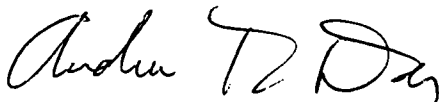
Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

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

- 2) Another possible way to partially redistribute the sewage treatment burden could be to use the area where the currently proposed garage entrance is. The garage could be relocated to face the east into the proposed turnaround.
- 3) The entire dwelling and access surfaces could be moved to the east to further enlarge the SRA landward in the proposed location.
- 4) In addition to the turnaround removal, consideration should be given to reducing the footprint of the dwelling if that would allow more usable SRA out of the Buffer. Perhaps the current approximate 5000 square foot footprint could be reconfigured thereby allowing room for an SRA out of the Buffer.
- 5) Consideration should be given to reducing the occupant capacity of the dwelling if the resulting reduction in the number of bathrooms would reduce the sewage treatment requirements sufficient to reduce the necessary SRA.

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. If you have any questions, please contact me at 410 260 3482.

Sincerely,



Andrew T. Der
Natural Resources Planner

cc: Ms. Regina Esslinger
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

April 3, 2001

Mr. Keith Kelley
Baltimore County
Department of Environmental Protection
and Resource Management
401 Bosley Avenue, Suite 416
Towson, Md 21204

RE: 00-23: Sherm Hill Property
Variance to Construct A Dwelling in Nontidal Wetlands and its Buffer

Dear Mr. Kelley,

Thank you for the opportunity to comment on the above referenced variance request.

The applicant proposes to construct a dwelling and driveway on a lot that is located in the designated Resource Conservation Area of Dundee Creek. There are no 100-foot Buffer impacts proposed. There will be impacts to a Habitat Protection Area (HPA): the nontidal wetlands and their associated hydric soils that occur over the majority of the property. The entire development proposal will encroach into this wetland.

The applicant has applied to and received a Letter of Authorization (LOA) from Maryland Department of the Environment (MDE) for this project. The LOA requires mitigation of the wetland impacts, however, it does not appear a wetland mitigation plan has been developed. MDE also required that a perpetual conservation easement be placed over the remainder of the parcel.

The applicant has obtained MDE approval for wetland impacts, and has minimized the impacts so that clearing of forest cover and increase in impervious surface areas are well within the limits. As a result, this office does not oppose the granting of this variance.

Forest mitigation using native trees species will be required at a 1:1 ratio. This reforestation may be accomplished as forested nontidal mitigation provided the mitigation site occurs in the Critical Area.

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

Mr. Keith Kelley
Re: Sherm Hill Property
April 3, 2001
Page Two

Regulatory concerns aside, the applicant should be made aware that, from an engineering perspective, constructing a house in hydric soils is generally inadvisable. Hydric soils tend to be acid and can corrode concrete foundations. Hydric soils usually have a high clay content. The shrink-swell and freeze-thaw capabilities of clay soils, as well as their tendency to hold moisture in place, have the potential of putting inordinate pressure against a foundation wall. Similarly, driveways and patios crack as clay soils expand and contract.

Hydric soils also present safety issues. Trees growing in hydric soils are generally shallow-rooted. Mature trees are top-heavy and easily blown over in high winds. Trees blown onto a structure or vehicle usually cause significant damage. Shallow-rooted trees can fall without warning. People who would utilize the yard around this dwelling need to be made aware of this risk.

If you should have any questions regarding these comments, please feel free to contact me at 410-260-3481.

Sincerely,



Wanda Cole
Natural Resources Planner

cc: BC 153-01

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

April 3, 2001

Ms. Theresa Dent
St. Mary's County Department of Planning & Zoning
22740 Washington Street
PO Box 653
Leonardtown, MD 20650-0653

RE: Lot 500-14, Levering Subdivision
3D Construction

Dear Ms. Dent,

Thank you for the opportunity to comment on the above referenced site plan, which is being submitted for comment prior to being scheduled for a variance hearing with the St. Mary's County Board of Appeals.

This property is located in the Critical Area of Patuxent River and Town Creek in a designated Limited Development Area. It is also a grandfathered lot. The applicant proposes to construct a house with garage, sidewalk, driveway, deck, and septic system.

A portion of this development is proposed within the 100-foot Critical Area Buffer. Buffer impacts include most of the house, the deck and existing well. Impervious surfaces shown on the plan are less than the allowed maximum of 31.25%. Almost no forest cover exists on this lot.

Impacts in the Buffer could be reduced if the driveway was reduced in size so that the house could be moved closer to the street.

Afforestation is required to achieve 15% on-site forest cover. Impacts to the Buffer also require mitigation at a 3:1 ratio. It is recommended that the afforestation and mitigation be directed first to the Buffer area. A Critical Area note must be provided on the plan to state that no further disturbances will occur to the afforestation and mitigation areas. A Critical Area note must be provided on the plan to state that no further disturbances will occur in the Buffer.

If these recommendations are followed, this office would not oppose a variance for development on this lot.

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

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

Ms. Theresa Dent
Re: Lot 500-14, Leverings
April 3, 2001
Page Two

Please consider this letter as formal comments on this proposal and place it in the official file. Please provide this office with a copy of the written decision made regarding this case if it is heard before the Board of Appeals. A copy of the modified site plan would be appreciated.

Please don't hesitate to call me at 410-260-3481 if you have questions about any of these comments.

Sincerely,



Wanda Cole
Natural Resources Planner

cc: SM 162-01



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

April 2, 2001

Mr. Reed Faasen
Environmental Planner
Charles County Planning and Growth Management
PO Box 2150
La Plata, Maryland 20646-2150

Re: Preliminary Plan for Indian Creek Estates, Lots 7A & 7B
XPN # 01-0005

Dear Mr. Faasen,

Thank you for the opportunity to comment on the above-referenced preliminary plan. The applicants, David M. and Rhonda S. Baden, who currently own Lot 7A, wish to acquire Lot 7B for recreational uses. Lot 7B is being created from a parcel now owned by John R. and Tracy A. Fowler. The Fowler tract is currently developed with one dwelling and driveway. The Fowler tract lies within the designated Resource Conservation Area (RCA) of Indian Creek.

No development is being proposed at this time for Lot 7B. The plan states that Lot 7B is not an approved building lot. Lots 7A and 7B are not proposed for combining and will be recorded as separate lots.

After reviewing the plan and the Notification of Project Application worksheet, I would like to offer the following comments:

- Lot 7A occurs outside the 1000-foot Critical Area Boundary and is, therefore, not subject to the Critical Area Criteria.
- It is unclear whether the 100-foot Critical Area Buffer has been expanded appropriately. The plan needs to show the location of the mean high water line or the landward edge of tidal wetlands as the starting point for measuring the 100-foot Critical Area Buffer.

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

Mr. Reed Faasen
Re: Indian Creek Lots 7A & 7B
April 2, 2001
Page Two

- The applicant must contact the Wildlife & Heritage division of the Department of Natural Resources for a determination of the presence of rare, threatened or endangered species and of Forest Interior Dwelling Species (FIDS) habitat. A copy of this determination must be provided to this office.
- Based upon the information provided, it appears that Lot 7B cannot be developed because of all the site constraints that occur there. The applicant should be made aware that the lot will be severely constrained by the presence of the Expanded Critical Area Buffer, steep slopes, nontidal wetlands, a 100-year floodplain, and a Forest Conservation Easement Area. Establishing access from Blackwell Court to the rear of the lot will likely be prohibited by these constraints.

Thank you again for the opportunity to comment. If you should have any questions, please don't hesitate to contact me at 410-260-3481.

Sincerely,



Wanda Cole
Natural Resources Planner

cc: CS 193-01

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

April 3, 2001

Ms. Theresa Dent
St. Mary's County Department of Planning & Zoning
22740 Washington Street
PO Box 653
Leonardtown, MD 20650-0653

RE: Lot 2, Section 1B Town Creek Manor
Franzen Site Plan

Dear Ms. Dent,

Thank you for the opportunity to comment on the above referenced site plan, which is being submitted for comment prior to being scheduled for a variance hearing with the St. Mary's County Board of Appeals. The comments that follow are based upon the information shown on the drawing dated February 18, 2001 by Nokleby Surveying, Inc. and from conversations with Mr. Franzen during our joint site visit on March 22, 2001.

This property is located in the Critical Area of Lewis Creek in a designated Limited Development Area and is a grandfathered lot. The 100-foot Buffer has been expanded for steep slopes. The Expanded Buffer line falls approximately along the 30' elevation contour.

The applicant proposes to construct a 3,500 square foot dwelling with basement and a garage. The basement wall would be placed at the point where the slope begins to steepen to greater than 15%. The house plans include a walk-out basement. The plan does not address how the owners would safely exit the basement and walk around the house without causing further disturbances to the steep slopes and the Expanded Buffer.

The soils at this site appear to be very fine. Fine soils are easily eroded, therefore, having a yard inlet to prevent concentrated runoff from flowing over the slope is a good idea. However, natural sheet erosion on the slope will continue to occur. Since the excavation of the basement will cut the roots of nearby trees, the owners could expect to lose those trees and the root system that hold their slope in place. Once this protection is lost, sheet erosion on the slope is likely to accelerate. Eventually the integrity of the foundation wall would be compromised.

There is sufficient room on this lot to reduce both the Critical Area impacts and the safety issues in a way that would avoid the need for a variance. It appears moving the house back as little as 15 feet would accomplish this goal.

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

Ms. Theresa Dent
Re: Franzen Site Plan
April 3, 2001
Page Two

The driveway currently exists in the form of a dirt road that has been maintained in a cleared condition. Mr. Franzen indicated that he did not need a driveway down to the shoreline and would be willing to reforest in this area. Since the proposed forest clearing is 33.8%, exceeding the 30% maximum allowable limit, the amount of clearing must be modified to bring it within limits that would not require the need for a variance. Once that has been accomplished, mitigation for Critical Area impacts will be required at a 1.5:1 ratio. Mitigation of any clearing within the Expanded Buffer will be required at a 3:1 ratio. This mitigation should include native tree and shrub species and be directed to re-vegetation of the existing woods road below elevation + 26.

The yard inlet with outlet pipe would be constructed from elevation +15 to its discharge point at elevation + 1. The outlet pipe would require disturbing the face of the slope from top to toe. This would result in cutting tree roots and disturbing fine soils that are being held in place by those roots. Disturbing this area is inadvisable. Mr. Franzen offered an excellent alternative method of capturing concentrated runoff- by moving the yard inlet to the side of the dirt road and installing the pipe beneath the roadbed. Since the roadbed has already been disturbed, this alternative would minimize Buffer impacts.

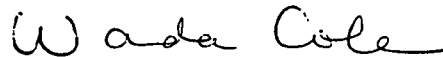
The proposed impervious surfaces are within allowable limits. New sources of potentially damaging stormwater runoff should be minimized to the greatest extent possible and the runoff directed to the yard inlet.

If these recommendations are followed, there should be no need for a variance and this office would not oppose any site plan that was modified according to these recommendations.

Please consider this letter as formal comments on this proposal and place it in the official file. Please provide this office with a copy of the written decision made regarding this case should it be heard before the Board of Appeals. A copy of any modified site plan would be appreciated.

Please don't hesitate to call me at 410-260-3481 if you have questions about any of these comments.

Sincerely,



Wanda Cole
Natural Resources Planner

cc: SM 124-01

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

March 21, 2001

Mr. John Swartz
Calvert County Inspections and Permits
150 Main Street
Prince Frederick, MD 20678

RE: Lot 48 Willow Wood

Dear Mr. Swartz,

Thank you for providing information on the above referenced grading permit and building permit applications. The applicant proposes to construct a dwelling, garage, driveway and septic system in the designated Limited Development Area of Cheapeake Bay along Bayview Drive. It appears the 100-foot Critical Area Buffer does not occur on this property, however a vicinity map was not provided to facilitate this determination. Tax map records from 1988 indicate that the subdivision creating this lot had not yet been recorded, therefore the lot is not grandfathered.

The proposed impervious surface area is 6% and within allowable limits. The amount of proposed forest clearing is 21%, therefore mitigation of lost forest cover is required at a 1.5:1 ratio. From the site plan it appears that the clearing could be greatly reduced if the house was moved to the northeast side of the septic reserve area. This configuration would also eliminate the need to run the driveway and parking area over the septic field. The grading permit should include a Critical Area note regarding permanent protection of the remaining forest cover from any further disturbances.

Thank you for the opportunity to comment. If you have any questions, please do not hesitate to call me at 410-260-3481.

Sincerely,

A handwritten signature in cursive script that reads "Wanda Cole".

Wanda Cole
Natural Resources Planner

cc: CA 128-01

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

March 19, 2001

Ms. Olivia Vidotto
Calvert County Department of Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

Re: MSD-01-02-20 Soper Property, Lot 4
Tax Map 20 Parcel 214

Dear Ms. Vidotto,

Thank you for the opportunity to comment on the above referenced subdivision. The applicant proposes a minor subdivision of a 50.528 acre parcel into one lot containing 2.0 acres and a residual lot containing 48.528 acres. The entire property lies within a designated Resource Conservation Area (RCA) of Patuxent River and Little Lyons Creek.

The parent tract was subdivided after 1985 and is now being proposed for further subdivision. The subdivision history of the parent tract needs to be researched in order to determine whether the subsequent subdivisions of Lots 3 and 4 will comply with the Critical Area density requirements for parcels located within the RCA. Growth allocation may be necessary depending on the situation. At your suggestion, on March 5, 2001 I left a phone message for the consultant, Mr. John Oliff, requesting that he call me regarding the subdivision history of the parent tract. As of this date, Mr. Oliff has not returned my call.

Provided these subdivisions comply with the Critical Area density requirements, the Critical Area Commission would like to provide these additional, following comments:

- Both Lot 4 and the entire residual parcel must be shown on this plat. The plat must show whether there are additional structures or dwellings present besides the barn. While that appears to be the case, the information provided is not clear on the matter. The forested areas mentioned in the Critical Area Form must also be shown.
- A Critical Area note must be provided on the plat that is consistent with item # 28 of the Critical Area Form: that 15% of the site shall be maintained or planted in trees and this fact shall be specified on the record plat. Based upon the information provided, it appears neither reforestation nor afforestation will be required for Lot 4 provided the existing forest cover on the original parcel is identified and labeled as requested.

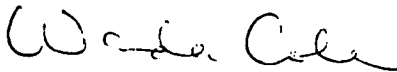
Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Ms. Olivia Vidotto
Re: Soper Lot 3
March 19, 2001
Page Two

- A Critical Area note must be provided that the residual lot may only be developed with one dwelling unit due to the Critical Area Density requirements of one unit per twenty acres in the RCA.
- A Critical Area note should be included on the plat to identify the maximum limits of impervious surface for both Lot 4 and the residual lot.
- Section 4-4.07 (D)(3)(f) of the Calvert County Critical Area Zoning Ordinances requires the establishment of the 100-foot Critical Area Buffer when the agricultural use of lands within the Buffer ceases and the lands are proposed to be converted to other uses. The 100-foot Buffer for this lot needs to be established with native plantings. It is recommended that the plantings include a mix of trees and understory vegetation.
- The soils information shown on the plat is not consistent with the information shown on the soil survey map. The soil survey shows Othello and Woodstown soils in the location of Lot 4. These soils are known for high or seasonally high water tables.
- A copy of the Maryland Department of Natural Resources Wildlife and Heritage Division's determination on the presence of rare, threatened or endangered species at this site must be provided to this office. No approvals should be granted before this determination is provided.

If you have any questions about these comments, please do not hesitate to contact me at 410-260-3481.

Sincerely,



Wanda Cole
Natural Resources Planner

cc: CA 58-01



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

March 16, 2001

Ms. Elsa Ault
Environmental Planner
Charles County Planning and Growth Management
PO Box 2150
La Plata, MD 20646

RE: SFD # 01-0127 Facchina

Dear Ms. Ault,

Thank you for the opportunity to comment on the above referenced site plan. This property is located in the designated Resource Conservation Area of Hilltop Fork and Nanjemoy Creek. The applicant proposes to construct one dwelling unit and a driveway within the Critical Area of this property. There will be no disturbances within the 100-foot Critical Area Buffer.

The proposed increase in impervious surface area is well within the maximum allowable limits. There will be no disturbances to the existing forest cover and the amount of existing forest cover exceeds 15% of the property. Therefore, there are no reforestation or afforestation requirements for this project.

Additional information and/or changes are needed on the plan. The private tidal wetlands depicted on this plan are shown channelward of the mean high water line. State tidal wetlands are, by legal definition, channelward of the mean high water line. Therefore, these wetland areas must be re-labeled as State tidal wetlands. If the property should ever be subdivided, the State tidal wetlands acreage will have to be deducted from the total property acreage when calculating allowable limits to impervious surface area and forest clearing. If the plan is approved as stated, a future review might be compromised by the incorrect information.

The plan should also include Critical Area notes. One should state that the 100-foot Critical Area Buffer and Expanded Buffer are to remain undisturbed from future development. A second note is needed to establish forest conservation areas with similar protective language.

If you have questions regarding these comments, please do not hesitate to contact me at 410-260-3481.

Sincerely,

Wanda Cole
Natural Resources Planner

cc: CS 127-01

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

March 14, 2001

Mr. Michael Smolek, Director
Jefferson Patterson Park and Museum
Department of Housing and Community Development
10415 Mackall Road
St. Leonard, Maryland 20685

Re: Critical Area Commission Unanimous Approval of Project No. HT-000-941-001
Upgrade of Existing Roads and Construction of New Parking

Dear Mr. Smolek,

I am pleased to inform you that on March 7, 2001, the Chesapeake Bay Critical Area Commission unanimously approved the above referenced project in accordance with COMAR 27.02.05 State Agency Actions Resulting in Development on State-Owned Lands. This approval is subject to the following conditions:

1. Copies of all MDE approvals for nontidal wetlands, stormwater management, and sediment and erosion control shall be provided to the Commission prior to construction. If these approvals result in significant changes in the footprint within the Critical Area, these changes must be presented to the Commission for approval.
2. Forest mitigation using native species shall be provided on-site at a 1:1 ratio. The forest mitigation areas must be delineated on the planting plan and provided to staff for review and approval.
3. Maintenance agreements for the bioretention facilities and infiltration basin are required. DGS staff shall coordinate with Commission staff to ensure appropriate agreements are executed.

Thank you for your participation and assistance in this process. If you have any questions, please don't hesitate to contact me at 410-260-3481.

Sincerely,

Wanda Cole
Natural Resources Planner

cc: Paul A. Georgiou, DGS

Branch 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

March 14, 2001

The Honorable Julie B. Randall, President
St. Mary's County Commissioners
PO Box 653
Leonardtown, Maryland 20650

Re: Eagan Subdivision, Lots 1 & 2 Growth Allocation Request

Dear Ms. Randall,

I am pleased to inform you that on March 14, 2001, the Chesapeake Bay Critical Area Commission unanimously approved the 6.3 acre growth allocation request by St. Mary's County to redesignate the Rex and Francis Eagan property from a Resource Conservation Area to a Limited Development Area. This approval is subject to the following conditions:

1. That forest clearing on Lot 2 be limited to 30 percent of the existing forest as required by the St. Mary's County Zoning Ordinance.
2. That forest mitigation using native plantings be required on Lot 1 at a ratio of 1:1 and on Lot 2 at a ratio of 1.5:1, and that the reforestation will first be directed to the site's 100-foot Critical Area Buffer and 200-foot Expanded Buffer in order to complete the establishment of the Buffer.
3. That the limits of disturbance on Lot 1 be modified during the site plan phase to allow equipment to work around the house and pool without encroaching into the 100-foot Critical Area Buffer.

The simplified subdivision plat reviewed for this growth allocation is titled "Lots 1 and 2 Eagan Subdivision", last revised on April 4, 2000 and signed by the surveyor on April 5, 2000. This plat does not bear the signature of the owner/developer. This plat will be considered final. Should any changes to this plat be proposed, please provide a copy of the revised plat to this office.

Thank you for your participation and assistance in this process.

Sincerely,

A handwritten signature in cursive script that reads "Wanda Cole".

Wanda Cole
Natural Resources Planner

cc: Mr. Jon Grimm
SMA23

Branch 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

March 14, 2001

Mr. David F. Hale, President
Board of County Commissioners
of Calvert County, Maryland
Courthouse, 175 Main Street
Prince Frederick, Maryland 20678

Re: Calvert County Critical Area Map Amendment 01-1 (CAMA 01-1)
Thomas Daugherty Growth Allocation

Dear Mr. Hale,

I am pleased to inform you that on March 7, 2001, the Chesapeake Bay Critical Area Commission approved Calvert County's request for 0.33 acres growth allocation to redesignate the Thomas Daugherty property from a Limited Development Area to an Intensely Developed Area. This approval is subject to the following condition:

The project is subject to the 10% Rule Compliance requirements to address stormwater quality impacts within the newly-designated IDA.

The site plans reviewed for this growth allocation are titled "Bridgeview Office Building", last revised on December 11, 2000 and signed by the owner/developer on February 21, 2001. These plans will be considered final site design. Should any changes to these plans be proposed, please provide a copy of the revised plans to this office.

Thank you for your participation and assistance in this process.

Sincerely,

A handwritten signature in cursive script that reads "Wanda Cole".

Wanda Cole
Natural Resources Planner

cc: Mr. David Brownlee
CAA16

Branch 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

March 6, 2001

Ms. Theresa Dent
St. Mary's County Department of Planning & Zoning
22740 Washington Street
PO Box 653
Leonardtown, MD 20650-0653

RE: VAAP # 00-0889 Mark & Mary Hartley
Request for Variance for Driveway on Steep Slopes

Dear Ms. Dent,

Thank you for forwarding the additional information provided by the applicant regarding existing site conditions and the history of land uses on the property. Based upon this information, the Critical Area Commission concurs with your determination that no new disturbances will occur within the Expanded Critical Area Buffer and, therefore, a variance is not required.

Please don't hesitate to call me at 410-260-3481 if you have questions about any of these comments.

Sincerely,

Wanda Cole
Natural Resources Planner

cc: SM 74-01



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

March 2, 2001

Mr. Andrew Hanas, Chief
Southern Region, Engineering & Construction
Maryland Department of Natural Resources
580 Taylor Avenue, D3
Annapolis, MD 21401

Re: Hallowing Point Dredge and Beach Nourishment Projects

Dear Mr. Hanas,

Thank you for providing information on the above-referenced project. DNR proposes to maintenance dredge its Hallowing Point boat ramp in Calvert County and place approximately 346 cubic yards of sandy dredged material along 320 feet of adjacent, privately-owned shoreline. The placement of this material will nourish a beach in the 100-foot Critical Area Buffer of Patuxent River.

This project does not require formal approval by the Critical Area Commission. This work has been approved by the Maryland Department of the Environment as Tidal Wetlands License 99-1312R issued to you on June 23, 1999 and revised on January 31, 2001.

If any trees must be removed from the 100-foot Buffer to accommodate this project, 1:1 mitigation within the Buffer will be required.

This project is subject to Calvert County requirements for activities within the Critical Area. It is my understanding that you have already contacted Mr. John Swartz regarding a grading permit.

Thank you for the opportunity to comment. If you have any questions, please contact me at 410-260-3481 or Mr. Swartz at 410-535-1600 ext 238.

Sincerely,

Wanda Cole
Natural Resources Planner

cc: Mr. John Swartz

Branch 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

February 26, 2001

Ms. Olivia Vidotto
Calvert County Department of Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

Re: MSD-01-02-20 Soper Property, Lot 3
Tax Map 20 Parcel 215

Dear Ms. Vidotto,

Thank you for the opportunity to comment on the above referenced subdivision. The applicant proposes a minor subdivision of a 20.536 acre parcel into one lot containing 4.434 acres and a residual lot containing 15.459 acres. The entire property lies within a designated Resource Conservation Area (RCA) of Patuxent River and Little Lyons Creek.

The Critical Area Commission would like to provide the following comments:

- Both Lot 3 and the residual parcel must be shown on this plat. The plat must show whether there are any structures or dwellings present as this is not clear from the information provided. The forested areas mentioned in the Critical Area Form must also be shown.
- The residual lot must be labeled on the plat as "Not Buildable Without Growth Allocation."
- The plat for Lot 3 shows tidal wetlands within the property boundaries. Impervious surface limits and limits of forest clearing cannot include any acreage that contains wetlands classified as State tidal wetlands. The applicant must determine the acreage of State tidal wetlands and record the adjusted acreage figure on the plat.
- A Critical Area note should be included on the plat to identify the maximum limits of impervious surface based upon 15% of the adjusted acreage.

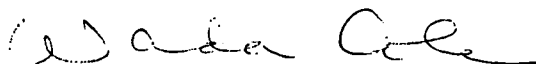
Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Ms. Olivia Vidotto
Re: Soper Lot 3
February 26, 2001
Page Two

- A Critical Area note must be provided on the plat that is consistent with item # 28 of the Critical Area Form: that 15% of the site shall be maintained or planted in trees and this fact shall be recorded with the record plat. Based upon the information provided, it appears neither reforestation nor afforestation will be required for Lot 3 provided the existing forest cover on the original parcel is identified and labeled as requested.
- A copy must be provided to this office of the Maryland Department of Natural Resources Wildlife and Heritage Division's determination on the presence of rare, threatened or endangered species at this site. No approvals should be granted before this information is received.
- It is recommended that the sewage reserve area be relocated as far away from the 100-year floodplain and wetlands as possible in order to reduce the potential for septic leachate to emerge within these areas.

If you have any questions about these comments, please do not hesitate to contact me at 410-260-3481.

Sincerely,



Wanda Cole
Natural Resources Planner

cc: CA 57-01



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

February 22, 2001

Mr. Keith Kelley
Baltimore County
Department of Environmental Protection
and Resource Management
401 Bosley Avenue, Suite 416
Towson, Md 21204

RE: 00-21 Edgemere Free Methodist Church Variance Request

Dear Mr. Kelley,

Thank you for the opportunity to comment on the above referenced variance request. The applicant is requesting a variance to exceed the impervious surface limit in order to construct a sanctuary of worship for the congregation of the Edgemere Free Methodist Church. This property is located within a designated Limited Development Area of Jones Creek. The proposed construction will occur outside the 100-foot Critical Area Buffer.

The plan suggests that the proposed highway widening on three sides of this property may have reduced the property acreage. The property acreage should be verified as calculations of impervious area and afforestation are based on this figure.

The information on the notification sheet conflicted with the information provided in the applicant's variance of standards application. The following comments are based upon the information that showed the greatest impact to the Critical Area.

This office cannot support a variance that would exceed the limits for impervious surfaces. The existing impervious surface area is reported as 18.5%, or 5,963 square feet. The property has already exceeded the maximum impervious area for properties of this size, which is 5,445 square feet. The proposed improvements would increase impervious area to 27.7%.

This office recommends that the applicant consider a design for the sanctuary that would maintain current impervious area or apply for growth allocation to change the designation of the property from Limited Development Area to Intensely Developed Area (IDA). Properties that are designated as IDA are not subject to impervious surface limits.

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

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

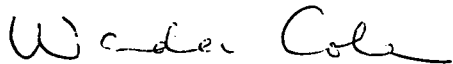
Mr. Keith Kelley
Re: Edgemere Free Methodist Church
February 22, 2001
Page Two

It appears that afforestation will be necessary to provide the required 15% forest cover.

Please include this letter in your file and submit it as part of the official record for this variance.
Please provide the Commission a copy of the written decision made in this case.

If you should have any questions regarding these comments, please feel free to contact me at
410-260-3481.

Sincerely,



Wanda Cole
Natural Resources Planner

cc: BC 72-01

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

February 15, 2001

Mr. Reed Faasen
Charles County Government
Planning and Growth Management
PO Box 2150
La Plata, MD 20646-2150

Re: VCI # 99-0079 Clifton WWTF Effluent Outfall Relocation, Potomac River

Dear Mr. Faasen,

Thank you for providing the consistency report for the above referenced project. The Critical Area Commission concurs with this report and supports this project provided no new disturbances occur within the 100-foot Critical Area Buffer in order to establish access, staging, or stockpile areas.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in cursive script that reads "Wanda Cole".

Wanda Cole
Natural Resources Planner

cc: CS 61-01



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

February 15, 2001

Mr. Keith Kelley
Baltimore County
Department of Environmental Protection
and Resource Management
401 Bosley Avenue, Suite 416
Towson, Md 21204

RE: Variance Request 00-20: Joanne Dolgow

Dear Mr. Kelley,

Thank you for the opportunity to comment on the above referenced variance request. This property is located within a designated Limited Development Area of Sue Creek. The applicant proposes to demolish an existing dwelling and accessory structures and replace them with a new dwelling, pervious deck and gravel driveway.

The proposed re-development is sited in a location that maximizes its distance from the shoreline while maintaining setbacks from the adjacent property and road. There will be a 2% increase in impervious area, however, the amount of impervious area is within allowable limits.

This office is not opposed to the granting of this variance provided Buffer plantings of native vegetation is accomplished at the required 3:1 ratio for all new disturbances. Since the property will be connected to public sewer, on-site afforestation is possible.

Please include this letter in the official record for this variance request and provide this office with a copy of the written decision when rendered.

If you should have any questions regarding these comments, please feel free to contact me at 410-260-3481.

Sincerely,

Wanda Cole
Natural Resources Planner

cc: BC 55-01

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

February 15, 2001

Mr. John Swartz
Calvert County Inspections and Permits
150 Main Street
Prince Frederick, MD 20678

RE: AP 11948 Grading Permit
Debbi Welsh Property

Dear Mr. Swartz,

Thank you for providing information on the above referenced grading permit. The applicant proposes to install a stone driveway at her property on Beaver Dam Road. This property is located in a designated Resource Conservation Area of Fishing Creek.

The driveway will be located outside the Extended Critical Area Buffer. It will create 5,600 square feet of impervious surface and will require the removal of 16,117 square feet of forest. While these disturbances are within allowable limits, it should be noted that the survey plat suggests that nearly 40% of the deeded acreage may include State tidal wetlands. Calculations for impervious areas and forest cover cannot include acreage that is State tidal wetlands.

A note should be required on the grading permit and/or building site plan to alert the current and future owners of this property that calculations of maximum allowable limits of impervious surface and forest clearing calculations must exclude the State tidal wetlands acreage. The current notation on the survey plat regarding allowable impervious area must be amended to show the correct figure.

Mitigation of forested area lost by implementation of this permit is required at a 1:1 ratio.

The grading permit should also include a Critical Area note regarding permanent protection of natural vegetation from any further disturbances within the Expanded Buffer.

Thank you for the opportunity to comment. If you have any questions, please do not hesitate to call me at 410-260-3481.

Sincerely,

Wanda Cole
Natural Resources Planner

cc: CA 56-01

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

February 8, 2001

Ms. Theresa Dent
St. Mary's County Department of Planning & Zoning
22740 Washington Street
PO Box 653
Leonardtown, MD 20650-0653

RE: VAAP # 00-0889 Mark & Mary Hartley, 21717 Paw Paw Point Way
Request for Variance for Driveway on Steep Slopes

Dear Ms. Dent,

Thank you for the opportunity to comment on the above referenced variance request. This variance involves the conversion of an irregularly used lane into a driveway that will access a proposed second homesite. This site is already developed with a dwelling and gravel driveway. This property lies within a designated Limited Development Area and is a grandfathered lot.

The proposed driveway will cross slopes greater than 15% and involves 625 square feet of the Expanded Critical Area Buffer, which was expanded to include these steep slopes. No earth disturbance or removal of forest cover is required to accommodate the driveway. There will be an increase in impervious area when gravel is applied to stabilize its surface.

Because there is already an existing house on this property, this office cannot support a variance that creates access to facilitate additional development on this property by impacting the Critical Area Buffer.

Please don't hesitate to call me at 410-260-3481 if you have questions about any of these comments.

Sincerely,

Wanda Cole
Natural Resources Planner

cc: SM 74-01

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

February 5, 2001

Ms. Julie B. Randall, President
St. Mary's County Commissioners
PO Box 653
Leonardtown, Maryland 20650

Re: Eagan Subdivision, Lots 1 & 2 Growth Allocations

Dear Ms. Randall,

Thank you for providing information on the referenced growth allocation request to use 6.3 acres of growth allocation to change the Critical Area designation from Resource Conservation Area to Limited Development Area. The Critical Area Commission received your letter on January 22, 2001 and is accepting the information as a complete submittal. Judge North will make a refinement determination within 30 days of the date of this letter, and the Commission will review the refinement determination on March 7, 2001.

You are welcomed to attend the meeting, which will be held at the People's Resource Center, Conference Room 1100A, 100 Community Place in Crownsville. If you would like a copy of the agenda or if you have any questions, please feel free to call me at 410-260-3481.

Sincerely,

Wanda Cole
Natural Resources Planner

cc: Mr. Jon Grimm
Ms. Sue Veith
SMA23

Branch 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

February 5, 2001

Mr. Keith Kelley
Baltimore County
Department of Environmental Protection
and Resource Management
401 Bosley Avenue, Suite 416
Towson, Md 21204

RE: 00-19 Variance Request by Donald and Jennifer Sellers
2406 Carolyne Avenue

Dear Mr. Kelley,

Thank you for the opportunity to comment on the above referenced variance request. This property is located within a designated Limited Development Area. The proposed construction will occur outside the 100-foot Critical Area Buffer.

This office cannot support a variance that would exceed the limits for impervious surfaces. The existing impervious surface area is 31.3% of the site. The proposed 360 square-foot addition would result in 36.3% impervious surface or a total of 2,583 square feet. The maximum allowable impervious area for this property is 2,281 square feet, therefore the proposed addition exceeds the impervious limit by 302 square feet. This office recommends that the applicant consider removing existing impervious area to maintain this limit or apply for growth allocation. Impervious areas that might be considered for removal include portions of the driveway and/or sidewalk, or the larger shed.

It appears afforestation may be necessary at this site to achieve 15% forest cover on the parcel.

If you should have any questions regarding these comments, please feel free to contact me at 410-260-3481.

Sincerely,

Wanda Cole
Natural Resources Planner

cc: BC 33-01

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

February 2, 2001

Ms. Elsa Ault
Charles County Government
Planning and Growth Management
PO Box 2150
La Plata, MD 20646

Re: XRS #00-0147 Woodberry Farms

Dear Ms. Ault,

Thank you for providing the soils plat for our review. It was provided as follow-up to my letter, dated December 14, 2000 and LeeAnne Chandler's letter, dated April 20, 1999. It appears this plat provides all the requested information.

The subdivision into three lots within the RCA is consistent with the density requirements. This office does not object to this subdivision provided the following items are addressed:

You stated that the soils plat will not be recorded. Certain information on the soils plat will be important in guiding the future development of these lots, therefore, it should be included on the Plat of Record. The following note should be copied from the soils plat to the record plat:

- There shall be no construction or disturbance of natural vegetation within the 100-foot Critical Area Buffer.

In addition, notes should be added to the record plat to identify the maximum allowable limits of impervious surface area per lot, and the amount of afforestation that is required to meet the minimum 15% requirement. A note should be added to establish that a homesite constructed on Lot 3 as shown could not add a deck or extension on the house if it would extend into the 100-foot Critical Area Buffer.

We discussed my concern that the placement of three septic areas adjacent to each other so close to the 100-foot Critical Area Buffer might set up a leachate field that would emerge within the adjacent wetland area. You advised that Lot 3 is required to have a sand mound system as the septic area is constrained by the site; Lot 2 would build a sand mound in that area only if the

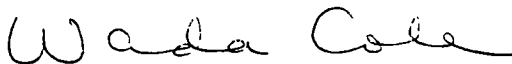
Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Ms. Elsa Ault
Re: Woodberry Farms
February 2, 2001
Page Two

existing system failed. It is possible that the location of the sand mound could be adjusted. You indicated you would investigate the perc test results with the consultant to determine if this was possible. The septic field for Lot 1 is a considerable distance from the proposed homesite and we determined that location is probably dictated by the soil type as well as the perc results. You indicated you would also inquire as to whether any perc tests had been conducted elsewhere on the lot. If so, you would address the septic area location during the building permit phase.

Thank you again for providing the follow-up information. If you have any questions, please contact me at 410-260-3481.

Sincerely,



Wanda Cole
Natural Resources Planner

cc: CS 634-00



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

January 30, 2001

Ms. Roxana L. Whitt
Calvert County Planning & Zoning
150 Main Street
Prince Frederick, MD 20678

RE: Variance Case No. 00-2692, Lots 301 & 302 Scientist's Cliffs
Hal Rogoff and Laurie Kaufman Property: Proposed Terraces

Dear Ms. Whitt,

Thank you for providing the revised plan for the above referenced variance request. The applicants now propose terraces of reduced size, thus decreasing the amount of disturbance to the adjacent steep slopes. The proposed terraces will involve no more than one-foot cuts and fills and will be stabilized with grassy cover. Therefore, there will be little increase in impervious surface on this property.

This office does not oppose the granting of this variance. Mitigation with native plantings to offset impacts within the 100-foot Critical Area Buffer are required at a 3:1 ratio. If this property is not overrun by English ivy (which seems to be prevalent in this community), it is recommended that these plantings be directed to the steep slopes at this site.

If you have any questions regarding these comments, please do not hesitate to contact me at 410-260-3481. Please include this letter in your file and submit it as part of the official record for this variance. The Critical Area Commission requests a copy of the decision made in this case.

Sincerely,

Wanda Cole
Natural Resources Planner

cc: CA 649-00

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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

January 30, 2001

Ms. Roxana L. Whitt
Calvert County Planning & Zoning
150 Main Street
Prince Frederick, MD 20678

RE: Variance Cases No. 00-2693 and 00-2701, Lot 36 Spring Cove
Sameh Dides Property at 1396 Gregg Drive, Lusby

Dear Ms. Whitt,

Thank you for the opportunity to comment on the above referenced variance requests. The applicant has requested variances to allow an addition onto an existing house and terraces on a 15% slope. All of this work lies within the 100-foot Critical Area Buffer.

At the time of my last letter, dated December 29, 2000, I was not aware that this work had originally been investigated as an on-going violation. I have since reviewed correspondence dated October 17, 2000 between Ms. LeeAnne Chandler of this office and Mr. John Swartz of your office regarding the violation. A copy of that letter is attached.

I also visited the site and spoke with the property owner. I also observed that the lower landscape wall encroaches on the mean high water line and has caused fill to be placed in a portion of the vegetated tidal and possibly nontidal wetlands at the property. Upon contacting the Prince Frederick office of the Maryland Department of the Environment (MDE), I learned that MDE staff was unaware of the circumstances at this site. By copy of this letter, MDE will be formally advised of this situation.

This office cannot support the granting of variances for conditions created by the unauthorized actions of the property owner. Therefore, this office continues to support the County's efforts to pursue these unauthorized actions as violations. We recommend that the applicant develop a Buffer Management Plan which includes:

- Restoration of the Buffer. The restoration should include removal of all fill materials, the pond, and the landscape-timbered walls. The slope should be returned to its original grade and stabilized with native plant materials indigenous to similar site and soil conditions in the area..
- Mitigation at a 4:1 ratio. A minimum of 1:1 of this mitigation should be completed within the 100-foot Buffer at this site. To the extent feasible, the remaining mitigation should first be accomplished on this property. A planting plan is recommended to show locations and types of plants, and a guarantee of survival.

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

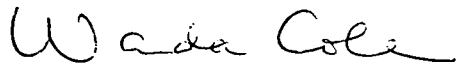


Ms. Roxana Whitt
Re: Sameh Dides Variances/Violations
January 30, 2001
Page Two

- Consultation with MDE regarding the unauthorized impacts to the vegetated tidal wetland portions of the site. Please provide a copy of the MDE determination to this office.
- Implementation of a sediment and erosion control plan approved by the local soil conservation district. This plan is necessary to protect Coster Cove from sedimentation impacts during the restoration. The sediment and erosion control plan should include a Sequence of Construction (restoration) that will detail how the site will be accessed, the stages necessary to accomplish the restoration, and a timetable for completing the restoration.
- Completion of the restoration by no later than May 15, 2001. This would take advantage of the approaching growing season and optimum planting conditions before the summer drought occurs.

Please include this letter in your file and submit it as part of the official record for this variance. Please notify the Commission in writing of the decision made in this case. If you have any questions about these comments, please contact me at 410-260-3481.

Sincerely,



Wanda Cole
Natural Resources Planner

cc: CA 650-00 and 32-01
Robert Cole, MDE Compliance Program



Judge John 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

January 30, 2001

Ms. Roxana L. Whitt
Calvert County Planning & Zoning
150 Main Street
Prince Frederick, MD 20678

RE: Variance Case No. 00-2700 Harbor Hills, Lot 2 (Kathy Link/Richard Hill)

Dear Ms. Whitt,

Thank you for the opportunity to comment on this variance request. The applicant is requesting a variance to build a house, garage, pool, driveway and septic system on steep slopes in the Critical Area. There will be no impacts to the 100-foot Critical Area Buffer. This area is a designated Limited Development Area (LDA).

The site is fully forested. The project proposes to clear 20% of this forest, which is the maximum extent allowed. Mitigation of lost forest cover is required at a 1:1 ratio. In addition, a note should be added to this plan to state that the remaining forested area will be permanently protected from further disturbance or development.

The impervious surface areas are within allowable limits.

During a site visit, it was observed that there were several large and stately hardwood trees standing between the area of the proposed septic and Long Cove Court. The applicant is strongly encouraged to site the driveway and septic fields in a manner that would avoid removal of these trees and to utilize as much of the open understory as possible.

The lot's configuration might encourage the creation of a second access point. It is recommended that a note be added to the plan that there should be only one access to public roads and that would be via Long Cove Court. This would reduce further disturbance to steep slopes as well as maintain the existing dense understory and forest cover along the Hance Road area.

Please include this letter in your file and submit it as part of the official record for this variance. The Commission requests a copy of the written decision made in this case.

Sincerely,

Wanda Cole
Natural Resources Planner

cc: CA 31-01

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

January 24, 2001

Mr. James W. Price, Director
Program Open Space
Tawes State Office Building, E4
580 Taylor Avenue
Annapolis, MD 21401

RE: Local POS Project # 3853-4-43 Flag Ponds Education Center, Calvert County

Dear Mr. Price,

The Critical Area Commission has no objection to this project. If the Education Center is sited within the Critical Area, it will require review and approval for consistency with the County's Critical Area Program.

No development may occur within the 100-foot Critical Area Buffer. Development of the center should strive to minimize impervious surfaces, avoid construction on steep slopes exceeding 15%, and avoid the loss of forest cover by siting the structure in an existing cleared area. If no cleared area of sufficient size exists, encroachment into forested areas should minimize impacts to Forest Interior Dwelling Species (FIDS) by siting the development where the forest is its narrowest and as close to the forest edge as possible.

Thank you for the opportunity to comment. If you have any questions regarding these comments, please contact me at 410-260-3481.

Sincerely,

Wanda Cole
Natural Resources Planner

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

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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

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

January 22, 2001

Ms. Theresa Dent
St. Mary's County Department of Planning & Zoning
22740 Washington Street
PO Box 653
Leonardtown, MD 20650-0653

RE: CDSP# 00-120-044 Wicomico Shores Concept Plan for 64 Lots in the Critical Area

Dear Ms. Dent,

Thank you for providing information on the above referenced conceptual subdivision plan. The proposed project lies within the Critical Area of the Wicomico River in the Limited Development Area (LDA).

There are two proposed development areas that are located within the Critical Area. One is labeled as a "Proposed 64 Single Lot Subdivision" and the other is labeled "Proposed Expansion of Recreational Area". The comments for each follow.

Proposed Single Lot Subdivision

1. The location of the 1000' Critical Area line must be shown.
2. Clearly identify the area and what is encompassed for the 64-lot subdivision.
3. The location of the 100-foot Critical Area Buffer expanded to include on-site tributary streams and wetlands.
4. The extent of existing forest cover and the amount of forest cover to be removed.
5. The location of existing on-site wetlands.
6. The amount of existing and proposed impervious surfaces.

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

Ms. Theresa Dent
Re: Wicomico Shores Concept Plan
January 22, 2001
Page Two

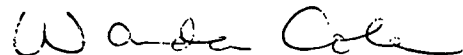
Proposed Expansion of Recreational Area

1. The location of the 1000' Critical Area line must be shown.
2. The location of the 100-foot Critical Area Buffer expanded to include on-site tributary streams and wetlands.
3. Show what facilities are existing and what is proposed.
4. The extent of existing forest cover and the amount of forest cover to be removed.
5. The location of existing on-site wetlands.
6. The amount of existing and proposed impervious surfaces.

If new development is being proposed, the applicant must also show that the site has been evaluated for its suitability as Forest Interior Dwelling Species habitat as well as for other rare, threatened or endangered species. This can be accomplished by contacting Ms. Lori Byrne of the Department of Natural Resources Wildlife Division. Please contact Ms. Byrne at 410-260-8573.

Thank you again for the opportunity to comment. Please don't hesitate to call me at 410-260-3481 if you have questions.

Sincerely,



Wanda Cole
Natural Resources Planner

cc: SM 04-01



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

January 17, 2001

Ms. Theresa Dent
Mr. Phil Shire
St. Mary's County Department of Planning & Zoning
22740 Washington Street
PO Box 653
Leonardtown, MD 20650-0653

RE: SPSP # 00-130-113 Change in Use from Residence to Bed and Breakfast
Henry and Nancy Virts

Dear Ms. Dent,

Thank you for providing information on the above referenced change in use. The applicants propose to convert a residence into a bed and breakfast establishment at their property on Trent Hall Road. There are no proposed changes in the footprints of the buildings, nor is there any proposed site development that would affect forest cover or increase impervious surfaces.

This property lies within a designated Resource Conservation Area. A bed and breakfast is considered an acceptable use in this zoning district. Therefore, this office is not opposed to this change in use provided it meets all the requirements of the County's Zoning Ordinances.

Thank you for the opportunity to review and comment.

Sincerely,

Wanda Cole
Natural Resources Planner

cc: SM 15-01

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

January 17, 2001

Ms. Theresa Dent
St. Mary's County Department of Planning & Zoning
22740 Washington Street
PO Box 653
Leonardtown, MD 20650-0653

RE: CDSP # 00-130-114 Conceptual Site Plan- 8 Unit Warehouse Building, Gregory Drive

Dear Ms. Dent,

Thank you for providing information on the above referenced site plan. The applicant proposes the construction of a 20,000 square feet, eight unit warehouse with parking lot on a parcel that lies adjacent to Town Run. This parcel lies within a designated Limited Development Area (LDA) of the Critical Area. No impacts are proposed within a 100-foot Critical Area Buffer.

The proposed development will occur on Parcel 1. The impervious calculations incorporate the acreage from Parcels 1 and 2. Parcel 2 is a separate and distinct property from Parcel 1, therefore, the acreage from Parcel 2 cannot be used in the impervious calculations for this project. Using only the acreage of Parcel 1, the proposed impervious area represents 31.3% of the site, exceeding the 15% limit by more than 100%. This office will not support a variance to exceed the impervious surface limits.

The site is entirely forested. The proposed development will cause a 45% loss of existing forest cover. A variance will be necessary for any clearing beyond the permissible limits. If the variance is pursued and approved, forest mitigation will be required at a 3:1 ratio.

Thank you for the opportunity to review and comment. Please don't hesitate to call me at 410-260-3481 if you have questions about any of these comments.

Sincerely,

Wanda Cole
Natural Resources Planner

cc: SM 13-01

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

January 17, 2001

Mr. John Swartz
Calvert County Inspections and Permits
150 Main Street
Prince Frederick, MD 20678

RE: Site Plan for Lot 46 Holland Cliff Shores: Mary Ann Beckert Property

Dear Mr. Swartz,

Thank you for providing information on the above referenced site plan. The applicant has applied for grading and building permits for a proposed dwelling and garage on property located within a designated Limited Development Area of the Chesapeake Bay Critical Area. No development will occur within the 100-foot Critical Area Buffer.

The following comments are provided regarding the site plan:

- The proposed clearing will remove 24% of the existing forest cover. It is recommended that the siting of the house, garage and septic fields be reoriented to reduce the amount of clearing to within the required 20% limit.

There is an additional sixteen feet between the building restriction line and the proposed homesite. Both the house and garage could be moved closer to the road. The garage could be moved closer to the rear of the house. If the owner does not want the garage doors to face the street, the garage could be attached to the house at a point that would still meet the well setback requirements.

The proposed septic fields would create an open corridor in the forest. If the soils allow, the septic could be moved to the area south of the house and oriented to parallel the proposed silt fence line. This would reduce not only the amount of clearing but also the amount of forest edge.

- The loss of forest cover as shown requires mitigation at a 1.5:1 ratio. If the clearing is reduced to below 20%, mitigation would be at a 1:1 ratio. In addition, it appears from the site plan that there are some cleared areas along the south and east perimeters of the parcel. If these areas are not constrained by utility easements, these areas might be suitable reforestation sites.

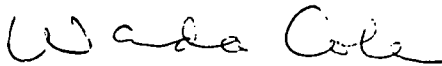
Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Mr. John Swartz
RE: Lot 46, Holland Cliff Shores
January 17, 2001
Page Two

- Our review of aerial data shows that the property is not likely to be suitable Forest Interior Dwelling Species (FIDS) habitat, however, it provides a benefit as a wildlife corridor along this shoreline. We recommend including a note on the site plan to indicate that the maximum amount of forest has been cleared and that the remaining forest cover shall remain undisturbed.
- The proposed impervious area is well below the allowable limits.

Thank you for the opportunity to comment. If you have any questions, please do not hesitate to call me at 410-260-3481.

Sincerely,



Wanda Cole
Natural Resources Planner

cc: CA 654-00

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

January 17, 2001

Ms. Theresa Dent
St. Mary's County Department of Planning & Zoning
22740 Washington Street
PO Box 653
Leonardtown, MD 20650-0653

RE: ISUB # 00-100-060 Simplified Subdivision Plat, One Lot Subdivision
Parcel 4 of Neale's Hill

Dear Ms. Dent,

Thank you for providing the revised plat for the above referenced subdivision. The applicant proposes to create a 9.00 acre parcel out of a 60 acre parcel, part of which is located in the Critical Area of Bassford Creek. This parcel is located in the designated Resource Conservation Area.

With Lot 1 now proposed entirely outside the Critical Area boundary, none of the Critical Area requirements apply to that lot. Therefore, this office will have no comments regarding this plat.

Thank you for the opportunity to review and comment.

Sincerely,

A handwritten signature in cursive script that reads "Wanda Cole".

Wanda Cole
Natural Resources Planner

cc: SM 157-00

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

January 16, 2001

Mr. Duncan Stuart
City of Baltimore Planning Commission
Department of Planning
417 E. Fayette Street, 8th Floor
Baltimore, MD 21202-3416

RE: Canton Crossroads Two: Redevelopment of Existing Site, Fleet and Essex Streets

Dear Mr. Stuart,

Thank you for providing information on the above referenced redevelopment project in which in-fill townhouses are proposed to be constructed on five lots. This property is located within a designated Intensely Developed Area (IDA) of the Chesapeake Bay Critical Area. There are no impacts proposed within the 100-foot Critical Area Buffer. The project also proposes the planting of five new trees to augment the two existing trees.

This office does not oppose the re-development of this site.

The project proposes no increase in impervious surface area. The site is not large enough to incorporate Best Management Practices, therefore, off-set fees are appropriate for this project. Please note that the figures used for the 10% Rule calculations are incorrect. According to our calculations, the pollutant removal requirement should be 0.01 pounds.

Thank you for the opportunity to comment. If you have any questions about these comments, please feel free to contact me at 410-260-3481.

Sincerely,

Wanda Cole
Natural Resources Planner

cc: BC 656-00
Dawnn McCleary-Evans

Branch 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

January 12, 2001

Mr. Keith Kelley
Baltimore County
Department of Environmental Protection
and Resource Management
401 Bosley Avenue, Suite 416
Towson, Md 21204

RE: 00-18: Mr & Mrs James Carlton Brannock, Sr
Variance to Construct Two Dwellings in the Critical Area Buffer

Dear Mr. Kelley,

Thank you for the opportunity to comment on the above referenced variance request. Because the information provided was not sufficient to conduct a complete review, the following comments are based upon the information available at the time of the review.

The applicant proposes to construct two dwellings on four lots. These parcels lie within a Limited Development Area (LDA). These parcels are subject to an expanded Critical Area Buffer due to the tributary stream that bisects the properties. As a result, it appears most of the proposed development is located within the Expanded Critical Area Buffer.

As proposed, impacts can be further minimized. This office recommends that these four lots be combined into one large lot that would permit the development of one dwelling unit that could be located in a manner that would reduce impacts within the Expanded Buffer. In addition, the recorded plat should include Critical Area notes that address:

- The limits on the loss of forest cover and permanent protection of the remaining forested areas from further disturbances;
- Limits on impervious surfaces;
- Required mitigation of impacts to the Buffer at a 3:1 ratio of native plantings; and

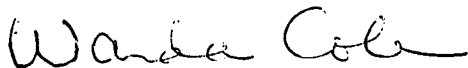
Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Mr. Keith Kelley
Re: Mr & Mrs. James Carlton Brannock, Sr.
January 12, 2001
Page Two

- A statement that the proposed development does not impact other Habitat Protection Areas. The applicant must contact the Wildlife and Heritage Division of the Department of Natural Resources to request this determination, and must forward a copy of the Wildlife and Heritage response to this office.

If you should have any questions regarding these comments, please feel free to contact me at 410-260-3481.

Sincerely,



Wanda Cole
Natural Resources Planner

cc: BC 629-00

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

January 12, 2001

Ms. Theresa Dent
St. Mary's County Department of Planning & Zoning
22740 Washington Street
PO Box 653
Leonardtown, Maryland 20650-0653

RE: SPSP 00-130-116 St. Clement's Island Museum
Proposed Grass Parking Area

Dear Ms. Dent,

Thank you for providing information on the above referenced standard site plan. The applicant proposes to grade an 8.8 acre site, of which 4.808 acres are located in the Critical Area. The purpose of this project is to create a grassed parking area for an annual event. This site is located within the Limited Development Area of the Chesapeake Bay Critical Area. There will be no impacts within a 100-foot Critical Area Buffer. More than 30% of the Critical Area portion of the site is proposed to be cleared. The County requires a variance when clearing exceeds 30%.

Generally, a project on County-owned land falls under COMAR 27.02.02 which requires the County to certify that the proposal meets all Critical Area requirements. As a project on County-owned land that cannot fully meet all provisions of the County's Critical Area regulations, this project qualifies for review and approval in accordance with COMAR 27.02.06 Conditional Approval of State or Local Agency Programs in the Critical Area. I have attached these provisions; the application should address the items listed in 27.02.06.01.B and C.

This site contains forest that is contiguous to a larger, forested area greater than 100 acres in size, making it an important wildlife corridor on this peninsula. The area may also be suitable as habitat for Forest Interior Dwelling Species (FIDS) and should be evaluated for such. The property should also be evaluated for the presence of sensitive species as our MERLIN database indicates the adjacent area may contain sensitive species. The applicant must contact the Department of Natural Resources' Wildlife and Heritage Division to obtain this information. A copy of the Wildlife and Heritage determination should be provided to this office.

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

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

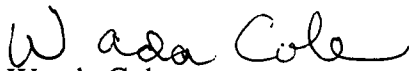
Ms. Dent
January 11, 2001
Page Two

The topographic and soils information provided on the plans suggests that a portion of the Critical Area located in block 23 might be nontidal wetlands and subject to regulation by the Corps of Engineers and Maryland Department of the Environment. Specifically, there is a drainage swale shown in the boundary area between Mattapeake and Othello soils. This drainage swale might contain a stream or springs. Othello soils are generally hydric in nature, have groundwater tables at or very near the surface of the soil, and are frequently associated with nontidal wetlands. This portion of the property should be further investigated for the presence of nontidal wetlands. Any wetlands found should be delineated on the plans, along with the required wetland buffer.

The impervious areas are not expected to increase as the parking lot will be used only once a year.

Please don't hesitate to call me at 410-260-3481 if you have questions about any of these comments. I am available to help you with conditional approval application.

Sincerely,



Wanda Cole

Natural Resources Planner

Enclosure

cc: SM 12-01

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

January 11, 2001

Mr. John Swartz
Calvert County Inspections and Permits
150 Main Street
Prince Frederick, MD 20678

RE: Site Plan for A/P 10946: Lot 8 Trueman Pointe (1200 Hellen Creek Drive)
Howard R. Wood Property

Dear Mr. Swartz,

Thank you for providing information on the above referenced site plan. The applicant has applied for grading and building permits for a proposed dwelling on property located within a designated Limited Development Area of the Chesapeake Bay Critical Area. No development will occur within the 100-foot Critical Area Buffer.

This office does not oppose the siting of the new single family dwelling.

The following comments are provided regarding the site plan:

- The proposed clearing will remove 21.9% of the existing forest cover. The lost forest cover requires forest mitigation at a 1.5:1 ratio. It is our understanding that mitigation will be done through payment of fees in-lieu-of actual on-site plantings.
- Our review of aerial data shows that much, if not all, of the property might be suitable Forest Interior Dwelling Species (FIDS) habitat. During our phone conversation, you acknowledged that you have assessed the site and have found that it was not productive for FIDS. The forest here is of sufficient size that it also serves both as a riparian buffer and a wildlife corridor along this peninsula. Therefore, it would be beneficial to preserve its integrity in so far as possible.

The limits of disturbance show that clearing has been limited to that which is necessary to install the dwelling, its driveway and septic, keeping much of the remaining forest cover intact. It would be desirable to expand the conservation easement area shown on the site plan to include the perpetual protection of the remaining forest cover. By doing this as a note on the

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

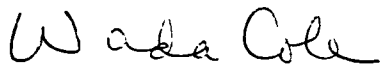
Mr. John Swartz
RE: Lot 8, Trueman Pointe
Harry R. Wood Property
January 11, 2001
Page Two

site plan, a permanent record of this requirement is accomplished. All prospective buyers of the property would be made aware of this protection prior to their ownership, thus avoiding inadvertent clearing violations.

- The proposed impervious area is well below the allowable limits.

Thank you for the opportunity to comment. If you have any questions, please do not hesitate to call me at 410-260-3481.

Sincerely,



Wanda Cole
Natural Resources Planner

cc: CA 632-00
Robertson Dhalwala Associates, LLC.

Judge John 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

January 9, 2001

Ms. Donna Buscemi
State Highway Administration
Project Planning Division
PO Box 717
Baltimore, MD 21203-0717

RE: Project No. BA719A21 MD 695 from MD 150 to end of SHA Maintenance

Dear Ms. Buscemi,

Thank you for the opportunity to comment on the above referenced project. In addition to the information provided in Ms. Cynthia Simpson's letter dated December 20, 2000, our recent telephone conversation revealed that the drainage improvements involve only the cleaning of inlets and outlets.

The Critical Area Commission has no objection to this proposed work. It is consistent with the projects listed in Appendix A, Sections A (1), (2), and (5) and B (1) and (4) of the October 29, 1992 Memorandum of Understanding between MDOT and the CBCAC.

Again, thank you for bringing this project to our attention. If you should have any questions, please contact me at 410-260-3481.

Sincerely,

A handwritten signature in cursive script that reads "Wanda Cole".

Wanda Cole
Natural Resources Planner

cc: 44-00 DOT

Branch 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

January 2, 2001

**Ms. Roxana L. Whitt
Calvert County Planning & Zoning
150 Main Street
Prince Frederick, MD 20678**

**RE: Variance Case No. 00-2694 Calvert County Fairgrounds
Phase III Parking Lot Expansion**

Dear Ms. Whitt,

Thank you for providing information on the above referenced variance request. The Calvert County Fairgrounds proposes to commence the Phase III expansion of grassed parking area at their property located off Hallowing Point Road.

According to the Calvert County Critical Area map on file, this area is outside the Critical Area boundary, therefore this office has no objection to the proposal.

If you have any questions, please don't hesitate to contact me at 410-260-3481.

Sincerely,

**Wanda Cole
Natural Resources Planner**

cc: CA 651-00

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

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

Staff Correspondence: Der

2001

SR32-K19-2



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

April 2, 2001

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

Re: Dalo, David, Local Case # 0101, CBCAC #187-01

Dear Mr. Dooley:

Thank you for forwarding the above-referenced variance application. The applicant is requesting variances for less setbacks to construct a dwelling in a nonwooded area of the lot. The property is designated as LDA and not grandfathered. Thank you for taking the time to clarify the project on the telephone. You explained that at this time the applicant was not requesting a 100-foot Buffer variance, but since the disturbance was close and the plans have not been certified, a Buffer variance is also being requested for potential impacts.

We do not oppose the variance provided no disturbances occur to the Buffer. This includes activities associated with construction such as equipment access and material stockpiling. Prior to issuance of a grading permit, the boundaries and limits of disturbance should be verified to confirm the avoidance of the Buffer. Because the lot is not grandfathered, we oppose any disturbance to the Buffer.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance application. Please notify the Commission in writing of the Board's decision on this application. If you have any questions, please contact me at 410 260 3482.

Sincerely,

Andrew T. Der
Natural Resources Planner

cc: Ms. Regina Esslinger
File

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

March 29, 2001

Steve Dodd
Dorchester County Planning and Zoning Office
County Office Building
P. O. Box 107
Cambridge, MD 21613

Re: Schwartz, Joseph, Local Case #952, CBCAC #621-00

Dear Mr. Dodd:

Thank you for forwarding the above-referenced subdivision plans modified in response to our previous comment letter of December 27, 2000. The 60.57 acre property is designated RCA and is proposed to be subdivided into two adjacent waterfront lots with 100' Buffers. The total acreage in the Critical Area is 30.96. Lot 1 and the majority of lot 2 are unwooded as is the portion of Lot 3 in the Critical Area.

We do not oppose the subdivision provided the following issues are addressed.

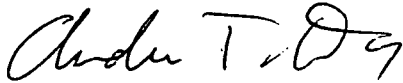
- 1) The plat notes must identify the party(ies) receiving the transfer.
- 2) If Lot 2 is developed, any forest impacts shall be mitigated according to County requirements. We recommend, to the extent possible, that any necessary forest mitigation be implemented in cleared portions of the applicant's property contiguous to the existing remaining cover as opposed to payment into the local fund. If there is less than 15% forest coverage on Lot 2, then afforestation shall be provided to achieve 15% coverage.
- 3) Impervious surfaces on Lot 2 shall not exceed 15% or disturb the Buffer without variances.
- 4) If additional development activities are proposed for Lot 1, then afforestation shall be provided to achieve 15% coverage.
- 5) Existing impervious surfaces should be calculated for Lot 1. Total impervious surfaces shall not exceed 114,998 square feet without a variance. Any additional development activities shall not disturb the 100-foot Buffer without a variance.

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

- 6) As per County ordinance, when agricultural lands within the Buffer are proposed to be converted to other uses, the Buffer shall be established to provide forest vegetation. Any cleared areas of the expanded or 100-foot Buffer must be planted with native forested species.
- 7) Any disturbance of the Lot 3 Critical Area for access to the remainder of Lot 3 must comply with the 15% impervious surface limitation and the 15% afforestation requirement.

Thank you for the opportunity to comment. If you have any questions, please contact me at (410) 260-3482.

Sincerely,



Andrew T. Der
Natural Resources Planner

cc: Regina Esslinger
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

March 29, 2001

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

Re: Keran, Richard, Local Case # 0093, CBCAC #180-01

Dear Mr. Dooley:

Thank you for forwarding the above-referenced variance application. The applicant is requesting variances for less setbacks to construct a dwelling in a wooded lot. The property is designated as LDA and entirely a nontidal wetland. Ms. Dissenderfer of your staff was very helpful in clarifying the project on the telephone and her time is appreciated. She explained that although a buffer setback variance was also requested in the documents, the nontidal wetland is not contiguous to the 100-foot Buffer; therefore, no disturbance to an expanded Buffer is proposed.

We do not oppose the variance provided that forest impacts are mitigated on a 3:1 basis and that the project complies with the Maryland Department of the Environment Wetlands and Waterways Program requirements.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance application. Please notify the Commission in writing of the Board's decision on this application. If you have any questions, please contact me at 410 260 3482.

Sincerely,

Andrew T. Der
Natural Resources Planner

cc: Mr. Gary Setzer, MDE
Ms. Regina Esslinger
File

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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

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

March 29, 2001

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

Re: Murphy, Mark, Local Case # 0090, CBCAC #178-01

Dear Mr. Dooley:

Thank you for forwarding the above-referenced variance application. The applicant is requesting a variance for less setbacks to construct a 10' x 16' shed associated with an existing residence. The property is designated as IDA.

Because impervious surfaces are not limited and there are no impacts to Habitat Protection Areas, we do not oppose the variance; however, the IDA 10% pollutant reduction requirement must be addressed. Usually, on lots of this size, plantings are 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 variance application. Please notify the Commission in writing of the Board's decision on this application. If you have any questions, please contact me at 410 260 3482.

Sincerely,

Andrew T. Der
Natural Resources Planner

cc: Ms. Regina Esslinger
File

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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

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

March 29, 2001

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

Re: Werner, Michael, Local Case # 0100, CBCAC #186-01

Dear Mr. Dooley:

Thank you for forwarding the above-referenced variance application. The applicant is requesting variances for reduced setbacks to enlarge an existing driveway. The property is designated as LDA. A two-story addition is proposed over a portion of the existing driveway. The portion of the driveway in excess of the addition will be removed. The remaining driveway will be enlarged resulting in a net disturbance increase of 69 square feet.

Because impervious surface limits are not exceeded and there are no impacts to Habitat Protection Areas, we do not oppose the variance. We recommend that the areas where impervious surface will be removed be revegetated with native species.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance application. Please notify the Commission in writing of the Board's decision on this application. If you have any questions, please contact me at 410 260 3482.

Sincerely,

Andrew T. Der
Natural Resources Planner

cc: Ms. Regina Esslinger
File

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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

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

March 29, 2001

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

Re: Hogart, Audry, Local Case # 0096, CBCAC #182-01

Dear Mr. Dooley:

Thank you for forwarding the above-referenced variance application. The applicant is requesting a variance for less setbacks and 100-foot Buffer to construct a home in place of the existing one as well as a driveway. The property is designated as IDA.

Because the entire property is constrained by the Buffer, we do not oppose the variance; however, the IDA 10% pollutant reduction requirement must be addressed. Usually, on lots of this size, plantings are sufficient to satisfy this requirement. Any disturbances to the Buffer should be mitigated on a 3:1 basis with native species, onsite if possible.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance application. Please notify the Commission in writing of the Board's decision on this application. If you have any questions, please contact me at 410 260 3482.

Sincerely,

Andrew T. Der
Natural Resources Planner

cc: Ms. Regina Esslinger
File

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

March 29, 2001

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

Re: Miklosovic, David, Local Case # 0098, CBCAC #184-01

Dear Mr. Dooley:

Thank you for forwarding the above-referenced variance application. The applicant is requesting a variance for less setbacks to construct an 11' x 12' shed associated with an existing residence. The property is designated as IDA.

Because impervious surfaces are not limited and there are no impacts to Habitat Protection Areas, we do not oppose the variance; however, the IDA 10% pollutant reduction requirement must be addressed. Usually, on lots of this size, plantings are 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 variance application. Please notify the Commission in writing of the Board's decision on this application. If you have any questions, please contact me at 410 260 3482.

Sincerely,

Andrew T. Der
Natural Resources Planner

cc: Ms. Regina Esslinger
File

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

March 23, 2001

Ms. Roxanna Whitt
Calvert County Department of Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

Re: Bradbury, Casper, Local Case # 01-2721, CBCAC #155-01

Dear Ms. Whitt:

Thank you for forwarding the above-referenced variance application. The applicant is requesting a variance to the 100-foot Buffer, and cliff setback to construct a porch and addition to an existing dwelling, garage and swimming pool. The property is designated as LDA.

We do not oppose the siting of the structures on the property; however, impacts to sensitive features must be minimized and the variance must be the minimum necessary to provide relief. As currently proposed, impacts do not appear to be minimized. We provide the following comments.

- 1) The proposed addition to the south appears to include another garage. If this is the case, then the proposed garage near the pool would be the third such structure and could be eliminated entirely since there is already a much larger detached garage on the property. If it will remain, the proposed detached garage should be relocated slightly to the southeast out of the cliff setback and the proposed attached garage eliminated. This would also allow the remaining proposed living space to be shifted more landward and reduce the encroachment into the cliff setback.
- 2) The swimming pool should be relocated landward out of the cliff setback.
- 3) The proposed porch should be reconfigured to eliminate disturbances to the 100-foot Buffer.
- 4) Mitigation should be provided for any disturbance to the Buffer and cliff setback on a 3:1 basis with native species, on-site if possible.
- 5) Any forest impacts should be mitigated according to county requirements, on-site if possible.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance application. Please notify the Commission in writing of the Board's decision on this application. If you have any questions, please contact me at 410 260 3482.

Sincerely,

A handwritten signature in cursive script that reads "Andrew T. Der".

Andrew T. Der
Natural Resources Planner

cc: Ms. Regina Esslinger
File

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

March 23, 2001

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

Re: Kauffman, Roy Local Case # 0059, CBCAC #118-01

Dear Mr. Dooley:

Thank you for forwarding the above-referenced variance application. The applicant is requesting a variance for less setbacks to replace an existing carriage house over the existing foundation. The property is designated as LDA. Thank you for taking the time to clarify the site conditions over the telephone. Even though the nontidal wetlands adjacent to the tidal wetlands appear to require expansion of the Buffer to include this area, the proposed activity is also outside of the expanded Buffer. You informed me that the variance is for locating an accessory structure on the front side of a residence. Because no habitat protection areas will be disturbed and no additional impervious surfaces are proposed; we do not oppose the variance.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance application. Please notify the Commission in writing of the Board's decision on this application. If you have any questions, please contact me at 410 260 3482.

Sincerely,

A handwritten signature in cursive script that reads "Andrew T. Der".

Andrew T. Der
Natural Resources Planner

cc: Ms. Regina Esslinger
File

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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

March 23, 2001

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

Re: Ward, Charles, Local Case # 0079, CBCAC #158-01

Dear Mr. Dooley:

Thank for forwarding the above-referenced variance application. The applicant is requesting a variance for less setbacks and 100' Buffer to replace a deteriorating deck over a brick surface to an existing dwelling. The new deck is proposed to be larger with a portion to be enclosed with screen and a roof. The property is designated as LDA. It appears that the new structure is proposed to extend approximately six feet into the Buffer beyond the existing deck.

We do not oppose the variance; however, we recommend that all Buffer disturbance be mitigated on a 3:1 basis with native species, on-site if possible. Deck construction should utilize hand placement of footers, gaps between surface planks and gravel underneath the deck. In this case the gravel should be placed in the area beyond the existing brick surface.

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. If you have any questions, please contact me at 410 260 3482.

Sincerely,

A handwritten signature in cursive script that reads "Andrew T. Der".

Andrew T. Der
Natural Resources Planner

cc: Ms. Regina Esslinger
File

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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

March 22, 2001

Ms. Roxanna Whitt
Calvert County Department of Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

Re: Murphy, Roger, Local Case # 01-2722, CBCAC #156-01

Dear Ms. Whitt:

Thank you for forwarding the above-referenced variance request for the construction of a shed and a wood privacy fence in the 100-foot Buffer. The property is designated LDA with a single-family dwelling.

The proposed shed is an accessory structure and not water dependent; therefore, we cannot support this variance request. Because the site plan appears show alternative locations for the shed behind or to the side of the home, the proposed disturbance appears to be avoidable and the shed should be relocated out of the Buffer. We do not oppose the fence provided that no grading or clearing occurs within the Buffer and the posts are hand placed.

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. If you have any questions, please contact me at 410 260 3482.

Sincerely,

A handwritten signature in cursive script that reads "Andrew T. Der".

Andrew T. Der
Natural Resources Planner

Cc: Regina Esslinger
File

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

March 22, 2001

Gail Owings
Kent County Department of Planning and Zoning
Kent County Government Center
400 High Street
Chestertown, MD 21620

Re: Olinick, Timothy, Local Case #01-29, CBCAC #170-01

Dear Ms. Owings:

Thank you for forwarding the above-referenced variance application. The applicant is requesting a variance to construct a dwelling in the 100-foot Buffer. The property is designated as LDA. Thank you for taking the time today for clarifying the project on the telephone. You explained that this request is a renewal of a previous variance request and that the application remains unchanged. Please accept our previous comments, enclosed, as current for this 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 variance application. Please notify the Commission in writing of the Board's decision on this application. If you have any questions, please contact me at 410 260 3482.

Sincerely,

Andrew T. Der
Natural Resources Planner

Enclosure

cc: Ms. Regina Esslinger
File

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

Ren Serey

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, 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

April 4, 1994

Kent County Board of Zoning Appeals
103 N. Cross Street
Court House
Chestertown, Maryland 21620

Re: Chomin variance

To Whom It May Concern:

I would like to comment on the above-referenced variance request for development within the Critical Area Buffer of Kent County. This office has no objection to the proposed dwelling because it appears to be sited as far from the shoreline of Mill Creek as possible, given the location of the septic reserve area. However, the Board should carefully consider the location of the proposed garage in light of the strict standards for a Buffer variance. If the Board grants either variance, it should require mitigation in the form of plantings of native species on a 3:1 areal basis for new impervious surfaces in the Buffer.

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

Sincerely,

Ren Serey, Chief
Project Evaluation Division

RS/lh

cc: ~~Elmer G...~~



Judge John 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

March 22, 2001

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

Re: Harrington, Richard, Local Case # 0088, CBCAC #161-01

Dear Mr. Dooley:

Thank you for forwarding the above-referenced variance application. The applicant is requesting a variance to permit an extension in the time required for a previous variance, 2000-0095-V. This is the second such variance request. While the current plan is not identical to the previous one, it appears to depict the same development activities.

We have no comment regarding the extension; however, please accept our previous comments, enclosed, as current for this application. We had, and continue to have, concerns about some project changes not accounted for in the last submittal. To date, our records indicate that the previously requested information was not provided regarding these changes and re-iterate our recommendation that the issue 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 application. Please notify the Commission in writing of the Board's decision on this application. If you have any questions, please contact me at 410 260 3482.

Sincerely,

Andrew T. Der
Natural Resources Planner

Enclosure

cc: Ms. Regina Esslinger
File

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

April 7, 2000

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

RE: Variance 2000-0095-V, Richard Harrington

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit an extension in the time required for the implementation and completion of a previously approved variance. The property is designated LDA and is currently undeveloped. The previously approved variance was to permit disturbance to steep slopes and the expanded Buffer.

This office has no comment on the extension of time request. However, we would like to point out that the plans provided with the application do not match those reviewed under the previous variance application. The stormwater management facility is shifted towards the water and it appears that the house has changed as well. This should be explained. Impacts should be minimized as much as possible.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: AA165-00

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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

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

March 22, 2001

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

Re: Hunt, Joseph, Local Case # 0069, CBCAC #134-01

Dear Mr. Dooley:

Thank you for forwarding the above-referenced variance application. The applicant is requesting variances for less setbacks and expanded Buffer and to disturb steep slopes to construct a dwelling and driveway on a grandfathered lot. The property is designated as LDA.

Since the majority of the property is constrained by steep slopes, we do not oppose the variance; however, we provide the following recommendations.

- 1) Reduction of the disturbance to the steepest slopes in the southern portion of the development site should be considered. Perhaps the entire project can be moved northward to lesser slopes and/or the driveway and garage design reconfigured to reduce the pavement disturbance. Positioning the garage door entrance to the front rather than the side would be another example.
- 2) Disturbance to the Buffer should be mitigated on a 3:1 basis and forest impacts outside the Buffer on a 1.5:1 basis.

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. If you have any questions, please contact me at 410 260 3482.

Sincerely,

Andrew T. Der
Natural Resources Planner

cc: Ms. Regina Esslinger
File

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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

March 21, 2001

Mr. Steve Dodd
Dorchester County Planning and Zoning Office
County Office Building
P. O. Box 107
Cambridge, MD 21613

Re: West, William, Local Case #2025, CBCAC #145-01

Dear Mr. Dodd:

Thank you for forwarding the above-referenced special exception request. The applicant is seeking approval of a special exception to intensify a home occupation for a sawmill operation on a 6.94-acre RCA lot. The home occupation is currently located in an existing accessory structure. Based on our telephone conversation and your conversation with Ms. Mary Owens, we understand that no new construction or new development activities are proposed at this time.

This office does not object to the approval of this special exception for the home occupation. The County has determined that this use meets the local definition of a home occupation; therefore, it may be located in the RCA. If the use expands or intensifies, growth allocation may 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 special exception application. Please notify the Commission in writing of the Board's decision on this application. If you have any questions, please contact me at 410 260 3482.

Sincerely,

A handwritten signature in cursive script that reads "Andrew T. Der".

Andrew T. Der
Natural Resources Planner

cc: Ms. Regina Esslinger
Ms. Mary Owens
File

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

March 21, 2001

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

Re: Feron, Lois, Local Case # 0056, CBCAC #117-01

Dear Mr. Dooley:

Thank you for forwarding the above-referenced variance application. The applicant is requesting variances for less expanded Buffer and to disturb steep slopes to construct a dwelling and driveway. The dwelling is proposed 15' from wetlands and the limits of disturbance come up to the wetlands. The property is designated as LDA.

We do not oppose the siting of a single family dwelling on the property; however, impacts to sensitive features must be minimized and the variance must be the minimum necessary to provide relief. As currently proposed, impacts do not appear to be minimized. The 100-foot Buffer impacts could be avoided by relocating the home landward near the cul-de-sac. A variance for the steep slope disturbance here would be required, but some of the structure would be out of the steep slope buffer, unlike the other location which is entirely within the 100-foot Buffer. Further, the home dimensions should be revised to narrow the 40' width and lengthen the 50' width to better fit this area and minimize disturbance to steep slopes.

Mitigation should be provided for any forest impacts on a 1:1 basis and, if there will be any disturbance to the Buffer, mitigation should be 3:1 with native species, on-site if possible.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance application. Please notify the Commission in writing of the Board's decision on this application. If you have any questions, please contact me at 410 260 3482.

Sincerely,

A handwritten signature in black ink that reads "Andrew T. Der".

Andrew T. Der
Natural Resources Planner

cc: Ms. Regina Esslinger
File

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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

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

March 21, 2001

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

Re: Ervin, Michael, Local Case # 0051, CBCAC #113-01

Dear Mr. Dooley:

Thank you for forwarding the above-referenced variance application. The applicant is requesting variance for less setbacks to replace a 12' x 15' detached garage with 32' x 20' foot garage to an existing dwelling. The property is designated as IDA.

Because impervious surfaces are not limited and there are no impacts to Habitat Protection Areas, we do not oppose the variance; however, the IDA 10% pollutant reduction requirement must be addressed. Usually, on lots of this size, plantings are 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 variance application. Please notify the Commission in writing of the Board's decision on this application. If you have any questions, please contact me at 410 260 3482.

Sincerely,

Andrew T. Der
Natural Resources Planner

cc: Ms. Regina Esslinger
File

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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

March 21, 2001

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

Re: Young, Charles, Local Case # 005, CBCAC #157-01

Dear Mr. Dooley:

Thank you for forwarding the above-referenced variance application. The applicant is requesting a variance for less setbacks to construct a pole barn. The property is designated as LDA.

We do not oppose the variance; however, we recommend that afforestation sufficient for 15% lot coverage be provided if the property is unwooded.

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. If you have any questions, please contact me at 410 260 3482.

Sincerely,

A handwritten signature in cursive script that reads "Andrew T. Der".

Andrew T. Der
Natural Resources Planner

cc: Ms. Regina Esslinger
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

March 21, 2001

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

Re: Larkin, Jeffrey, Local Case # 0081, CBCAC #159-01

Dear Mr. Dooley:

Thank you for forwarding the above-referenced variance application. The applicant is requesting variance for less setbacks to construct a porch to an existing dwelling. The property is designated as IDA.

Because impervious surfaces are not limited and there are no impacts to Habitat Protection Areas, we do not oppose the variance; however, the IDA 10% pollutant reduction requirement must be addressed. Usually, on lots of this size, plantings are 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 variance application. Please notify the Commission in writing of the Board's decision on this application. If you have any questions, please contact me at 410 260 3482.

Sincerely,

Andrew T. Der
Natural Resources Planner

cc: Ms. Regina Esslinger
File

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

March 21, 2001

Mr. Tony Di Giacomo
Cecil County Department of Planning, Zoning and Parks
129 East Main Street, Room 300
Elkton, MD 21921

Re: Cecil County Airpark Growth Allocation

Dear Mr. Di Giacomo:

The Critical Area Commission received Cecil County's application for Growth Allocation requesting 18 acres to be converted from RCA to IDA for the above-referenced development. In order for the Commission to process the application, the following additional information is needed.

- 1) When a property that is designated RCA is converted to IDA, the Critical Area Commission's Growth Allocation Policy requires that "New IDAs must be at least 20 acres in size unless:
 - 1) they are contiguous to an existing IDA or LDA; or
 - 2) grandfathered commercial, industrial or institutional uses existed as of the date of Local Program approval. The amount of growth allocation deducted shall be the equivalent to the area of the entire parcel or parcels subject to the growth allocation request."

This property does not appear to be contiguous to an existing IDA or LDA but may involve a grandfathered commercial use that existed as of the date of local Program approval. If this is the case, the entire parcel must be deducted, which would exceed the required 20 acres. Please clarify if this is the case.

- 2) It appears that the County is proposing to minimize the acreage of growth allocation used by applying it only to the portions of the site that are developed or the "development envelope". When the development envelope approach is used, the Critical Area Commission's Growth Allocation Policy states that "If a development envelope is proposed in the RCA and less than 20 acres remain outside of the envelope, then the entire parcel must be deducted." This Policy also states that "If there is a permanently protected Resource Conservation Area (for


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

example, protected by easement) adjacent and contiguous to the less-than-20-acre residue resulting in a minimum 20-acre residue, then the entire parcel does not have to be deducted.” It appears that the project as submitted does not comply with the provisions of the Commission’s Policy for growth allocation projects in the RCA and that the acreage to be deducted will need to be revised. Please determine the appropriate acreage to be deducted.

- 3) The application materials submitted do not include the County’s evaluation regarding the consistency of this project with the County’s Critical Area Program and Ordinances as well as the growth allocation provisions in the Critical Area Criteria. This evaluation should include a written assessment as to how the adjacency guidelines in COMAR 27.01.02.06 were considered. This information may be included in the staff reports prepared for the Planning Commission or County Commissioners. Please provide this additional information.
- 4) The submitted documentation does not clarify potential impacts, if any, to Forest Interior Dwelling Species (FIDS) habitat. Please provide this information.

Once we receive this information we will be pleased to accept the application as a complete submittal for a refinement and will process your request as soon as possible. Thank you for your cooperation. If you have any questions, please contact me at 410 260 3482.

Sincerely,



Andrew T. Der
Natural Resources Planner

cc: Rob Jones, FWA
Mary Owens
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

March 20, 2001

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

Re: Fechtig/Liechty, Local Case # 0073, CBCAC #137-01

Dear Mr. Dooley:

Thank you for forwarding the above-referenced variance application. The applicant is requesting variances for less setbacks and to disturb steep slopes to construct an addition, deck, garage and driveway to an existing dwelling. The property is designated as LDA.

We do not oppose the variance; however, we provide the following recommendations.

- 1) Any disturbance to forest vegetation should be mitigated on a 1:1 basis with native species, on-site if possible.
- 2) The area under the proposed deck should be stabilized with gravel and the footings hand-constructed.

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. If you have any questions, please contact me at 410 260 3482.

Sincerely,

Andrew T. Der
Natural Resources Planner

cc: Ms. Regina Esslinger
File

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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

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

March 20, 2001

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

Re: Reeder, Louis, Local Case # 0068, CBCAC #133-01

Dear Mr. Dooley:

Thank you for forwarding the above-referenced variance application. The application documents do not clearly depict existing and proposed conditions. Thank you for taking the time today to clarify the project on the telephone. You explained the applicant is requesting a variance for less setbacks to construct a new dwelling and driveway in place of an old one. The property is designated as LDA.

We do not oppose the variance; however, we recommend that 980 square feet of afforestation be provided with native species, on-site if possible.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance application. Please notify the Commission in writing of the Board's decision on this application. If you have any questions, please contact me at 410 260 3482.

Sincerely,

Andrew T. Der
Natural Resources Planner

cc: Ms. Regina Esslinger
File

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

March 16, 2001

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

Re: Hoyt, Robert, Local Case # 0039, CBCAC #93-01

Dear Mr. Dooley:

Thank you for forwarding the above-referenced variance application. The applicant is requesting variances for less setbacks and 100-foot Buffer and to disturb steep slopes to construct a 10' x 24' addition to an existing dwelling partially in the Buffer. The property is designated as LDA.

We do not oppose the variance; however, we recommend the area of Buffer disturbance be mitigated on a 3:1 basis with native species, on-site if possible.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance application. Please notify the Commission in writing of the Board's decision on this application. If you have any questions, please contact me at 410 260 3482.

Sincerely,

A handwritten signature in cursive script that reads "Andrew T. Der".

Andrew T. Der
Natural Resources Planner

cc: Ms. Regina Esslinger
File

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

March 16, 2001

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

Re: May, Danny, Local Case # 0063, CBCAC #116-01

Dear Mr. Dooley:

Thank you for forwarding the above-referenced variance application. The applicant is requesting variances for less setbacks, 100-foot Buffer and steep slopes to reconstruct an existing residence in place resulting in the addition of a garage, walkway and stoop, a six foot increase in the dimension of the home on the east side, a two foot increase waterward of the deck, the temporary ground disturbance for a water supply system and the removal of an existing deck on the west side of the home. No trees will be cleared and impervious surface limits will not be exceeded. The property is designated as LDA and is in a Buffer Exemption Area.

Because this is the redevelopment of a grandfathered lot with minimal new waterward expansion, we do not oppose the variance; however, we make the following recommendations.

- 1) The area of temporary disturbance should be revegetated as soon as possible.
- 2) The area under the deck should be stabilized with gravel.
- 3) The 2-foot deck encroachment should be eliminated for consistency with the County's BEA policy. Otherwise, any net increase in permanent disturbance to the 100' Buffer should be determined in square feet and offset with 3:1 in-kind mitigation, on-site if possible.
- 4) If no Buffer encroachment occurs, then 2:1 mitigation should be provided.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance application. Please notify the Commission in writing of the Board's decision on this application. If you have any questions, please contact me at 410 260 3482.

Sincerely,

A handwritten signature in cursive script, appearing to read "Andrew T. Der".

Andrew T. Der
Natural Resources Planner

cc: Ms. Regina Esslinger
File

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

March 16, 2001

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

Re: Cohen, Joy, Local Case # 0041, CBCAC #111-01

Dear Mr. Dooley:

Thank you for forwarding the above-referenced variance application. The applicant is requesting variances to construct an 11' x 30' deck to an existing dwelling with reduced setbacks and 100' Buffer. The property is designated as LDA. Currently there is a concrete stoop and steps in the area, which will be left in place. The applicant's letter references a "freestanding" deck. We assume that the deck shown in the diagram abutting the front of the home is the one referenced.

We do not oppose the variance; however, we provide the following recommendations.

- 1) Deck construction should utilize hand placement of footers, gaps between surface planks and gravel underneath the deck.
- 2) The amount of deck encroachment and area of disturbance beyond that of the stoop and stairs needs to be determined. Mitigation with native Buffer plantings should be provided on a 3:1 basis, onsite if possible.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance application. Please notify the Commission in writing of the Board's decision on this application. If you have any questions, please contact me at 410 260 3482.

Sincerely,

A handwritten signature in cursive script that reads "Andrew T. Der".

Andrew T. Der
Natural Resources Planner

cc: Ms. Regina Esslinger
File

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

March 16, 2001

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

Re: Eisenhart, Earl, Local Case # 0045, CBCAC #96-01

Dear Mr. Dooley:

Thank you for forwarding the above-referenced variance application. The applicant is requesting variances for less setbacks, expanded Buffer and disturbance of steep slopes to reconstruct an existing residence. The property is designated as LDA.

Because the applicant is proposing the redevelopment of a grandfathered lot and the new dwelling will be slightly farther out of the expanded Buffer, we do not oppose the variance; however, we make the following recommendations.

- 1) Should any net increase in Buffer impacts occur, the disturbance should be mitigated on a 3:1 basis with native species, on site if possible.
- 2) The area under the proposed deck should be stabilized with gravel and the footings hand-constructed.
- 3) Afforestation should be provided to achieve 15% of lot coverage.

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. If you have any questions, please contact me at 410 260 3482.

Sincerely,

Andrew T. Der
Natural Resources Planner

cc: Ms. Regina Esslinger
File

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

March 16, 2001

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

Re: Schmidt, Doreen, Local Case # 0052, CBCAC #114-01

Dear Mr. Dooley:

Thank you for forwarding the above-referenced variance application. The applicant is requesting variances to construct a 16' x 24' deck to an existing dwelling with reduced setbacks and 100-foot Buffer. The property is designated as LDA.

We do not oppose the variance; however, we provide the following recommendations.

- 1) Deck construction should utilize hand placement of footers, gaps between surface planks and gravel underneath the deck.
- 2) Consideration should be given to achieving the desired surface area by reducing the 24' encroachment and increasing the 16' width.
- 3) The Buffer disturbance should be mitigated on a 3:1 basis with native species, on-site if possible.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance application. Please notify the Commission in writing of the Board's decision on this application. If you have any questions, please contact me at 410 260 3482.

Sincerely,

Andrew T. Der
Natural Resources Planner

cc: Ms. Regina Esslinger
File

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

March 16, 2001

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

Re: Nye, John, Local Case # 0049, CBCAC #100-01

Dear Mr. Dooley:

Thank you for forwarding the above-referenced variance application. The applicant is requesting variances to construct a dwelling partially in the 100-foot Buffer waterward of an existing foundation to be removed. The property is designated as LDA.

Although the removal of the existing foundation will offset the proposed disturbance, we oppose the variance since it appears that Buffer impacts have not been fully minimized. Alternative locations outside the Buffer should be explored before a Buffer variance is granted. The residence could be built on Lot 181 out of the Buffer.

If the variance is approved, we recommend that Buffer impacts be mitigated on a 3:1 basis with native species, onsite if possible.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance application. Please notify the Commission in writing of the Board's decision on this application. If you have any questions, please contact me at 410 260 3482.

Sincerely,

Andrew T. Der
Natural Resources Planner

cc: Ms. Regina Esslinger
File

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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

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

March 16, 2001

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

Re: Chapplelear, Scott, Local Case # 0042, CBCAC #95-01

Dear Mr. Dooley:

Thank you for forwarding the above-referenced variance application. The applicant is requesting variances for less setbacks and 100-foot Buffer to construct a dwelling partially in the Buffer. The property is designated as IDA.

Since the majority of the property is constrained by the Buffer, we do not oppose the variance; however, we make the following recommendations.

- 1) Consideration should be given to variances of the two adjacent 10' setback limits on either side to allow possible widening of the North-South dimension and narrowing of the East-West dimension to reduce Buffer encroachment.
- 2) The area of Buffer disturbance should be mitigated on a 3:1 basis with native species, on-site if possible.
- 3) The area under the proposed deck should be stabilized with gravel and the footings hand-constructed.

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. If you have any questions, please contact me at 410 260 3482.

Sincerely,

Andrew T. Der
Natural Resources Planner

cc: Ms. Regina Esslinger
File

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

March 16, 2001

Mr. Robert Mathews, Town Administrator
Town of Port Deposit
P. O. Box 95
Port Deposit, MD 21904

Re: Tomes Landing Dry Stack Storage Buildings, CBCAC #432-98

Dear Mr. Mathews:

In response to inquiries from local residents, this office made an onsite evaluation of the above-referenced project, reviewed by the Commission in April of 2000. In order to address the Commission's concerns, the project needed to comply with the stormwater management 10% Rule requirement. Part of that requirement includes the planting of vegetation on the site as a best management practice.

During our visit, we observed the entire area around the building devoid of any vegetation. We recommend the applicant vegetatively stabilize this area as soon as possible. This will not only minimize sediment runoff from the shoreward portion of the site in general, but will provide attenuation and filtration of the roof runoff conveyed landward toward the railroad tracks. A planting plan should be submitted to the City and the Commission for review and approval.

Thank you for your cooperation. If you have any questions, please contact me at 410 260 3482.

Sincerely

Andrew T. Der
Natural Resources Planner

cc: Ms. Regina Esslinger
Ms. MaryAnn Skilling

Branch 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

March 16, 2001

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

Re: Dayton, Mitchell, Local Case # 0060, CBCAC #119-01

Dear Mr. Dooley:

Thank for forwarding the above-referenced variance application. The applicant is requesting a variance to construct an enclosed addition over an existing patio with reduced setbacks. The property is designated as LDA.

Since no disturbances to Habitat Protection Areas or additional impervious surfaces are proposed, we do not oppose the variance.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance application. Please notify the Commission in writing of the Board's decision on this application. If you have any questions, please contact me at 410 260 3482.

Sincerely,

Andrew T. Der
Natural Resources Planner

cc: Ms. Regina Esslinger
File

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



Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

March 16, 2001

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

Re: Obici, Scott, Local Case # 0050, CBCAC #112-01

Dear Mr. Dooley:

Thank you for forwarding the above-referenced variance application. The applicant is requesting variances for less setbacks to reconstruct an existing dwelling resulting in the additional disturbance of 1,500 square feet. The property is designated as LDA and is in a Buffer Exemption Area.

We do not oppose the variance; however, we make the following recommendations.

- 1) Any areas of temporary disturbance should be revegetated as soon as possible.
- 2) Any impacts to forest habitat should be mitigated according to County requirements.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance application. Please notify the Commission in writing of the Board's decision on this application. If you have any questions, please contact me at 410 260 3482.

Sincerely,

A handwritten signature in cursive script that reads "Andrew T. Der".

Andrew T. Der
Natural Resources Planner

cc: Ms. Regina Esslinger
File

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

March 13, 2001

Mr. Steve Dodd
Dorchester County Planning and Zoning Office
County Office Building
P. O. Box 107
Cambridge, MD 21613

Re: Beeker, Local Case #2027, CBCAC #146-01

Dear Mr. Dodd:

Thank you for forwarding the above-referenced variance request. The grandfathered 2.75-acre property is designated LDA with an existing foundation partially in the 100' Buffer. Ms. Merris Hurley of your office was very helpful in clarifying the project and her time is appreciated. Ms. Hurley informed me the applicant is constructing a dwelling with an area in excess of the existing foundation and requesting a variance to intrude seven feet into the buffer at one corner of the structure in the landward direction.

We do not oppose this variance; however, we recommend that the area of impact in square feet be determined and 3:1 mitigation be provided in the Buffer with native vegetation.

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. If you have any questions, please contact me at 410 260 3482.

Sincerely,

Andrew T. Der
Natural Resources Planner

cc: Ms. Regina Esslinger
File

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

March 12, 2001

Karen Houtman
Dorchester County Planning and Zoning Office
County Office Building
P. O. Box 107
Cambridge, MD 21613

Re: Comprehensive Review Changes

Dear Ms. Houtman:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on Dorchester County's Comprehensive Review. At its meeting on February 7, 2001, the Commission evaluated the revisions to the County Program and reviewed the designation of four new Buffer Exemption Areas. The Commission approved all of the changes to the Program and Maps.

Pursuant to Natural Resources Article 8-1809(o)(2), Annotated Code of Maryland, as amended, Dorchester County shall make the necessary changes to the County's Program and Critical Area maps within 120 days of receipt of this letter. If you have any questions, please contact me at (410) 260-3482.

Sincerely,

Andrew T. Der
Natural Resources Planner

cc: 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

March 12, 2001

Mr. Steve Dodd
Dorchester County Planning and Zoning Office
County Office Building
P. O. Box 107
Cambridge, MD 21613

Re: Newland, Dorothy, Local Case #963, CBCAC #104-01

Dear Mr. Dodd:

Thank you for forwarding the above-referenced intra-family transfer subdivision request for our review. The applicant proposes to subdivide a 9.37-acre lot in a RCA into a 6.31 acre lot and a 3.06 acre lot. The lots will be for two existing dwellings constructed prior to the Critical Area law.

We do not object to the subdivision provided that:

- 1) Total impervious surfaces for Lot 1 shall not exceed 19,994 square feet without a variance.
- 2) Total impervious surfaces for Lot 2 shall not exceed 41,230 square feet without a variance.

Thank you for the opportunity to comment. If you have any questions, please contact me at (410) 260-3482.

Sincerely,

Andrew T. Der
Natural Resources Planner

cc: Ms. Regina Esslinger
File

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



Judge John C. North, II
Chairman


Ren Serey
Executive Director

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

Memorandum

Date: March 9, 2001

To: James W. Price, Director
Program Open Space

From: Andrew Der 

Re: DNR Clearinghouse Review of Local POS Project #3889-7-164
Charlestown Athletic Complex and Parking Lot, Cecil County

We have received and reviewed the above-referenced project. The attached plan provides insufficient information for us to provide conclusive recommendations; however, we anticipate the following items will likely need to be considered or addressed.

- 1) Development activities in the Critical Area are prohibited on slopes of 15% or greater.
- 2) Impervious surfaces need to be limited to 15% of the site.
- 3) Stormwater quality management must be provided for impervious surfaces.
- 4) Any forest impacts require a minimum of 1:1 mitigation. For clearing of 20% to 30% of site, the ratio is 1.5:1 and for clearing of 30% or greater the ratio is 3:1.
- 5) The Town will need to obtain certification from the appropriate local planning agency that the proposed actions are consistent with the local Critical Area Program. This local certification request, along with a description of the proposed development, will need to be submitted to our office for concurrence.

Thank you for the opportunity to comment. If you have any questions, please contact me at x3482.

cc: Ms. Regina Esslinger
Ms. MaryAnn Skilling
Mr. Stanley Hearne

Branch 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

Date: March 9, 2001
To: James W. Price, Director
Program Open Space
From: Andrew Der A.D.
Re: DNR Clearinghouse Review of Local POS Project #3872-14-50
Total Park Development, Kent County

We have received and reviewed the above-referenced project. The attached plan provides insufficient information for us to provide conclusive comments; however, we anticipate the following items will likely need to be considered or addressed.

- 1) A 100' foot Critical Area Buffer needs to be provided landward of mean high water or the edge of tidal wetlands. The buffer may have to be expanded to include steep slopes, nontidal wetlands or highly erodible soils. Activities in the Buffer must only be limited to water-dependent activities, which include access and piers. Structures such as parking and restrooms should be located outside of the Buffer.
- 2) Development activities in the Critical Area are prohibited on slopes of 15% or greater.
- 3) Impervious surfaces need to be limited to 15% of the site.
- 4) Stormwater quality management must be provided for impervious surfaces.
- 5) The site must be evaluated for unique habitats, such as FIDS habitat, and rare, threatened and endangered species.
- 6) Any forest impacts require a minimum of 1:1 mitigation. For clearing of 20% to 30% of site, the ratio is 1.5:1 and for clearing of 30% or greater the ratio is 3:1.
- 7) The County will need to obtain certification from the appropriate local planning agency that the proposed actions are consistent with the local Critical Area Program. This local certification request, along with a description of the proposed development, will need to be submitted to our office for concurrence.

Thank you for the opportunity to comment. If you have any questions, please contact me at x3482.

cc: Ms. Regina Esslinger
Ms. Gail Owings

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





Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

March 8, 2001

Mr. Steve Dodd
Dorchester County Planning and Zoning Office
County Office Building
P. O. Box 107
Cambridge, MD 21613

Re: Allen, Robert, Local Case #962, CBCAC #101-01

Dear Mr. Dodd:

Thank you for forwarding the above-referenced subdivision request for our review. The applicant proposes to subdivide an 8.14-acre lot from an existing 55.38-acre parcel designated as RCA. I appreciate your efforts to clear up some issues over the telephone regarding this subdivision. You informed this office that the subdivision is not an intra-family transfer.

We provide the following preliminary comments.

- 1) The site plan is somewhat confusing in that the area designated as Parcel 1 in the Total Outline diagram seems to show two parcels, "Parcel First" and "Parcel Third". Parcel First contains the existing dwelling. Parcel Third shows a septic reserve area. Whether or not Parcel Third is a proposed or existing lot is unclear. The creation of Lot 1 would appear to result in a total of three potential lots in an area less than 60 acres. This would exceed the statutory density limit of one dwelling unit per 20 acres for development in an RCA. If three dwellings are proposed, then the applicant must obtain a growth allocation.
- 2) If Parcel Third is not to be a lot then it should be so recorded and noted on the plan. The intended use of this Parcel needs to be clarified.
- 3) According to the plan, tidal wetlands are included within the property boundaries. These wetlands need to be identified as State or private. If they are State wetlands, they cannot be included in Critical Area acreage in which case the acreage of the site must be corrected to exclude these areas.

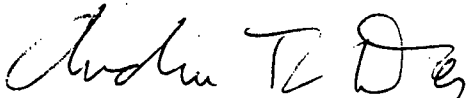
Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

- 4) If this is the case, then the amount of allowable impervious surface for Lot 1 may also have to be revised based on the subtraction of State tidal wetlands, if any.
- 5) Has the Maryland Department of Natural Resources Heritage and Biodiversity Program reviewed this subdivision? If not, or if the review was done over two years ago, it must be conducted before any approvals are granted.
- 6) The 11.86-acre reserve area should be shown on the larger site plan so its location can be accurately determined.
- 7) If the site is currently farmed, a full forested Buffer must be established on Lot 1 as per County ordinance.

Once the additional information is provided, we will be pleased to provide a conclusive recommendation as soon as possible. If you think an onsite meeting would be constructive, please contact me to arrange a time.

Thank you for the opportunity to comment. If you have any questions, please contact me at (410) 260-3482.

Sincerely,



Andrew T. Der
Natural Resources Planner

cc: Regina Esslinger
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

March 6, 2001

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

Re: Seisler, Randy, Local Case # 0031, CBCAC #86-01

Dear Mr. Dooley:

Thank for forwarding the above-referenced variance application. The applicant is requesting variances to construct a deck and an attached storage shed to an existing dwelling with disturbance to steep slopes and reduced setbacks. The property is designated as LDA.

The construction of the residence itself was originally reviewed under local case #1999-0283, CBCAC #382-99 and granted a variance in 1999. We had provided comments July 26, 1999 (attached). The 1999 application was to have been for the minimum amount of impact required for relief. It appears that not only were impacts not minimized as per our previous recommendations, but that, based on the current submitted site plan, the dimensions of the existing residence and driveway exceed what was applied for in 1999. For this reason, we oppose the variance.

If the variance is approved, we recommend the following conditions.

- 1) Development activities should be limited to deck construction utilizing only hand placement of footers, gaps between surface planks and gravel underneath the deck.
- 2) Mitigation shall be provided to offset any construction disturbance to forest vegetation as per County 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 application. Please notify the Commission in writing of the Board's decision on this application. If you have any questions, please contact me at 410 260 3482.

Sincerely,

Andrew T. Der
Natural Resources Planner

Attachment

cc: Ms. Regina Esslinger
File

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



John C. North, II
Chairman



Ren Serev
Executive Director

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

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

July 26, 1999

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

RE: Variance 1999-0283-V, Steve Washington

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling with disturbance to steep slopes in the Critical Area. The property is designated LDA and is currently undeveloped.

Provided this lot is properly grandfathered, this office does not oppose the siting of a single family dwelling on it. Siting of such a dwelling should minimize impacts to steep slopes. From the site plan provided, it appears that the lot is constrained by steep slopes over much of its area. However, it does appear that the house could be moved closer to the road and the driveway could be reduced in length and width. Due to the steepness of this lot, it is recommended that some stormwater management be provided on site and that strict erosion control measures be used during construction. Mitigation for clearing should be provided in accordance with the County Zoning Ordinance.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: AA382-99

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

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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

Memorandum

To: James W. Price, Director
Program Open Space

From: Andrew Der *AD*

Re: DNR Clearinghouse Review of Local POS Project #3864-7-163
Elk River Park Development, Phase II, Cecil County

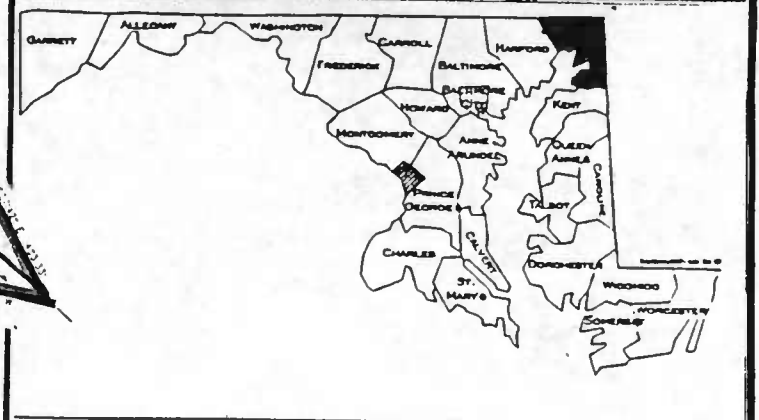
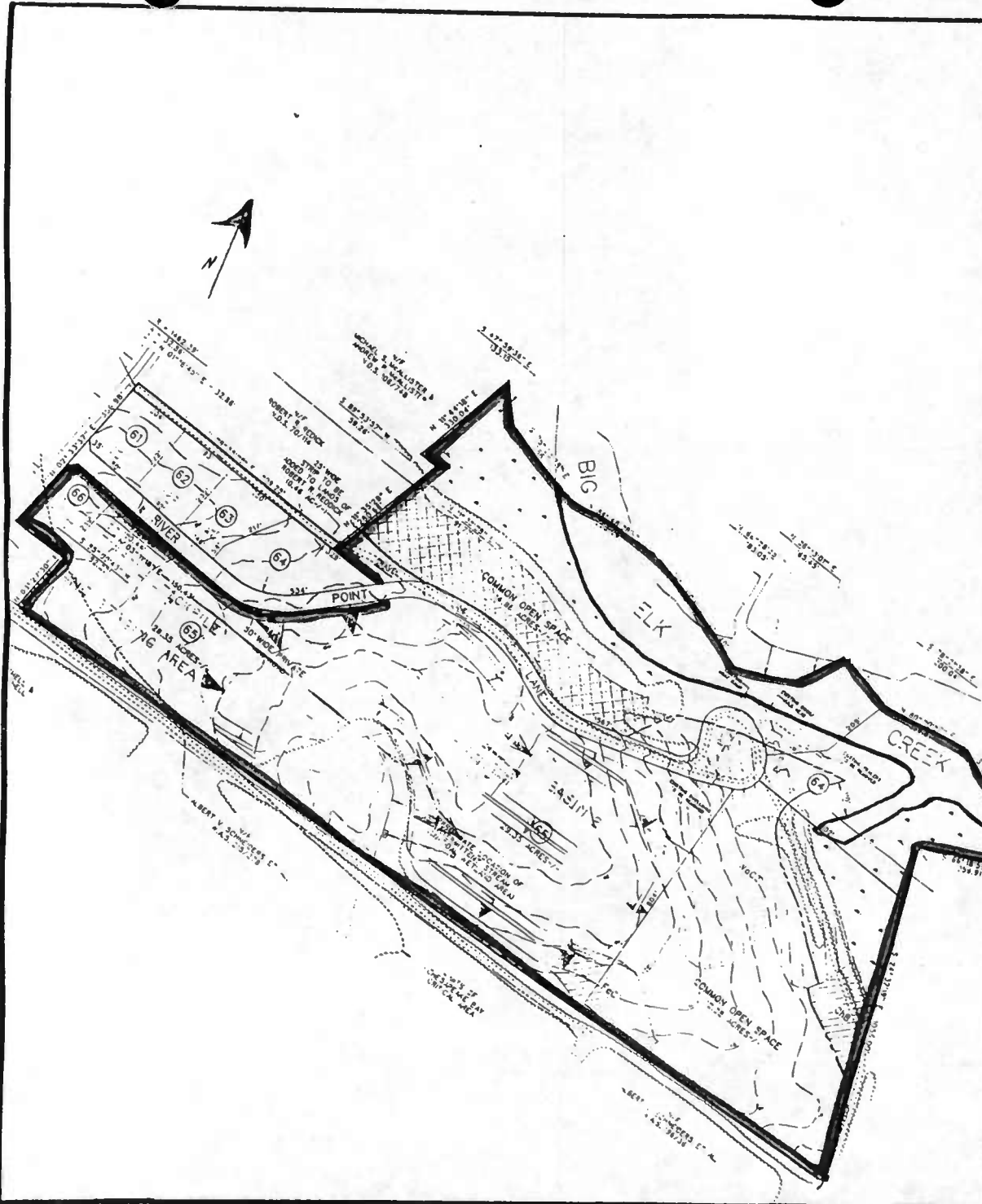
We have received and reviewed the above-referenced project. The attached plan provides insufficient information for us to provide conclusive recommendations; however, we anticipate the following items will likely need to be considered or addressed.

- 1) A 100' foot Critical Area Buffer needs to be provided landward of mean high water or the edge of tidal wetlands. The buffer may have to be expanded to include steep slopes, nontidal wetlands or highly erodible soils. Activities in the Buffer must only be limited to water-dependent activities, which include access and piers. Structures such as parking and restrooms should be located outside of the Buffer.
- 2) Development activities in the Critical Area are prohibited on slopes of 15% or greater.
- 3) Impervious surfaces need to be limited to 15% of the site.
- 4) Stormwater quality management must be provided for impervious surfaces.
- 5) The site must be evaluated for unique habitats, such as FIDS habitat, and rare, threatened and endangered species.
- 6) Any forest impacts require a minimum of 1:1 mitigation. For clearing of 20% to 30% of site, the ratio is 1.5:1 and for clearing of 30% or greater the ratio is 3:1.
- 7) We will coordinate shore erosion control activities with MDE. New bulkhead construction is generally discouraged if nonstructural alternatives exist.
- 8) Critical Area Commission approval is required for all new development on State lands. The Commission meets the first Wednesday of each month.

We suggest a pre-application meeting to discuss and address any of these issues to facilitate the planning process. Thank you for the opportunity to comment. If you have any questions, please contact me at x3482.

cc: Regina Esslinger

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



Program Open Space - Local Share

Project: Cecil County

Applicant: Elk River Park Development - Phase II



Judge John 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

February 27, 2001

Ms. Gail Owings
Kent County Department of Planning and Zoning
Kent County Government Center
400 High Street
Chestertown, MD 21620

Re: Revie, Richard Subdivision, Local Case #01-16, CBCAC #89-01

Dear Ms. Owings:

Thank you for the above-referenced request to subdivide two existing undeveloped lots into two new reconfigured lots totaling 6.83 acres in a LDA. Lot 1 appears predominantly wooded with a 100' Buffer and Lot 2 appears predominantly unwooded.

We have do not oppose this subdivision provided that the following issues are addressed.

- 1) Any potential purchasers of the lots should be made aware of the applicable Critical Area requirements including the 100' Buffer restrictions for Lot 1.
- 2) If the lots are developed, mitigation shall be provided as per County ordinance for any impacts to forested areas. Afforestation shall be provided sufficient to achieve 15% coverage of lot area.
- 3) If the lots are developed, total impervious surfaces shall not exceed 16,335 square feet for Lot 2 and 28,371 square feet for Lot 1 without a variance.
- 4) Adequate water quality management practices shall be provided for any runoff associated with newly constructed impervious surfaces.

Thank you for the opportunity to comment. If you have any questions, please contact me at 410 260 3482.

Sincerely,

Andrew T. Der
Natural Resources Planner

cc: Ms. Regina Esslinger
File

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

February 27, 2001

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

Re: Hale, Dan, Local Case # 0036, CBCAC #87-01

Dear Mr. Dooley:

Thank for forwarding the above-referenced variance application. The applicant is requesting a variance to construct a dwelling with disturbance to steep slopes and reduced setbacks. The property appears to be wooded and is designated as LDA.

Based on the documentation provided, we oppose this variance for the following reasons.

- 1) The lot and disturbance areas provided do not appear consistent with the site plan. The documents state that proposed disturbed area is 12,000 square feet and total woodland onsite is 10,000 square feet but proposed woodland clearing is given as 3,600 square feet. Further, the 12,000 square foot disturbance amount, as well as the scale of the dwelling as drawn on the plan, clearly exceed the stated amount of woodland clearing.
- 2) Since the forest impacts appear to exceed 30% based on the site plan, 3:1 mitigation is required. A mitigation plan should also be provided.
- 3) The request does not appear to be the minimum necessary to provide relief, as there may be opportunities to reduce impacts; therefore, the request for disturbance of steep slopes is unjustified. Since the plan appears to show the least slope toward the middle of the lot, we recommend the applicant consider modifying the home design to minimize the North-South dimension and maximize the East-West dimension. Perhaps a setback variance could be considered at the rear of the lot where there appears to be the most space and least slopes.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance application. Please notify the Commission in writing of the Board's decision on this application. If you have any questions, please contact me at 410 260 3482.

Sincerely,

Andrew T. Der
Natural Resources Planner

Cc: Regina Esslinger
File

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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

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

February 27, 2001

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

Re: Hale, Dan, Local Case # 0036, CBCAC #87-01

Dear Mr. Dooley:

Thank for forwarding the above-referenced variance application. The applicant is requesting a variance to construct a dwelling with disturbance to steep slopes and reduced setbacks. The property appears to be wooded and is designated as LDA.

Based on the documentation provided, we oppose this variance for the following reasons.

- 1) The lot and disturbance areas provided do not appear consistent with the site plan. The documents state that proposed disturbed area is 12,000 square feet and total woodland onsite is 10,000 square feet but proposed woodland clearing is given as 3,600 square feet. Further, the 12,000 square foot disturbance amount, as well as the scale of the dwelling as drawn on the plan, clearly exceed the stated amount of woodland clearing.
- 2) Since the forest impacts appear to exceed 30% based on the site plan, 3:1 mitigation is required. A mitigation plan should also be provided.
- 3) The request does not appear to be the minimum necessary to provide relief, as there may be opportunities to reduce impacts; therefore, the request for disturbance of steep slopes is unjustified. Since the plan appears to show the least slope toward the middle of the lot, we recommend the applicant consider modifying the home design to minimize the North-South dimension and maximize the East-West dimension. Perhaps a setback variance could be considered at the rear of the lot where there appears to be the most space and least slopes.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance application. Please notify the Commission in writing of the Board's decision on this application. If you have any questions, please contact me at 410 260 3482.

Sincerely,

Andrew T. Der
Natural Resources Planner

Cc: Regina Esslinger
File

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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

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

February 26, 2001

Ms. Roxanna Whitt
Calvert County Department of Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

Re: Uher, Evva, Local Case #0-2706, CBCAC #91-01

Dear Ms. Whitt:

Thank you for forwarding the above-referenced variance request. The applicant is requesting a variance for the construction of a single family dwelling and septic system partially in the 100-foot Buffer. Thank you for clearing up some issues on the phone today. You informed me that the 0.34 acre property is grandfathered, actually designated LDA and partially wooded. You also informed me that the total existing impervious surface figure of 2,382 square feet includes the existing shed but not the pathway because it is slotted boardwalk and hand place stone, nor the deck because it is slotted planking.

Since the applicant's property is severely constrained by the location of the 100' Buffer, we do not oppose this variance; however, we provide the following recommendations.

- 1) To the extent practicable, the residence should be sited landward. Perhaps a variance of the front yard setback near Buoy Court could be considered.
- 2) To the extent that soils allow, consideration should be given to relocating the septic area to the East side of the residence if that would lessen the constraints upon the area out of the Buffer.
- 3) The entire septic area should not be cleared if possible. Limits of disturbance should be limited to only that area required for the septic tank and drain field.
- 4) To the extent possible, forest vegetation should be replanted in areas disturbed for septic system construction.
- 5) Impervious surfaces should not exceed 4,588 square feet without a variance.
- 6) Forest clearing should be limited to no more than 30% of the lot and all forest cleared shall be replanted in accordance with the County Zoning Ordinance.
- 7) Any Buffer disturbance should be mitigated onsite by 3:1 reforestation with native species.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance application. Please notify the Commission in writing of the Board's decision on this application. If you have any questions, please contact me at 410 260 3482.

Sincerely,

Andrew T. Der
Natural Resources Planner

cc: Ms. Regina Esslinger
File

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

February 26, 2001

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

Re: Morrow, Christine, Local Case # 0030, CBCAC #85-01

Dear Mr. Dooley:

Thank for forwarding the above-referenced variance application. The applicant is requesting a variance to construct a deck and front porch to an existing dwelling with disturbance to steep slopes and reduced setbacks. The property is designated as LDA.

We do not oppose the variance; however, we recommend the following issues be addressed.

- 1) Construction and placement of footings and support posts should be done by hand to reduce impacts from heavy equipment access.
- 2) If the proposed construction impacts forest habitat, then 1:1 mitigation should be provided as per County ordinance.
- 3) Afforestation shall be provided sufficient to achieve 15% coverage of lot area if not already present.

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. If you have any questions, please contact me at 410 260 3482.

Sincerely,

Andrew T. Der
Natural Resources Planner

cc: Ms. Regina Esslinger
File

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

February 26, 2001

Ms. Roxanna Whitt
Calvert County Department of Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

Re: Uher, Evva, Local Case #0-2706, CBCAC #91-01

Dear Ms. Whitt:

Thank you for forwarding the above-referenced variance request. The applicant is requesting a variance for the construction of a single family dwelling and septic system partially in the 100-foot Buffer. Thank you for clearing up some issues on the phone today. You informed me that the 0.34 acre property is grandfathered, actually designated LDA and partially wooded. You also informed me that the total existing impervious surface figure of 2,382 square feet includes the existing shed but not the pathway because it is slotted boardwalk and hand place stone, nor the deck because it is slotted planking.

Since the applicant's property is severely constrained by the location of the 100' Buffer, we do not oppose this variance; however, we provide the following recommendations.

- 1) To the extent practicable, the residence should be sited landward. Perhaps a variance of the front yard setback near Buoy Court could be considered.
- 2) To the extent that soils allow, consideration should be given to relocating the septic area to the East side of the residence if that would lessen the constraints upon the area out of the Buffer.
- 3) The entire septic area should not be cleared if possible. Limits of disturbance should be limited to only that area required for the septic tank and drain field.
- 4) To the extent possible, forest vegetation should be replanted in areas disturbed for septic system construction.
- 5) Impervious surfaces should not exceed 4,588 square feet without a variance.
- 6) Forest clearing should be limited to no more than 30% of the lot and all forest cleared shall be replanted in accordance with the County Zoning Ordinance.
- 7) Any Buffer disturbance should be mitigated onsite by 3:1 reforestation with native species.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance application. Please notify the Commission in writing of the Board's decision on this application. If you have any questions, please contact me at 410 260 3482.

Sincerely,

Andrew T. Der
Natural Resources Planner

cc: Ms. Regina Esslinger
File

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

February 16, 2001

Mr. Steve Dodd
Dorchester County Planning and Zoning Office
County Office Building
P. O. Box 107
Cambridge, MD 21613

Re: Wroten, Dorothy, Local Case #2021, CBCAC #76-01

Dear Mr. Dodd:

Thank you for forwarding the above-referenced special exception request. The applicant proposes to construct a garage near an existing residence on a 35 acre property designated RCA. The garage is being constructed in order to accommodate a home occupation for small engine repair and the sale of related parts. The County has determined that this use meets the local definition of a home occupation; therefore, it may be located in the RCA. If the use expands or intensifies, growth allocation may be required.

The forwarded application materials do not sufficiently depict existing and proposed conditions for this office to provide conclusive comments. Based on our telephone conversation and the sketch plan submitted, it appears the site is not forested and is not located in the 100-foot Buffer. In light of this information, we do not object to this project provided the appropriate amount of afforestation is provided for any areas determined to be part of the development 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 special exception application. Please notify the Commission in writing of the Board's decision on this application. If you have any questions, please contact me at 410 260 3482.

Sincerely,

Andrew T. Der
Natural Resources Planner

Cc: Regina Esslinger
File

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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

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

February 16, 2001

Mr. Steve Dodd
Dorchester County Planning and Zoning Office
County Office Building
P. O. Box 107
Cambridge, MD 21613

Re: Kerr, John, Local Case #2020, CBCAC #75-01

Dear Mr. Dodd:

Thank you for requesting comments on the above-referenced special exception request. The applicant is proposing to place several trailers and construct access roads for hunting purposes on an eight acre property designated RCA. The forwarded application materials do not sufficiently depict existing and proposed conditions for this office to provide conclusive comments. As per our telephone conversation, we recommend the applicant provide a site plan or drawing of the property and proposed activities in order for this office to provide complete comments. The following information should be included:

1. It is not clear from the information submitted whether the trailers are actual dwellings or outbuildings. Because the residential density within the RCA is one dwelling unit per 20 acres, only one dwelling unit (or trailer meeting the definition of a dwelling unit) would be permitted on this site, assuming that it is a grandfathered lot.
2. It is not clear whether the proposed use of the property for hunting is for private or commercial purposes. Growth allocation may be required depending on the type of use proposed.
3. The drawing should depict actual property boundaries and show the location of the Critical Area boundary.
4. The plan should include the location of streams, slopes 15% or greater, the 100-foot Buffer and expanded Buffer, if applicable.
5. The plan should show areas of existing forest and developed woodland.

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

6. The plan should show any habitat protection areas, and should be submitted for comment to the Maryland Department of Natural Resources, Heritage and Biodiversity Program for information regarding rare, threatened or endangered species.
7. The plan must show proposed conditions including areas of proposed disturbance, areas of forest clearing and total limits of disturbance for structures, parking and access.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this special exception application. Please notify the Commission in writing of the Board's decision on this application. If you have any questions, please contact me at (410) 260-3482.

Sincerely,



Andrew T. Der
Natural Resources Planner

Cc: Regina Esslinger
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

January 31, 2001

Mr. Steve Dodd
Dorchester County Planning and Zoning Office
County Office Building
P. O. Box 107
Cambridge, MD 21613

Re: Spicer, William and Nancy & Contract Lessee American Tower Corporation (ATC)
Local Case #959, CBCAC #34-01

Dear Mr. Dodd:

Thank you for forwarding the above-referenced site plan for our review. The American Tower Corporation is proposing to construct an access road and modular buildings for a wireless communication facility resulting in 0.84 acre of disturbance in a 128.37 acre parcel. The parcel is designated RCA and appears to be unwooded.

We have no objections to the project provided the following issues are addressed.

- 1) Stormwater quality management shall be provided. Although not clear in the plans, it appears that the proposal incorporates open section pavement design utilizing vegetative filtration and swales, which is acceptable.
- 2) The applicant must secure comments from the Maryland Department of Natural Resources Heritage and Biodiversity Program that no rare, threatened or endangered species are present on the site before any approvals are granted.
- 3) If any forested areas are impacted, then onsite mitigation should be provided as per local requirements.

Thank you for the opportunity to comment. If you have any questions, please contact me at (410) 260-3482.

Sincerely,

Andrew T. Der
Natural Resources Planner

cc: Regina Esslinger
File

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

January 23, 2001

Mr. Steve Dodd
Dorchester County Planning and Zoning Office
County Office Building
P. O. Box 107
Cambridge, MD 21613

Re: St. Luke's Church, Local Case #2017, CBCAC #19-01

Dear Mr. Dodd:

Thank you for forwarding the above-referenced variance request. The applicant is requesting a variance to expand an existing church and educational facility in the LDA.

We are unable to support this variance request for the following reasons.

- 1) Existing impervious surfaces already exceed the 15% limit of 34,630 square feet by 10,982 square feet.
- 2) Although proposed impervious surfaces are identified as 4,223 square feet, the limits-of-disturbance are well beyond the proposed structure and may include additional, yet unidentified, impervious activities such as the indicated stormwater conveyance area.
- 3) The proposed mitigation is insufficient. Assuming the property is presently unwooded, 34,630, not 8,500, square feet of forested planting with native species is required.

We recommend the applicant apply for a growth allocation for the conversion of the 5.3-acre parcel from LDA to IDA. A growth allocation would eliminate the impervious surface limit and allow the expansion without a variance. In this case, the development must comply with the 10% Rule regarding stormwater management.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance application. Please notify the Commission in writing of the Board's decision on this application. If you have any questions, please contact me at 410 260 3482.

Sincerely,

A handwritten signature in cursive script that reads "Andrew T. Der".

Andrew T. Der
Natural Resources Planner

Cc: Regina Esslinger
File

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

January 22, 2001

Mr. Anthony J. Di Giacomo
Cecil County Office of Planning and Zoning
129 East Main Street
Cecil County Courthouse
Elkton, MD 21921

Re: Growth Allocation for National Humane Education Society, CBCAC #168-99

Dear Mr. Di Giacomo:

At its meeting on January 3, 2001, the Chesapeake Bay Critical Area Commission concurred with the Chairman's determination that the proposed request for growth allocation qualifies as a refinement to Cecil County's Critical Area Program. Chairman North has approved this refinement to the County's Program with the following condition:

A final plan shall be provided to the Commission depicting the planting plan utilizing native forest species and sequence of implementation for the proposed 0.30 acre of hedgerow enhancement. The plan shall specify maintenance and monitoring procedures sufficient to assure successful establishment of habitat.

In addition, please have the final development plan include the various corrections to the existing and proposed impact tabulations as discussed previously by telephone.

The Critical Area designation of the National Humane Education Society, Parcel 6, Block 20, Tax Map 63 has been changed from Resource Conservation Area (RCA) to Limited Development Area (LDA). A total of 12.45 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, Cecil County shall make the necessary change to the County's Critical Area map within 120 days of receipt of this letter. If you have any questions, please contact me at (410) 260-3482.

Sincerely,

Andrew T. Der
Natural Resources Planner

cc: Mary Owens
LeeAnne Chandler

Branch 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

January 17, 2001

Mr. Steve Dodd
Dorchester County Planning and Zoning Office
County Office Building
P. O. Box 107
Cambridge, MD 21613

Re: IC Partnership, Local Case #572F, CBCAC #657-00

Dear Mr. Dodd:

Thank you for forwarding the above-referenced subdivision request for our review. Five lots totaling 15.4 acres are proposed with 3.6 acres in the LDA portion of the Critical Area. This subdivision is contiguous to the existing Indian Creek subdivision reviewed by the Commission in 1991 as # 494-91. I appreciate the time you spent meeting me onsite to evaluate and discuss this project.

We provide the following preliminary comments.

- 1) The access road proposed for the lots is also designed to provide potential access to the future lots 22- 25 which are not included in the subdivision. Since the road surface is not included in the lot acreage, the Critical Area portion of the road should ideally be apportioned to all the lots in the Critical Area. We understand, however, that that the future lots may or may not be developed by others which would make the establishment of appropriate impervious limits by lot difficult. The currently proposed lots in the Critical Area, therefore, must achieve the appropriate compliance. As we discussed, one way may be to include the road area into lot 21's impervious limit and prohibit any development in the Critical Area portions of lots 17, 18 and 20. Another way might be to have the impervious surface area of the road in the Critical Area subtracted proportionally from these lots' 15% impervious limit. Either way, the plan drawings and notes must be modified to reflect compliance with this requirement.
- 2) The proposed lots in the Critical Area did not exhibit significant forested habitat. If these lots are developed, where and how will the 15% afforestation requirement be implemented? The plan notes should also reflect this requirement.

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

- 3) Has the Maryland Department of Natural Resources Heritage and Biodiversity Program reviewed this subdivision? If not, or if the review was done over two years ago, it must be conducted before any approvals are granted. Please provide this office with a copy of the comments when you receive them.
- 4) The field inspection revealed the presence of a northward-draining stream along the common boundary of the existing Indian Creek Estates and lots 16, 17 and 21 of the proposed subdivision. Although the onsite portion of the stream appears to have been straightened and widened from previous farming activities, it still requires the establishment of a 100' Buffer along lots 17 and 21 and should be so depicted on the plans. We are unable to determine why the stream was not detected in the previous 1991 review.
- 5) Our field observation revealed what may once have been a small tributary to the stream labeled as a ditch in lot 21 of the proposed subdivision. Based on our aerial photographic records and best professional judgement, this ditch was likely an intermittent stream with riparian forest species. Presently, this tributary has recently been graded and widened into a drainageway exhibiting no flow or vegetative stabilization causing sediment deposition into the receiving stream. Such activities on this property are premature prior to subdivision approval. The drainage way should be stabilized as soon as possible to prevent further water quality impacts. The applicant should do a field assessment and consult local records to establish the limits of this channel and the 100' Buffer must be appropriately expanded to include this feature as well as depicted on the plan. A variance is necessary for the observed grading activities.
- 6) If not already done, the site should also be evaluated for the presence of wetlands and waters of the U. S. as per criteria by the U. S. Army Corps of Engineers and the Maryland Department of the Environment (MDE) and an application must be submitted to MDE's permit processing center if jurisdictional impacts are proposed.
- 7) As per County ordinance, when agricultural lands within the Buffer are proposed to be converted to other uses, the Buffer shall be established to provide forest vegetation. After the Buffer limits have been determined, the plan must show planting of native forested species.

Once the applicant has provided the additional information, we will be pleased to provide a conclusive recommendation as soon as possible. Thank you for the opportunity to comment. If you have any questions, please contact me at (410) 260-3482.

Sincerely,



Andrew T. Der
Natural Resources Planner

cc: Gary Setzer, MDE Wetlands and Waterways Program
Regina Esslinger
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

January 8, 2001

Mr. Tony Di Giacomo
Cecil County Department of Planning, Zoning and Parks
129 East Main Street, Room 300
Elkton, MD 21921

Re: Moran, James CBCAC # 08-01

Dear Mr. Di Giacomo:

We are in receipt of the site plan for the above-referenced proposed five-lot subdivision. The property is 98 acres with 14.75 acres of Lot 5 within the Critical Area and designated RCA.

We do not object to the subdivision provided the following comments are addressed.

- 1) The applicant must secure comments from the Maryland Department of Natural Resources Heritage and Biodiversity Program that no rare, threatened or endangered species are present on the site before any approvals are granted.
- 2) The Critical Area portion of the site is constrained by steep slopes, a stream, wetlands and buffers; therefore, no future development should occur on this part of lot 5. It is our understanding that the lease parcel of lot 5 is set up to facilitate hunting activities and we agreed that it is unclear as to why such an activity needs to be subject to leasing arrangements. Condition # 9 of the General Notes should clarify that hunting activities such as clearing of trails and placement of trailers and temporary hunters' shelters would be precluded by this restriction.

Thank you for the opportunity to comment. If you have any questions, please contact me at (410) 260-3482.

Sincerely,

A handwritten signature in cursive script that reads "Andrew T. Der".

Andrew T. Der
Natural Resources Planner

cc: Ms. Regina Esslinger
File

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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

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

January 5, 2001

Joseph Johnson
Cecil County Department of Planning, Zoning and Parks
129 East Main Street, Room 300
Elkton, MD 21921

Re: Wilson, Terry, Local Case #2751, CBCAC #663-00

Dear Mr. Johnson:

Thank you for forwarding the above-referenced variance request. The applicant is seeking approval of a variance for the construction of approximately 700 square feet of deck for an existing dwelling in the 100-foot Buffer. The request includes after-the-fact approval for an existing 20' x 8' portion of the deck 15' from the water. Decking is proposed both on the beachfront side to supplement the existing deck and the south side.

We do not oppose this variance but provide the following comments.

- 1) We recommend there be no further deck expansion towards the water beyond what has already been built.
- 2) Construction and placement of footings and support posts should be done by hand to reduce impacts from heavy equipment access.
- 3) If the variance is approved, the applicant should provide mitigation for the area of deck approved in the form of native Buffer plantings at a 3:1 ratio onsite if possible.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance application. Please notify the Commission in writing of the Board's decision on this application. If you have any questions, please contact me at 410 260 3482.

Sincerely,

Andrew T. Der
Natural Resources Planner

Cc: Regina Esslinger
File

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

January 4, 2001

Gail Owings
Kent County Department of Planning and Zoning
Kent County Government Center
400 High Street
Chestertown, MD 21620

Re: Assimos, Evva, Local Case #00-146, CBCAC #007-01

Dear Ms. Owings:

Thank you for forwarding the above-referenced variance request. The applicant is seeking approval of a variance for the construction of a septic system in the expanded 100-foot Buffer to serve a proposed single family dwelling. The 0.7 acre property is designated LDA and wooded.

We do not object to this variance because the property is an existing grandfathered lot and it is severely constrained by the location of a shallow well on an adjacent property and the extent of the expanded Buffer on the applicant's property. If this variance is approved, we recommend the following:

- 1) To the extent practicable, the residence should be sited more on the portion of the lot designated as 324 and toward Foreston Road as much as possible. Perhaps a variance of the front yard setback could be considered. To the extent that soils are suitable, this would allow more of the septic reserve area to be sited on the 325 portion of the lot.
- 2) Consideration should be given to minimizing the footprint of the residence as much as possible.
- 3) The entire septic reserve area should not be cleared. Limits of disturbance should be limited to only that area required for the septic tank and drain field.
- 4) To the extent possible, forested vegetation should be replanted in areas disturbed for septic system construction.
- 5) Impervious surfaces shall not exceed 5,445 square feet without a variance.
- 6) Forested clearing shall be limited to no more than 30% of the lot and all forest cleared shall be replanted in accordance with the Kent County Zoning Ordinance.

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

- 7) Appropriate mitigation should be provided to offset adverse impacts to habitat and water quality. Mitigation may be in the form of increased plantings, stormwater controls or similar measures.

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. If you have any questions, please contact me at 410 260 3482.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew T. Der". The signature is written in a cursive, somewhat stylized font.

Andrew T. Der
Natural Resources Planner

Cc: Regina Esslinger
File

Staff Correspondence: Essinger

2001

S1832-149-3



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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

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

September 20, 2001

Mr. Keith E. Ulrich
Collinson Oliff & Associates, Inc.
P O Box 2209
Prince Frederick, Maryland 20678

RE: Horizons on the Bay BEA Planting Plan

Dear Mr. Ulrich: ^{Keith}

I have received your September 14, 2001 letter and planting plan for the establishment of the Buffer on site, as required under Condition 3.a. of the Commission's May 6, 1998 approval for this project. The quantity of plantings proposed is correct. This office is concerned that the 39 flowering dogwoods proposed may be adversely affected by saltspray; we recommend that the applicant consider substituting a combination of American Holly, Red Cedar, Arrowwood, and Shadbush. Any trees or shrubs which do not survive must be replaced.

Please note that Condition 3.b. has not yet been fulfilled.

Sincerely,

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: Mr. John Hofmann
Mr. Ren Serey
CB59-97

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

September 13, 2001

Mr. Keith E. Ulrich
Collinson, Oliff & Associates, Inc.
P O Box 2209
Prince Frederick, Maryland 20678

RE: Horizons on the Bay BEA Planting Plan

Dear Mr. Ulrich: ^{Keith}

I have received your August 29, 2001 fax with the BEA planting plan for Horizons on the Bay. As we discussed on September 10, this plan does not appear to fulfill the complete requirements of the Critical Area Commission's May 6, 1998 approval of this project (enclosed). Condition 3 states

The developer shall provide the following mitigation:

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

As I stated in my August 2, 2001 letter to John Hofmann, it was the Commission's understanding that the first part of Condition 3 was to be met with the landscaping on site and the second part of Condition 3 was to be met offsite. It appears from your fax that the applicant is proposing to include much of the planting required under 3.b. in the Buffer on site. This planting cannot be put towards the planting requirement in 3.a.

The planting calculation rates shown on your worksheet are correct. We need the calculations and planting plan for the establishment of the Buffer shoreward of the new development as set forth in 3.a. as well as for 3.b. We are available to assist the Town in finding an appropriate offsite location for the 3.b. plantings; it was the Commission's

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. Keith E. Ulrich
September 13, 2001
Page 2

understanding at the time of the approval that the Town may not be able to accommodate the mitigation within Town limits.

Please call me if you have any additional questions.

Sincerely,



Regina A. Esslinger, Chief
Project Evaluation Division

Enclosure

cc: John Hofmann
Ren Serey
CB59-97

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

1804 West Street, Suite 100, Annapolis, Maryland 21401

September 10, 2001

(410) 260-3460

Fax: (410) 974-5338

Ms. Mary Ann Skilling
Upper Eastern Shore Regional Planning Office
120 Broadway
Centreville, Maryland 21617

RE: Ikea Distribution Center, Perryville

Dear Ms. Skilling:

Mary Ann

I have reviewed the preliminary submittal for the Ikea site in Perryville and have the following comments.

1. The Environmental Assessment provided indicates the site includes forest interior dwelling bird habitat. 1.77 acres is proposed to be cleared. The Commission's 2000 guidance paper on forest interior dwelling birds should be used to determine mitigation for clearing in this habitat.
2. The Environmental Assessment also indicates that a field survey is being done to determine the presence of the four threatened or endangered species. This information should be provided prior to any approvals to ensure that there are no adverse impacts to the species and their habitats.
3. The stormwater management information refers to the treatment of the first half inch of runoff. The new Maryland Department of the Environment regulations require the treatment of the first inch. Please address this issue.

It is my understanding from our discussion that the site area to be annexed is outside the Critical Area. We also discussed that the state road right-of-way is not an area of intense development.

I can provide additional comments once I receive this information. Please call me if you have any questions.

Sincerely,

Regina A. Esslinger

Regina A. Esslinger, Chief
Project Evaluation Division

cc: Ms. Julie LaBranche
CE484-01

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 28, 2001

Ms. Patricia Farr
Department of Environmental Protection
and Resource Management
401 Bosley Avenue, Suite 416
Towson, Maryland 21286

RE: Waterview
Revised 10% Pollutant Reduction Calculations

Dear Ms. ^{Pat:}Farr:

I have reviewed the revised 10% pollutant reduction calculations for the Waterview property. The site is designated IDA and is the redevelopment of the Riverdale apartment complex. I have also received your August 9, 2001 letter regarding the calculations worksheet. This office concurs with your changes.

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

Sincerely,

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

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: Mr. Glenn Shaffer
BC539-01

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

August 27, 2001

Mr. Tony Di Giacomo
Office of Planning & Zoning
129 E Main Street, Room 300
Elkton, Maryland 21921

RE: Subdivision Application
Clyde N. Bell, Sr.

Dear Mr. Di Giacomo:

I have reviewed the clustered subdivision application for the Bell property. The site contains 2.5 acres of RCA land; the remainder of the site is outside the Critical Area. The applicant is proposing to create 39 lots. No development or subdivision is proposed within the Critical Area. I have no comments on the proposed subdivision.

Please call me if you have any questions.

Sincerely,

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

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: CE479-01

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

August 21, 2001

Mr. Joe Johnson
Office of Planning & Zoning
129 E Main Street, Room 300
Elkton, Maryland 21921

RE: Variance Application #2801
Connie Draper

Dear Mr. Johnson *Joe*:

I have reviewed the variance application for the Draper property. The applicants are requesting a height variance to their dwelling to meet elevation requirements within the 100 year floodplain. The site is in the LDA. No Critical Area variances are requested. This office does not oppose the granting of this variance.

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

Sincerely,

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

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: CE472-01

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

August 2, 2001

Mr. John A. Hofmann
Town of Chesapeake Beach
P O Box 400
Chesapeake Beach, Maryland 20732

RE: Horizons on the Bay Buffer Planting Plan

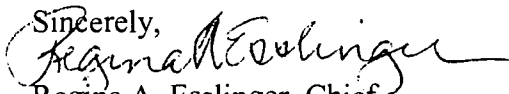
Dear Mr. Hofmann:

I have received your July 10, 2001 letter with the enclosed landscaping and Buffer planting plan for Horizons on the Bay. As required by the Critical Area Commission's May 6, 1998 approval of this project, Condition 3, the extent of the parcel shoreward of the new development shall remain or shall be established and maintained in natural vegetation and natural vegetation twice the extent of the impervious surface must be created in the Buffer Exemption offset area or other location. It is our understanding that the first part of Condition 3 was to be met with the landscaping on site and the second part of Condition 3 was to be met offsite. Please provide a breakdown of how the applicant will be meeting the two parts of the condition.

I am unable to determine from the submittal exactly how much impervious surface is proposed in the Buffer Exemption Area. Please provide this information. In addition, the many of the proposed plantings are not native species. Native species should be used to fulfill all Buffer planting requirements on site and offsite. Plantings on site used to fulfill the stormwater management requirements through bioretention cannot be counted towards the Buffer plantings.

It may be helpful to discuss these items in a meeting. I am available at your convenience.

Sincerely,


Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: CB 59-97

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

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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

July 10, 2001

Ms. Gail Webb Owings
Kent County Department of Planning and Zoning
Kent County Government Center, 400 High Street
Centreville, Maryland 21620

RE: 01-78
Andrew Mozino Variance

Dear Ms. ^{Gail} Owings:

I have received the variance for the Andrew Mozino property. The applicant is proposing to build a 198.5 square foot addition onto an existing house located within the 100-foot Buffer. This office does not oppose the variance request, provided that 3:1 mitigation for all Buffer disturbance is required, on site if possible, with native Buffer species.

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

Sincerely,

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

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: KC 405-01

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 5, 2001

Ms. Roxana L. Whitt
Calvert County Planning and Zoning
150 Main Street
Prince Frederick, Maryland 20678

RE: Variance 01-2736
James and Nancy Smith

Dear Ms. Whitt:

Thank you for the revised site plan for this variance request. Wanda Cole's May 29, 2001 letter is still applicable regarding this proposal. The applicant has provided forest cover information that indicates there is 33% forest on site and no clearing proposed; therefore, afforestation is not necessary.

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

Sincerely,

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: Ms. Wanda Cole
CA287-01

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. Patricia Farr
Department of Environmental Protection
and Resource Management
401 Bosley Avenue, Suite 416
Towson, Maryland 21286

RE: Waterview
Critical Area Buffer Variation of Standards and Alternatives Analysis

Dear Ms. ^{Pat:} Farr:

I have reviewed the variation of standards and alternatives analysis application for the Waterview property. The site is designated IDA and is the redevelopment of the Riverdale apartment complex. The applicant is proposing the following Buffer impacts: relocation of an existing road currently in the Buffer; a portion of a stormwater management facility; a pedestrian path; small portions of six lots; and three outfalls. The applicant is proposing to remove the following existing items from the Buffer: two stormdrain channels; a pedestrian path and bridge; part of a road crossing; and a concrete stream channel. In addition, Buffer impacts will be mitigated at a 3:1 ratio on site in appropriate native species; this mitigation will include stream restoration. Overall there will be a net decrease in impervious surface in the Buffer.

This office does not oppose the granting of this variation of standards and alternatives analysis. While there are new impacts to the Buffer proposed, currently the Buffer provides very little functioning water quality and habitat. This plan will greatly increase both Buffer functions on a redevelopment site. The mitigation proposed is acceptable.

Thank you for the opportunity to comment on this variation of standards and alternatives analysis. Please include this letter in your file and submit it as part of the record. Please notify the Commission in writing of the decision made in this case. I look forward to working with you as this project continues.

Sincerely,

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

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: BC363-01

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 14, 2001

Ms. Gail Webb Owings
Kent County Dept. of Planning and Zoning
Kent County Government Center
400 High Street
Chestertown, Maryland 21620

RE: York Farm, L.L.C.
#01-64

Dear Ms. Owings:

I have received the subdivision application for the York Farm property. The site is 214 acres, with 107.41 acres in the Critical Area. The applicant is proposing to create two 6.0 acre lots in the RCA. The site plan indicates this subdivision is an intrafamily transfer; however, the Critical Area acreage is above sixty acres and therefore too large to qualify for such a transfer. The Critical Area portion of the property is limited to a total of five dwelling units. With the creation of Lots 1 and 2, the remaining Critical Area land is limited to three dwelling units. There should be a note on the plat to this effect.

The afforestation requirement has been met on Lots 1 and 2, but will need to be addressed on the remaining lands when they are developed. The site is an anadromous fishing spawning area as well as a waterfowl staging area, which may necessitate limits on in-stream work during certain times of the year. No comments were included from the Department of Natural Resources Heritage Division, but the County should ensure that there are no impacts to threatened and endangered species before any approvals are granted.

Thank you for the opportunity to review this project. Please call me at (410) 260-3479 if you have any questions.

Sincerely,

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

Regina A. Esslinger, Chief
Project Evaluation Division
RAE/jjd

cc: KC355-01

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

Ms. Mary Anne Skilling
Maryland Department of Planning
Upper Eastern Shore Regional Office
120 Broadway
Centreville, Maryland 21617

RE: Town of Millington Waste Water Treatment Plant Upgrade

Dear Ms. Skilling: *Mary Ann:*

Thank you for providing the consistency report for Millington's waste water treatment plan upgrade. It appears that the proposed project will be consistent with the Town's Critical Area Program.

Sincerely,

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

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: MI354-01

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

Ms. Mary Ann Skilling
Maryland Department of Planning
Upper Eastern Shore Regional Office
120 Broadway
Centreville, Maryland 21617

RE: MD 272 – Town of North East
Streetscape Project

Dear Ms. Skilling:

Mary Ann

Thank you for submitting the proposal to resurface and create landscaped bump-outs along MD 272 in North East. The project will not impact any habitat protection areas and will result in a net decrease in impervious surface. This office has reviewed the information you provided and has determined that this project is consistent with the Maryland Department of Transportation and the Critical Area Commission's Memorandum of Understanding. The project also follows the requirements of North East's Critical Area Management Program.

Sincerely,

Regina A. Esslinger

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: 18-01

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 4, 2001

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

RE: Variance Case 2001-0203-V
William Zimmerman

Kevin:
Dear Mr. Dooley:

I have reviewed the variance application for the William Zimmerman property. The applicant is requesting a variance to the side yard setback to build a sunporch. No Critical Area variances are requested. This office does not oppose the granting of this variance.

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

Sincerely,

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: AA339-01

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 4, 2001

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

RE: Variance Case 2001-0212-V
Robert J. Steinhardt

Kevin:
Dear Mr. Dooley:

I have reviewed the variance application for the Robert Steinhardt property. The applicant is requesting a variance to the side yard setback to build an attached garage onto an existing dwelling. No Critical Area variances are requested. This office does not oppose the granting of this variance.

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

Sincerely,

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: AA342-01

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 4, 2001

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

RE: Variance Case 2001-0215-V
Joan Scott

Dear Mr. ^{Kevin}Dooley:

I have reviewed the variance application for the Joan Scott property. The applicant is requesting a variance to the front yard setback to build a screen porch. From the information provided it is not clear if the proposed addition will be within the 100-foot Buffer. No Critical Area variances are requested. This office does not oppose the granting of this variance.

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

Sincerely,

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

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: AA344-01

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 4, 2001

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

RE: Variance Case 2001-0214-V
Brian J. Oates

Dear Mr. ^{Kevin:} Dooley:

I have reviewed the variance application for the Brian Oates property. The applicant is requesting a variance to the side yard setback to build a detached garage. The applicant will be removing 1000 square feet of impervious surface, thereby reducing the total amount of impervious surface on site. No Critical Area variances are requested. This office does not oppose the granting of this variance.

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

Sincerely,

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: AA343-01

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 1, 2001

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

RE: Variance Case 2001-0136-V
Patricia Skrzysz

Dear Ms. *Charlene* Morgan:

This letter supercedes my April 26, 2001 letter for the Patricia Skrzysz property. The applicant is requesting a variance to disturb the 100-foot Buffer and steep slopes to build a deck on a newly built dwelling. The proposal is within the impervious surface limits. From our conversation it is my understanding that there is a porch on the south side of the dwelling not shown on the site plan. I also understand that the building permit application for the dwelling originally showed the deck, but that the deck was removed from the final application. It appears this variance request could have been eliminated if the dwelling had been moved slightly closer to the street at the time of the building permit application. However, if the dwelling could not have been relocated closer to the street because of the septic reserve area, then this office does not oppose the granting of this variance provided that mitigation for the deck is in accordance with the County's Buffer Exemption Area provisions and that the footers are hand dug.

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

Sincerely,

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

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: AA238-01

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

May 31, 2001

Ms. Gail Webb Owings
Kent County Department of Planning and Zoning
Kent County Government Center, 400 High Street
Centreville, Maryland 21620

RE: 01-60
Island Creek Bluffs Subdivision

Dear Ms. ^{Gail} Owings:

I have received the Island Creek Bluffs subdivision proposal. The site is 185 acres, with 98 acres in the RCA. The applicant is proposing to create four lots and remaining lands. The applicant is permitted a total of four dwelling units within the RCA. With this subdivision, the applicant will exhaust the number of dwellings allowed in the Critical Area. The site plan does not show the entire remaining lands; however, if any dwelling exists on the remaining lands in the Critical Area then the number of proposed lots must be reduced or the applicant must seek growth allocation. We recommend that the plat contain a note that states no development within the Critical Area is permitted on the remaining lands.

No forest clearing is proposed. There is no information on total amount of forest on site, but if the site does not meet 15% forest cover then afforestation to achieve 15% must be provided. The application does indicate the site is potential FIDS habitat. There is room on each of the four lots to develop without the need for clearing this potential habitat. The application does indicate that the lots will have deed restrictions to protect this habitat.

The Department of Natural Resources Heritage Division should review this subdivision for impacts to threatened and endangered species. No information was provided as to whether this review has been done. No approvals should be granted before this review is completed.

Thank you for the opportunity to review this project. Please call me at (410) 260-3479 if you have any questions.

Sincerely,

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

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: KC325-01

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

May 29, 2001

Ms. Theresa Dent
St. Mary's County Department of Planning & Zoning
22740 Washington Street
PO Box 653
Leonardtown, MD 20650-0653

RE: SPSP 01-130-022
International Association of Machinists


Dear Ms. ^{Theresa} Dent,

Thank you for the opportunity to comment on the above referenced site plan. The applicant is proposing a 50 foot long footbridge, gazebo, and memorial. The site is designated LDA. The site plan does not include topography or amount of existing and proposed impervious surface, so I am unable to determine if the 100-foot Buffer is accurate and if the proposal exceeds impervious surface limits. If the Buffer is accurate and the activities proposed are within the impervious surface limits this office does not oppose the proposal.

However, the site plan shows several exotic species included in the planting plan. In particular, purple loosestrife and English ivy are proposed to be planted in the Buffer. These are invasive species that should not be approved as part of the plan. We recommend that native species be substituted throughout the planting plan for exotic species.

Please call me at 410-260-3479 if you have questions.

Sincerely,


Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: Wanda Cole
SM 304-01

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

May 29, 2001

Ms. Theresa Dent
St. Mary's County Department of Planning & Zoning
22740 Washington Street
PO Box 653
Leonardtown, MD 20650-0653

RE: SPSP 01-130-023
International Association of Machinists

Theresa:
Dear Ms. Dent,

Thank you for the opportunity to comment on the above referenced site plan. The applicant is proposing an addition to a dining hall that includes three storage tanks and a sidewalk. The site is designated LDA. The site plan does not include amount of existing and proposed impervious surface, so I am unable to determine if the proposal exceeds impervious surface limits. If the the activities proposed are within the impervious surface limits this office does not oppose the proposal.

Please call me at 410-260-3479 if you have questions.

Sincerely,

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

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: Wanda Cole
SM 305-01

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

May 24, 2001

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

RE: Variance Case 2001-0194-V
Zeb Johnson

Dear Mr. ^{Kevin:}Dooley:

I have reviewed the variance application for the Zeb Johnson property. The applicant is requesting a variance to the front yard setback to build an addition over an existing patio. No Critical Area variances are requested. This office does not oppose the granting of this variance.

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

Sincerely,

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

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: AA316-01

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

May 24, 2001

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

RE: Variance Case 2001-0195-V
Jan O'Connell

Dear Mr. ^{Kevin} Dooley:

I have reviewed the variance application for the Jan O'Connell property. The applicant is requesting a variance to the rear yard setback to build an attached deck onto an existing dwelling. No Critical Area variances are requested. This office does not oppose the granting of this variance.

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

Sincerely,

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: AA317-01

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

May 24, 2001

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

RE: Variance Case 2001-0198-V
Valerie Utz

Dear Mr. ^{Kevin} Dooley:

I have reviewed the variance application for the Valerie Utz property. The applicant is requesting a variance to permit a pier extension and mooring pilings with less setbacks than required. The applicant will be removing and replacing one piling and adding a second piling to install a boatlift. This office does not oppose the granting of this variance.

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

Sincerely,

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

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: AA319-01

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

May 24, 2001

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

RE: Variance Case 2001-0192-V
David Bluemke

Dear Mr. Dooley:

I have reviewed the variance application for the David Bluemke property. The applicant is requesting a variance to permit a pier and pilings with less setbacks than required. The applicant has received a permit from the Maryland Department of the Environment Tial Wetlands Division. This office does not oppose the granting of this variance.

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

Sincerely,

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: AA314-01

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

May 24, 2001

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

RE: Variance Case 2001-0182-V
Glorious Shenton

Dear Mr. ^{Kevin:} Dooley:

I have reviewed the variance application for the Glorious Shenton property. The applicant is requesting a variance to the 25 foot nontidal wetlands buffer to build a driveway to a proposed dwelling. The site plan inaccurately labels the 1000 foot Critical Area line as the "1000' Critical Areas Buffer." There is no variance to the Critical Area 100-foot Buffer or expanded Buffer requested. From the site plan, it is not apparent why the driveway cannot be moved further south to avoid the wetlands buffer. If this is the only location to access the site, then this office does not oppose the granting of this variance provided that mitigation as proscribed in the County regulations is required.

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

Sincerely,

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

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: AA309-01

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

May 24, 2001

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

RE: Variance Case 2001-0183-V
Marlene Krajewski

Dear Mr. ^{Kevin:} Dooley:

I have reviewed the variance application for the Marlene Krajewski property. The applicant is requesting a variance for less setbacks and 100-foot Buffer to build an attached sun room on an existing grandfathered dwelling. The proposal is within the impervious surface limits. This office does not oppose the granting of this variance provided that 3:1 mitigation for all Buffer disturbance is required, on site if possible.

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

Sincerely,

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: AA309-01

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

May 24, 2001

Mr. Gary O. Williams
Andrews, Miller & Associates, Inc.
401 Academy Street, Suite 1
Cambridge, Maryland 21613

RE: Sunnyside CMA Church

Dear Mr. Williams:

This office has received and reviewed the planting plan for the Sunnyside CMA Church. We concur with the amount of plantings and the proposed species. Please contact us if these plans change.

Sincerely,

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

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: Mr. Steve Dodd
DC19-01

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

May 24, 2001

Ms. Mary Ann Skilling
Maryland Department of Planning
Upper Eastern Shore Regional Office
120 Broadway
Centreville, Maryland 21617

RE: Charlestown Athletic Complex Parking Lot Repaving

Dear Ms. Skilling:

Mary Ann:

Thank you for submitting the consistency report for the Charlestown Athletic Complex. This office concurs that the project is consistent with the Town's Critical Area Program. Please note, however, that there may be occasions when the 10% calculations may be required even if there is no additional impervious surface. In this case, the proposed activity consists solely of paving over a packed stone parking lot and therefore does not trigger the 10% calculations.

Sincerely,

Regina A. Esslinger

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: CL328-01

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

May 24, 2001

Mr. Gary O. Williams
Andrews, Miller & Associates, Inc.
401 Academy Street, Suite 1
Cambridge, Maryland 21613

RE: Sunnyside CMA Church

Dear Mr. Williams:

This office has received and reviewed the planting plan for the Sunnyside CMA Church. We concur with the amount of plantings and the proposed species. Please contact us if these plans change.

Sincerely,

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: Mr. Steve Dodd
DC19-01

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

May 24, 2001

Ms. Mary Ann Skilling
Maryland Department of Planning
Upper Eastern Shore Regional Office
120 Broadway
Centreville, Maryland 21617

RE: Charlestown Athletic Complex Parking Lot Repaving

Dear Ms. Skilling:

Mary Ann

Thank you for submitting the consistency report for the Charlestown Athletic Complex. This office concurs that the project is consistent with the Town's Critical Area Program. Please note, however, that there may be occasions when the 10% calculations may be required even if there is no additional impervious surface. In this case, the proposed activity consists solely of paving over a packed stone parking lot and therefore does not trigger the 10% calculations.

Sincerely,

Regina A. Esslinger

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: CL328-01

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

May 24, 2001

Ms. Gail Webb Owings
Kent County Dept. of Planning and Zoning
Kent County Government Center
400 High Street
Chestertown, Maryland 21620

RE: Luke Nicholson Jr. Property
#01-66

Dear Ms. Owings:

I have received the subdivision application for the Luke Nicholson Jr. property. The applicant is proposing to create a 2.074 acre lot in the LDA. There do not appear to be any habitat protection areas nor any clearing proposed. There is a small portion of steep slopes at the east end of the lot, but there appears to be ample room for a dwelling without disturbing the slopes. The applicant must address the 15% afforestation requirement.

Thank you for the opportunity to review this project. Please call me at (410) 260-3479 if you have any questions.

Sincerely,

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

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: KC326-01

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

May 9, 2001

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

RE: Variance Case 2001-0175-V
Brendan Murphy

Dear Mr. Dooley: *Kevin*

I have reviewed the variance application for the Brendan Murphy property. The applicant is requesting a variance for less setbacks and 100-foot Buffer to build a screened porch over an existing attached deck on an existing grandfathered dwelling. There will be a new landing and steps within the Buffer. The proposal is within the impervious surface limits. This office does not oppose the granting of this variance provided that mitigation is in accordance with the County's Buffer provisions.

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

Sincerely,

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: AA270-01

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

May 9, 2001

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

RE: Variance Case 2001-0170-V
James Robinson
Lots 4, 17, Block 32

Dear Mr. Dooley: *Kevin:*

I have reviewed the variance application for Lots 4 and 17 of the James Robinson property. The applicant is requesting a variance to permit a new dwelling and associated facilities within the nontidal wetlands on two grandfathered lots. There is no area within the two lots outside of the nontidal wetlands. The proposal appears to minimize impacts to the wetlands. This office does not oppose the granting of this variance, however, the applicant should be seeking a permit from the Maryland Department of the Environment (MDE), Nontidal Wetlands division. That agency is responsible for permitting any development activities that would affect a nontidal wetland. We defer to MDE as to whether the proposed activity can be permitted and what mitigation is appropriate.

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

Sincerely,

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

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: AA266-01

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

May 9, 2001

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

RE: Variance Case 2001-0168-V
James Robinson
Lots 3, 16, Block 32

Dear Mr. ^{Kevin:} Dooley:

I have reviewed the variance application for Lots 3 and 16 of the James Robinson property. The applicant is requesting a variance to permit a new dwelling and associated facilities within the nontidal wetlands and nontidal wetlands buffer on two grandfathered lots. It appears the house could be moved back an additional 10 feet to the rear setback line. This change would pull the well out of the nontidal wetlands. This office does not oppose the granting of this variance, however, the applicant should be seeking a permit from the Maryland Department of the Environment (MDE), Nontidal Wetlands division. That agency is responsible for permitting any development activities that would affect a nontidal wetland or its buffer. We defer to MDE as to whether the proposed activity can be permitted and what mitigation is appropriate.

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

Sincerely,

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: AA265-01

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

May 9, 2001

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

RE: Variance Case 2001-0168-V
James Robinson
Lots 2, 15, Block 31

Dear Mr. Dooley: *Kevin*

I have reviewed the variance application for Lots 2 and 15 of the James Robinson property. The applicant is requesting a variance to permit a new dwelling and associated facilities within the nontidal wetlands and nontidal wetlands buffer on two grandfathered lots. It appears the house could be moved back an additional 12 feet to the rear setback line. This change would eliminate the limit of disturbance for the house from the wetlands buffer so that only the driveway and the well will be in the buffer. This office does not oppose the granting of this variance, however, the applicant should be seeking a permit from the Maryland Department of the Environment (MDE), Nontidal Wetlands division. That agency is responsible for permitting any development activities that would affect a nontidal wetland or its buffer. We defer to MDE as to whether the proposed activity can be permitted and what mitigation is appropriate.

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

Sincerely,

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

Regina A. Esslinger, Chief
Project Evaluation Division
RAE/jjd

cc: AA264-01

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

May 4, 2001

Mr. Joe Johnson
Office of Planning & Zoning
129 E Main Street, Room 300
Elkton, Maryland 21921

RE: Special Exception Application
Mats Sanden and Ingela Danielsson Sanden

Dear Mr. Johnson: ^{Joe!}

I have reviewed the special exception application for the Sanden property. The applicants are requesting a special exception to allow a home office to diagnose microscopical slides inside their home. The site is in the LDA. No Critical Area variances are requested. This office does not oppose the granting of this special exception.

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

Sincerely,

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

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: CE261-01

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

April 30, 2001

Ms. Roxana Whitt
Calvert County Dept. of Planning and Zoning
150 Main Street
Prince Frederick, Maryland 20678

RE: Variance 01-2725

Dear Ms. Whitt: *Roxana*

I have reviewed the variance application for the Bob Bullock property. The applicant is requesting a variance to steep slopes to construct a detached garage and to install a retaining wall and french drains. The french drains will help handle stormwater runoff. No clearing is proposed. This office does not oppose the variance.

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

Sincerely,

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: CA221-01

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

April 30, 2001

Ms. Roxana Whitt
Calvert County Dept. of Planning and Zoning
150 Main Street
Prince Frederick, Maryland 20678

RE: Variance 01-2726

Dear Ms. *Roxana* Whitt:

I have reviewed the variance application for the Daniel Boesz property. The applicant is requesting a variance to the expanded Buffer for steep slopes for a dwelling, driveway, and septic system on a grandfathered lot. This office does not oppose the variance; however, we recommend mitigation at a 3:1 ratio of native Buffer plantings for Buffer disturbance.

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

Sincerely,

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: CA222-01

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

April 27, 2001

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

RE: Variance Case 2001-0155-V
Bodo Thoms

Dear Mr. ^{Kevin}Dooley:

I have reviewed the variance application for the Bodo Thoms property. The applicant is requesting a variance to the side yard setback to permit two additions. The site is Buffer exempt and in the IDA. No Critical Area variances are requested. This office does not oppose the granting of this variance; however, the IDA 10% pollutant reduction requirement must be met. On lots of this size plantings are usually sufficient to satisfy the requirement.

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

Sincerely,

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: AA253-01

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

April 26, 2001

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

RE: Variance Case 2001-0128-V
G. Keith Ebersole

Dear Mr. Dooley:

I have reviewed the variance application for the G. Keith Ebersole property. The applicant is requesting a variance to the 100-foot Buffer to permit an attached deck partially over an existing impervious patio. There will be an additional 152.5 square feet of disturbance in the Buffer. The applicant is proposing to reduce impervious surfaces by 265 square feet through the removal of three concrete pads. This office does not oppose the granting of this variance if the deck footers are hand dug and mitigation is as proscribed by the County regulations.

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

Sincerely,

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: AA233-01

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

April 26, 2001

Ms. Jeanne Minner
Office of Building & Inspections, Planning & Zoning
P O Box 157
100 Railroad Avenue
Elkton, Maryland 21922-0157

RE: Baynet Bank

Dear Ms. Minner:

I have reviewed the 10% pollutant reduction requirement calculations for Baynet Bank and they appear to be correct. No best management practice is required.

Thank you for the opportunity to review this project. Please call me if you have any questions.

Sincerely,

Regina A Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: EL241-01

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

April 26, 2001

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

RE: Variance Case 2001-0136-V
Patricia Skrzysz

Dear Mr. Dooley:

I have reviewed the variance application for the Patricia Skrzysz property. The applicant is requesting a variance to disturb the 100-foot Buffer and steep slopes to build an attached deck on an existing grandfathered dwelling. This office does not oppose the granting of this variance provided the footers are hand dug and mitigation for the deck is in accordance with the County's Buffer Exemption Area provisions.

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

Sincerely,

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

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: AA238-01

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

April 26, 2001

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

RE: Variance Case 2001-0165-V
Robert Williams

Dear Mr. Dooley:

I have reviewed the variance application for the Robert Williams property. The applicant is requesting a variance to the rear yard setback to permit an attached garage. No Critical Area variances are requested. This office does not oppose the granting of this variance.

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

Sincerely,

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: AA257-01

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

April 24, 2001

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

RE: Variance Case 2001-0137-V
Timothy Jackson

Dear Mr. ~~Dooley~~ *Kevin*:

I have reviewed the variance application for the Timothy Jackson property. The applicant is requesting a variance to permit an accessory structure in the front yard. No Critical Area variances are requested. This office does not oppose the granting of this variance.

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

Sincerely,

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

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: AA239-01

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

April 24, 2001

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

RE: Variance Case 2001-0138-V
Samuel Cook

Dear Mr. Dooley:

I have reviewed the variance application for the Samuel Cook property. The applicant is requesting a variance to permit a dwelling addition with less setbacks than required. No Critical Area variances are requested. This office does not oppose the granting of this variance.

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

Sincerely,

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

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: AA240-01

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

April 24, 2001

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

RE: Variance Case 2001-0129-V
William Pumphrey

Dear ~~Mr.~~ *Kevin* Dooley:

I have reviewed the variance application for the William Pumphrey property. The applicant is requesting a variance to permit a roof addition over an existing impervious deck. No Critical Area variances are requested. This office does not oppose the granting of this variance.

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

Sincerely,

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

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: AA234-01

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

April 24, 2001

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

RE: Variance Case 2001-0130-V
Donald F. Rogers

Dear Mr. ^{Kevin}Dooley:

I have reviewed the variance application for the Donald F. Rogers property. The applicant is requesting a variance from the rear and sideyard setbacks to allow construction of habitable space in the attic of an existing dwelling. No Critical Area variances are requested. This office does not oppose the granting of this variance.

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

Sincerely,

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: AA235-01

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

April 23, 2001

Ms. Jeanne Minner
Office of Building & Inspections, Planning & Zoning
P O Box 157
100 Railroad Avenue
Elkton, Maryland 21922-0157

RE: Elk Landing

Dear Ms. *Jeanne* Minner:

I am writing to follow up on our site visit to Elk Landing on April 10, 2001. We walked the site and discussed the proposed Buffer management plan. It appears that there has been some clearing in the 100-foot Buffer. You indicated that your office had not authorized any clearing yet. Any illegal clearing in the Buffer must be mitigated at a 3:1 ratio of native Buffer plantings on site in the Buffer. This violation must be rectified before any Buffer management plan approvals are granted. It is important to note that cutting of multiflora rose stimulates growth, and that removal of this species requires a more comprehensive approach. Any further removal of multiflora rose in the Buffer must be part of a Buffer management plan. This office is available to assist you in developing such a plan.

Invasive species such as multiflora rose may be removed as part of the Buffer management plan. Cutting, followed by judicious grubbing and careful hand application of the appropriate herbicide is the best means of eliminating this invasive. Bear in mind that the person responsible for removal must be able to distinguish between what is to be removed and what is not. I have attached a list of native shrubs, some of which may work very well on the site. We discussed the potential need to remove some of the trees that were choked with multiflora rose and were dying. These trees need to be identified on the plan, as do the locations of their replacements. Right along the shoreline in the cleared area there were two plant species coming up. Our science advisor has identified them as jewelweed and either wild iris or sweetflag. These plants are native species and should not be removed. We also discussed the potential need to do the management plan in phases because of the length of shoreline. This is acceptable.

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

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

Ms. Minner
April 23, 2001
Page Two

I have spoken to Susan Phelps Larcher, the DNR contact person for the Upper Easter Shore Tributary Team. She indicated that the team is looking for members from your area and may be able to provide volunteers to assist you in planting. I suggest you call her at (410) 260-8832. I have also spoken to Mitch Keiler with DNR's landowner stewardship program about the availability of trees at no cost. I am waiting to hear back from him. Rob Northrup, the DNR forester for Cecil County, may have other suggestions for potential sources of trees. His phone number is (410) 287-5777. You may also want to investigate getting a grant from the Chesapeake Bay Trust to cover the cost of the trees.

I hope this information is useful. I look forward to working with you on this proposal. Please call me if you have any questions.

Sincerely,



Regina A Esslinger, Chief
Project Evaluation Division

RAE/jjd

Enclosure

cc: Ms. Susan Phelps Larcher, 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

April 18, 2001

Mr. Robert Falsted, Chairman
Planning and Zoning Commission
Town of Betterton
P O Box 338, Third Avenue
Betterton, Maryland 21610

Re: Joseph Stock Property
Shore Erosion Control Proposal

Dear Mr. Falsted:

I have reviewed Mr. Stock's proposal to stabilize his bank and to replant his Buffer. This office concurs with both the species and amount of vegetation proposed, including the April 9, 2001 addendum to plant 9-10 native trees.

If you have any questions, please feel free to call Mary Ann Skilling at 410-556-6262 or Regina Esslinger at 410-260-3479.

Sincerely,

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: Ms. Mary Ann Skilling

PD18-01

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

April 13, 2001

Mr. Eric Berry, Town Administrator
Town of Port Deposit
P O Box 95
Port Deposit, Maryland 21904

Re: Notification of Failure to Enforce Requirements of Critical Area Program Applicable to
Dommel/Read LLC, Town of Port Deposit

Dear Mr. Berry:

It has come to our attention that the property owners in question followed the procedures for a building permit application; however, the local authorities approved the application without applying Critical Area regulations for development in the Buffer. The property owners proceeded with their project after receiving building permits from the county.

Since the Town failed to implement the requirements relevant to this project and property owners followed normal procedures for a building permit application, we agree that the property owners should not be held liable for this oversight. Therefore, in order to achieve an equitable resolution, the Town shall be responsible for the offset requirement as stated in its ordinance ("...natural vegetation of an area equal to two times the area of the impervious surface created in the Buffer Exemption Area shall be planted on site."). This area is approximately 4720 square feet. It is our understanding that the Town has a waterfront park where trees and shrubs can be planted to meet this requirement. The planting shall be accomplished by the fall of 2002 and the Critical Area Commission notified of its completion.

We realize that the Town has had a turnover in personnel that may have attributed to this oversight, but the Commission is obligated to make sure the regulations are followed and feel this is the best way to resolve this situation.

If you have any questions regarding this requirement, please feel free to call Mary Ann Skilling at 410-556-6262 or Regina Esslinger at 410-260-3479.

Sincerely,

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

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: Ms. Mary Ann Skilling
PD18-01

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

RE: Header



Judge John 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 12, 2001

Mr. Tony Di Giacomo
Cecil County Department of Planning, Zoning, and Parks
129 East Main Street, Room 300
Elkton, MD 21921

RE: Whiteoak Growth Allocation

Dear Mr. Di Giacomo: *Tony*

The Critical Area Commission has received the Patricia Whiteoak growth allocation request to convert 1.02 acres from RCA to LDA for a private recreational facility. It is our understanding that this request has not yet been approved by the County Commissioners. The following information should be part of the application and is needed for this office to evaluate the request.

1. The Critical Area Commission's Growth Allocation Policy states that development envelopes shall include individually owned lots, required buffers, impervious surfaces, roads, utilities, stormwater management measures, on-site sewage disposal and areas subject to human use such as active recreation areas. The site plan does not identify all of these items nor are they all included in the development envelope. It appears that a parking area and a sewage disposal area will be needed for the project, and these are not shown on the plan. Earlier versions of the site plan submitted as part of the special exception showed a hiking trail throughout a large portion of Lot 2. Is the trail part of the project? How will the trail be used and what materials will be used to construct it?
2. It appears the County is proposing to minimize the acreage of growth allocation used by applying it only to the portion of the site that is developed. When the development envelope approach is used, the Commission's Policy states that, "If a development envelope is proposed in the RCA and less than 20 acres remain outside the envelope, then the entire parcel must be deducted." Because the development envelope as shown does not include all of the items mentioned in #1 above, I am unable to determine what the remaining acreage will be and whether there will be 20 acres of RCA remaining.
3. The Commission's Policy states that for subdivisions involving a parcel of land in the RCA, the acreage of the parcel as it existed on December 1, 1985 will

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

determine the amount of growth allocation deducted. The Critical Area Commission must ensure that the area of the original parcel, not proposed for growth allocation, meets the one unit per 20 acres density criterion in the RCA. The County must provide information regarding the dates when Lots 1 and 2 were created and the development that exists on or is proposed for these lots.

4. The application does not include information concerning Habitat Protection Areas such as potential Forest Interior Dwelling Species habitat and threatened and endangered species habitat.

When the growth allocation has been approved by the County Commissioners and forwarded to the Commission, the County will need to include an evaluation of the consistency of the application with the County's Critical Area Program and Ordinances as well as the growth allocation provisions in the Critical Area Criteria. As part of the actual growth allocation request, the County must provide a written assessment as to how the adjacency guidelines in COMAR 27.01.02.06 were considered. The assessment should also address efforts made to locate new LDAs at least 300 feet beyond tidal waters and tidal wetlands.

Thank you for the opportunity to comment. I will be happy to provide additional comments when I receive more specific information. Please call me at (410) 260-3479 if you have any questions.

Sincerely,



Regina A. Esslinger, Chief
Project Evaluation Division

cc: Mary Owens
CE37-00



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

April 9, 2001

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

Re: Variance Case No. 2001-0120-V
Leilani Logan

Dear Mr. ^{Kevin} Dooley:

I have reviewed the variance application for variance case number 2001-0120-V. The applicant is proposing to attach two dormers to the roof. The existing dwelling is within the 100-foot Buffer and does not meet the required side yard setbacks. This office does not oppose the granting of the variance.

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

Sincerely,

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: AA211-01

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

April 9, 2001

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

Re: Variance Case No. 2001-0123-V
Withernsea Property Owners

Dear Mr. ^{Kevin:} Dooley:

I have reviewed the variance application for variance case number 2001-0123-V. The applicant is requesting a variance to permit a recreational pier with less setbacks. This office does not oppose the granting of the variance.

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

Sincerely,

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

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: AA212-01

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

March 9, 2001

Ms. Kay H. Morin
STV Incorporated
21 Governor's Court
Baltimore, Maryland 21244-2722

RE: Whetstone Point Development
Turfstone Pavers

Dear Ms. Morin:

This office has received the manufacturer's specifications from Mr. Addison Palmer for the proposed pavers at the Whetstone Point site. Based on the specifications, the Turfstone pavers can be counted as 41% pervious. We have a few comments and concerns about this product in an area that will be used on a daily basis.

In our experience, grass does not grow well in the openings when traffic and parking on these pavers occurs more regularly than an occasional basis. In addition, the openings are large enough to create an uneven surface for someone wearing heels, which may lead to a future property owner desiring to pave over the Turfstone. The City is responsible for ensuring that if any of these driveways are converted to another surface the additional phosphorus loadings are accounted for and addressed through the 10% pollutant reduction requirement.

I hope this information is helpful. Please call me if you have any questions.

Sincerely, -

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: Mr. Addison Palmer, STV
Mr. Duncan Stuart
Ms. Dawnn McCleary
BA349-99

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

February 27, 2001

Ms. Kay H. Morin
STV Incorporated
21 Governor's Court
Baltimore, Maryland 21244-2722

RE: Whetstone Point Development

Dear Ms. Morin:

Thank you for your February 12, 2001 letter. The Commission staff has looked at the question of pervious pavers on a variety of sites and has developed a process to determine permeability based on extensive review and concurrence of our Commission. This process has worked well in providing some flexibility as well as water quality benefits.

The first item we need for our review is the manufacturer's specifications. Please forward them to our office. We will evaluate them and make a determination. From the information you provided, it appears that the drainage openings comprise 12% of the surface area; therefore, the paver system you mention may potentially be counted as 12% pervious, but we would need to see the specifications to make a final determination. We have discussed this process with Baltimore City staff and will notify them of any final determination.

I hope this information is helpful. We look forward to reviewing any additional information you can provide. Please call me if you have any questions.

Sincerely,

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: Mr. Duncan Stuart
Ms. Dawnn McCleary
BA349-99

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

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

February 27, 2001

Ms. Kay H. Morin
STV Incorporated
21 Governor's Court
Baltimore, Maryland 21244-2722

RE: Whetstone Point Development

Dear Ms. Morin:

Thank you for your February 12, 2001 letter. The Commission staff has looked at the question of pervious pavers on a variety of sites and has developed a process to determine permeability based on extensive review and concurrence of our Commission. This process has worked well in providing some flexibility as well as water quality benefits.

The first item we need for our review is the manufacturer's specifications. Please forward them to our office. We will evaluate them and make a determination. From the information you provided, it appears that the drainage openings comprise 12% of the surface area; therefore, the paver system you mention may potentially be counted as 12% pervious, but we would need to see the specifications to make a final determination. We have discussed this process with Baltimore City staff and will notify them of any final determination.

I hope this information is helpful. We look forward to reviewing any additional information you can provide. Please call me if you have any questions.

Sincerely,

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: Mr. Duncan Stuart
Ms. Dawnn McCleary
BA349-99

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

Staff Correspondence : Jones

2001

SR32-147-4

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 31, 2001

Ms. Joan Kean, Director
Somerset County Dept. of Technical & Community Service
Somerset Avenue, Room 102
Princess Anne, Maryland 21853

Re: FY2002 Grant, Conference Attendance

Dear Ms. Kean:

The Conference on Sediment and the Chesapeake Watershed, scheduled for January 22 and 23, 2002 is an acceptable use of Critical Area grant funds under your 2002 grant agreement.

Sincerely,

Claudia Jones

Claudia Jones
Critical Area Commission

Cc: Veronica Moulis

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 30, 2001

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

Re: Variance No. 2001-0438, Diane and David McClatchy, AA 619-01

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. This office has no problem with the variance request since no Habitat Protection Areas will be impacted. Since the project is located within an LDA, the 15% afforestation requirement needs to be met on the site.

Thank you for the opportunity to comment.

Sincerely,

Claudia Jones

Claudia Jones
Science Advisor

Cc: AA 619-01

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 28, 2001

Ms. Tracey Greene Gordy
Regional Planner/Circuit Rider
Maryland Department of Planning
Lower Eastern Shore Regional Office
Salisbury District Court/Multi-Service Center
201 Baptist Street, Suite 24
Salisbury, Maryland 21801-4974

Re: Manokin River Park, Princess Anne – Restroom and Sign

Dear Ms. Gordy:

Thank you for providing information on the proposal by the Town of Princess Anne for a restroom and a sign to be placed in the Manokin River Park. Both you and the Town have done a great job of enhancing the Manokin River Park, from both an environmental perspective (removal of invasive species and planting of native species) and a public use one. Thank you for doing such a good job.

The project for the restroom and the sign appear to be consistent with the Town's Critical Area Program since the project is located within a designated BEA and the mitigation requirement will be met.

Your calculations concerning mitigation plantings seem correct. If they plant either two native trees or six native shrubs, the Town will be in compliance with their Critical Area Program.

Please call if you have any questions regarding this letter.

Sincerely,

M. Claudia Jones

M. Claudia Jones
Science Advisor

MCj/jjd

cc: Mr. John O'Meara, Town Manager

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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

November 30, 2001

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

Re: Variance No. 2001-0442, Christopher Schmidt AA 620-02

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. This office has no problem with the variance request since no Habitat Protection Areas will be impacted.

We recommend that any vegetation that is removed in the course of construction be replaced.

Sincerely,

A handwritten signature in cursive script that reads "Claudia Jones".

Claudia Jones
Science Advisor

Cc: AA620-02

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 9, 2001

Mr. Tom Lawton
Department of Technical and Community Services
11916 Somerset Avenue, Room 102
Princess Anne, Maryland 21853

Re: William Gill Subdivision, SO 01-225, SUB 609-01

Dear Mr. Lawton:

This letter is regarding the above-referenced subdivision proposal. The applicant proposes to create a lot line around an existing dwelling. It is my understanding that the remainder of the larger parcel is to remain as part of an agricultural conservation easement. The requirements for afforestation have been met.

This office has no problem with this subdivision. Please do not hesitate to call if you have any questions regarding this letter.

Sincerely,

M. Claudia Jones

Claudia Jones
Science Advisor

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 9, 2001

Ms. Ramona Plociennik
Anne Arundel Co., Office of Planning & Zoning
2664 Riva road, MS 6301

RE: Variance No. 2001-0418, Mary France

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to the Buffer setbacks to construct an addition on the existing dwelling

This office has no problem with the variance request since no Habitat Protection Areas are to be impacted. We recommend that any vegetation that is removed in the course of construction be removed.

Thank you for the opportunity to comment.

Sincerely,

Claudia Jones

Claudia Jones
Science Advisor

Cc: AA599-01
600-01

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 9, 2001

Ms. Ramona Plociennik
Anne Arundel Co., Office of Planning & Zoning
2664 Riva road, MS 6301

RE: Variance No. 2001-Michelle Montague

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to the Buffer setbacks and to steep slopes to construct an addition on the existing dwelling.

This office has no problems with the variance request since it appears that impervious surfaces on the site will be reduced and minimal impacts to Habitat Protection Areas should occur. We recommend that revegetation should take place in areas where impervious surfaces are removed.

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

Sincerely,

A handwritten signature in cursive script that reads "Claudia Jones".

Claudia Jones
Science Advisor

Cc: AA 604-01

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 9, 2001

Ms. Ramona Plociennik
Anne Arundel Co., Office of Planning & Zoning
2664 Riva road, MS 6301

RE: Variance No. 2001-0416, James Jackson

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to the Buffer and setbacks to construct an addition on the existing dwelling. The addition will be in the same location as an existing deck that is to be removed.

This office has no problem with the variance request considering the existing conditions on site and that the property is within a designated BEA. We recommend mitigation for all new disturbances within the BEA at a 2:1 ratio. Mitigation should occur on site and within the BEA zone to the extent possible.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this request. Also, please provide this office with a copy of the written decision for this case. Please do not hesitate to call if you have any questions regarding these comments.

Sincerely,

Claudia Jones

Claudia Jones
Science Advisor

Cc: AA599-01

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

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

(410) 260-7516

Fax: (410) 974-5338

October 24, 2001

Mr. Tom Lawton
Department of Technical and Community Services
11916 Somerset Avenue, Room 102
Princess Anne, Maryland 21853

Re: Scott Tawes Subdivision, SUB 01-222, SO 475-01

Dear Mr. Lawton:

Thank you for requesting comments on the above-referenced subdivision. It is my understanding that the property consists of 36.10 acres in the Critical Area and that a residence currently exists on the property. The applicant would like to divide the property into 2 lots; Lot 1 would consist of 7.53 acres and the existing dwelling; Lot 2 would consist of 28.57 acres with a 2.87 development envelope. Since the property is designated RCA, the 1 in 20 acre density would apply and Growth Allocation would have to be approved by the Somerset County Commissioners and by the Critical Area Commission. An application for Growth Allocation was not included in the information that was provided to this office. If the applicant wishes to pursue Growth Allocation, the Critical Area Commission will need a formal submittal. I have the following comments.

- Additional information is needed about the subdivision history of the parent parcel. Please provide the subdivision history from December 1, 1985 to date.
- The growth allocation that will need to be deducted can be equal to the development envelope (2.87 acres).
- The result of the existing dwelling for density purposes encumbers 20 acres of the parcel. Of the remaining 16.1 acres, 2.87 acres of this is being proposed as a development envelope. The left over 13.23 acres will not be developable unless additional growth allocation is deducted.
- The 15% afforestation requirement will need to be met for the development envelope that is part of Lot 2.

Branch Office: 31 Creamery Lane, Easton, MD 21601

(410) 822-9047

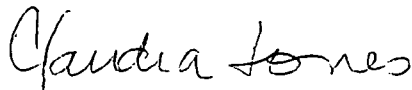
Fax: (410) 820-5093

Mr. Tom Lawton
October 24, 2001
Page Two

- I have consulted with Russ Hill from the Heritage Division of DNR. He does not believe that the proposed subdivision will have an adverse impact on any listed plant species. He will write a letter to that effect.
- The State Tidal Wetland map indicates that the wetlands adjacent to the property may be State wetlands instead of private wetlands. As you know, State wetlands, those below mean high water (MHW) are not generally in private ownership. In this case, it is not necessary delineate the tidal wetlands as private or State, since these wetlands are not affecting density calculations nor affecting the amount of growth allocation that will need to be deducted. If the County or the property owner would like to determine which category these tidal wetlands fall in, I will be happy to help.

Please call if you have any questions regarding these comments.

Sincerely,



Claudia Jones
Science Advisor

Cc: Mary Owens



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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

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

Mr. Phil Townsend, P.E.
Project Manager
Project Management and Design
Maryland Department of General Services
State Office Building
301 West Preston Street, Suite 1405
Baltimore, Maryland 21201

Re: Police Barrack X – Princess Anne, Somerset County

Dear Mr. Townsend:

As you know from the Commission meeting on October 5, 2001, the Critical Area Commission is satisfied that the additional 0.64 acres of forest proposed for mitigation for the Barrack X project in Princess Anne will complete the forest mitigation requirements for the project. To complete the process, we will need:

- A letter from the Eastern Correctional Institute indicating that they will allow the mitigation to be located on their property and that they do not foresee having to use that section of their property.
- A new site plan that shows all the mitigation on the Police Barracks property and adjacent Eastern Correctional Institute. In addition, the notes need to be amended on the site plan to reflect the current mitigation plan.
- A new "Planting Agreement for State Projects" form that is filled out indicating the plantings that will be done and the time frame.

Thank you for working with us to complete the review and approval of this project. Please call me if you have any questions regarding this letter. I may be reached directly at 410-260-3476.

Sincerely,

Claudia Jones
Science Advisor

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



Reater

Judge John 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. Jerry Turnbaugh, P.E.
Project Engineer
Whitney, Bailey, Cox and Magnani, LLC
Suite 100
849 Fairmount Avenue
Baltimore, Maryland 21286

Re: U.S. Naval Academy
Glenn Warner Soccer Facility Offsite SWM

Dear Mr. Turnbaugh:

Thank you for meeting us at the site of the proposed stormwater management facility for the Glenn Warner Soccer Facility. The new site behind the Central Heating Plant #579 off of King George's Street is acceptable to this office as a location for the stormwater mitigation needed for the soccer facility provided that the facility and all associated disturbance is located on the landward side of the existing fence. This is in the area that is currently being mowed. There is also a trailer sitting on part of this area.

While, this location within the 100-foot Buffer is normally off limits to development activities, Commission staff has determined that some flexibility is warranted in this case for several reasons. This is a site that would probably qualify as a Buffer Exemption Area (BEA) if it was located on private property due to the development that is in existence in the Buffer. There is pavement, buildings and mowed areas within 100-feet of the Buffer, so the Buffer isn't functioning fully for the entire 100 feet. We also are aware that other sites have been considered and dismissed because they would not work.

We understand that the proposal for this site was to design the stormwater facility that would provide additional treatment other than that required for the Glenn Warner soccer facility in order to bank some mitigation credits for future projects. We think that this is

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

Mr. Turnbaugh
September 10, 2001
Page Two

a good idea, but do not believe that this is a good location in which to do that. Additional treatment at this location would result in encroachment into the naturally vegetated Buffer on the site that is already providing water quality as well as habitat benefits.

Please do not hesitate to call if you have any questions regarding these comments.

Sincerely,

M. Claudia Jones

M. Claudia Jones

MCJ/jjd

cc: Ms. Regina Esslinger
Ms. Dawnn McCleary

Reader

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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

September 10, 2001

Ms. Penny Chalkley
Development Division
Anne Arundel County Office of Planning and Zoning
2664 Riva Road, P.O. Box 6675
Annapolis, Maryland 21401

Re: Fiorenza, resubdivision of Lot 4, AA324-01

Dear Ms. Chalkley:

I am writing you regarding the above-referenced subdivision. It is my understanding that the applicant would like to combine Lots 1A and 2A to make one building lot and to rearrange the conservation easement. This would result in only one lot being located on the two lots an increase in the amount of area in the conservation easement.

This office has no problems with this administrative plat change. This configuration should not have any greater impact on the FID species that may use the site than the original proposal and, in fact, may be beneficial to them since less forest overall will be disturbed. Thank you for the opportunity to comment on this change.

Sincerely,

Claudia Jones
Claudia Jones
Science Advisor

Cc: Lisa Hoerger

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

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



Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

August 20, 2001

Mr. Tom Lawton
Department of Technical and Community Services
11916 Somerset Avenue, Room 102
Princess Anne, Maryland 21853

Re: Eagle Point Farm Subdivision
SO 469-01, SUB 98-154

Dear Mr. Lawton:

This letter is regarding the above-referenced subdivision proposal. This office contacted Dr. Wayne Tyndall of the Wildlife and Heritage Division of DNR in response to a May 9, 2001 letter from Heritage about the possibility of threatened/endangered species in the vicinity of the site. Dr. Tyndall has indicated that *Aeschynomene virginica* (Sensitive Joint-vetch) has not been found in King's Creek and that the 100-foot Buffer should be adequate to protect *Potamogeton foliosus* (Leafy Pondweed) should any of these plants be adjacent to the site.

It is my understanding that the subdivision will create a lot of 17 acres and that three acres will be restricted on the adjacent parcel to make up the RCA density requirement of 20 acres. For the tidal wetlands to be included in the density calculations, it must be determined that these wetlands are above Mean High Water (MHW) and would be considered private wetlands by the Maryland Department of the Environment. According to the State Tidal Wetland Maps, many of the tidal wetland species shown in this area grow below MHW and would, therefore, be considered part of State Tidal Wetlands. State Tidal wetlands cannot be used in the calculation of density. According to the Critical Area Law, the State Tidal Wetland Maps can be used to determine wetland type for purposes of density calculation.

Please do not hesitate to contact me if you have any questions regarding this letter, or if I can provide any additional assistance in the use of the tidal wetland maps for density calculation purposes.

Sincerely,

M. Claudia Jones
M. Claudia Jones
Science Advisor

M CJ/jjd

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

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

August 17, 2001

Ms. Penny Chalkey
Development Division
Anne Arundel County Office of Planning and Zoning
2664 Riva Road, P.O. Box 6675
Annapolis, Maryland 21401

Re: South River Colony, Parcel B, Exterior Construction

Dear Ms. Chalkey:

I am writing to you about the language regarding FID restrictions on the South River Colony Parcel B plat. The language on the plat currently places a temporal restriction on clearing, grading, and exterior construction in FID habitat. It is not necessary to limit exterior construction during this time once the clearing has been done since the habitat will no longer exist within the cleared area. There is not much scientific documentation at this time about the effect of noise on these species. Please call if you have any questions regarding this letter.

Sincerely,

A handwritten signature in cursive script that reads "Claudia Jones".

Claudia Jones
Science Advisor

Cc: Ms. Regina Esslinger
Ms. Lisa Hoerger

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

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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

August 17, 2001

Mr. Tom Lawton
Department of Technical and Community Services
11916 Somerset Avenue, Room 102
Princess Anne, Maryland 21853

Re: Nancy and William Bedsworth, 01-686, SO 433-01

Dear Mr. Lawton:

Thank you for providing information on the above-referenced project. It is my understanding that this is a grandfathered lot located in a BEA. Since it is located in a BEA no variance is required for activities in the Buffer, only minimization of Buffer impacts documented through Findings-of-Fact. The project came to this office for review because of the amount of impervious surface that is being proposed.

It appears, based on the information provided to this office, that a variance is not necessary. This is because of State legislation was enacted in 1996 amending the impervious surface thresholds for grandfathered lots, at the discretion of Critical Area jurisdictions, if certain conditions are met. It seems that in this situation these conditions are met.

I have attached a copy of the amended 1996 legislation as well as a copy of a guidance document that this office produced on the legislative changes. The County may wish to incorporate these changes into the Zoning Ordinance. It can be handled as a refinement. However, since it is in State Law, the County can go ahead and use the provisions of this legislation.

Please call if you have any questions. My direct number is 410-260-3476.

Sincerely,

A handwritten signature in cursive script that reads "Claudia Jones".

Claudia Jones
Science Advisor

Cc: Ms. Joan Kean
Ms. Regina Esslinger
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

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

August 3, 2001

Mr. Tom Lawton
Department of Technical and Community Services
11916 Somerset Avenue, Room 102
Princess Anne, Maryland 21853

Re: Richard Tucker, SO 432-01, VAR 01-685

Dear Mr. Lawton:

Thank you for submitting the above-referenced variance request to our office for review. The applicant is requesting a variance to construct a house on a grandfathered lot. It appears that efforts have been made to minimize intrusion into the Buffer to the extent possible. Since it is not possible to eliminate all impacts to the Critical Area Buffer, we recommend that mitigation be provided in the form of Buffer plantings. Generally, mitigation for Buffer impacts is 3:1. Plantings should be native trees and/or shrubs and they should be planted on-site if possible.

Thank you for the opportunity to comment. Please do not hesitate to call if you have any questions regarding these comments.

Sincerely,

A handwritten signature in cursive script that reads "Claudia Jones".

Claudia Jones
Science Advisor

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

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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

August 3, 2001

Mr. Tom Lawton
Department of Technical and Community Services
11916 Somerset Avenue, Room 102
Princess Anne, Maryland 21853

Re: Richard Tucker, SO 432-01, VAR 01-685

Dear Mr. Lawton:

Thank you for submitting the above-referenced variance request to our office for review. The applicant is requesting a variance to construct a house on a grandfathered lot. It appears that efforts have been made to minimize intrusion into the Buffer to the extent possible. Since it is not possible to eliminate all impacts to the Critical Area Buffer, we recommend that mitigation be provided in the form of Buffer plantings. Generally, mitigation for Buffer impacts is 3:1 Plantings should be native trees and/or shrubs and they should be planted on-site if possible.

Thank you for the opportunity to comment. Please do not hesitate to call if you have any questions regarding these comments.

Sincerely,

A handwritten signature in cursive script that reads "Claudia Jones".

Claudia Jones
Science Advisor

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

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

(410) 260-7516

Fax: (410) 974-5338

July 25, 2001

Ms. Joan S. Kean
Department of Technical and Community Services
11916 Somerset Avenue, Room 102
Princess Anne, Maryland 21853

Re: Somerset County Growth Allocation GA95-14
CAC Amendment File SOA-13, Tusculum Subdivision, Keith Coffin

Dear Ms. Kean:

This letter is in response to your letter of July 12, 2000 regarding the Growth Allocation awarded for a subdivision known as Tusculum located on Tax Map #14, Block #5, Parcel #30. The Somerset Board of County Commissioners withdrew the Growth Allocation in compliance with the Somerset County Zoning Ordinance, which states that a project shall be substantially completed within two years or the Department shall recommend withdrawal of the Award by the County Commissioners. This is what has occurred. In your letter, you request that the Commission handle this withdrawal of growth allocation as a refinement and be placed on the Critical Area Commission agenda.

Since the process is spelled out in your Critical Area Program and Zoning Ordinance, this letter is sufficient to acknowledge this change for the Critical Area Commission. We will adjust our records to reflect that 30.73 acres of Growth Allocation is added back into the Somerset County Growth Allocation total. Please call if you have any questions or comments regarding this letter.

Sincerely,

Claudia Jones
Science Advisor

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

July 25, 2001

Ms. Angie Evans
Assistant to the City Manager
City of Crisfield
City Hall
319 Main Street
Crisfield, Maryland 21817

Re: Stanley Cochrane American Legion

Dear Ms. Evans:

Thank you for submitting the above-referenced variance application for our review. The applicant is requesting a variance to erect a 24' X 24" deck in the Buffer. This office has no objections to this variance request. We do recommend that mitigation be provided in the form of planting in the buffer at 3:1 for area of disturbance or that the applicant follow the attached recommended BMP for deck construction including vegetative stabilization from the Commission's *Applicant's Guide for 10% Rule Compliance*. Please call if you have any questions or comments regarding these comments.

Sincerely,

A handwritten signature in cursive script that reads "Claudia Jones".

Claudia Jones
Science Advisor

Cc: Tracey Greene

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

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

July 25, 2001

Ms. Carla Logan
Senior Environmental Scientist
Environmental Affairs
Baltimore Gas and Electric
76509 Energy Parkway
Suite 101
Baltimore, Maryland 21226

Re: BGE – Spring Gardens

Dear Ms. Logan:

I am sorry I have taken so long in getting back to you about the BGE – Spring Garden riparian buffer plantings and 10% pollutant reduction calculations. It is my understanding that what we were asked to consider were additional credits (removal efficiency) for the riparian buffer and how much credit to apply to the plantings installed around the wetland area of Segment 4.

Pond/wetland area – I believe that your proposal of 55% phosphorus removal rate for this area is appropriate and is consistent with the efficiencies that are reported in MDE's 2000 Maryland Stormwater Design Manual.

Forested buffer - The forested buffer that has been established on the Spring Gardens site appears to be functioning well. The vegetation is certainly thriving and the level spreaders help to ensure that water flows through the buffer instead of bypassing it or scouring it out. We applaud your efforts and have actually spoken of your site on numerous occasions to our Commission members as an urban site that has been greatly enhanced through the Critical Area process, the efforts of the City, and most of all the initiative of the employees of BGE. However, despite the well-designed and implemented buffer enhancement, I do not believe that we can allot any additional pollutant removal credits to the Buffer. This conclusion is based on the following:

- The Commission does not generally allow riparian forested buffers to be included in credits for 10% pollutant calculations. This is for several reasons. First, in general, riparian buffers are much harder to design as water quality BMP's than typical

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

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

Ms. Carla Logan
July 25, 2001
Page Two

manmade BMP's such as stormwater ponds and shallow wetlands and it is difficult to quantify how much of a drainage area would actually pass through the buffer and how effective the buffer actually is. In many cases it could mean that a Buffer would need to be graded to ensure that water travels through a buffer as sheet flow. This is not something that we want to promote. Second, the Buffer is supposed to be reestablished in natural vegetation on many sites anyway though various regulatory processes such as mitigation requirements for impacts either to the Buffer or outside of the Buffer.

- Several years ago, the Commission agreed that BGE-Spring Gardens could use the Spring Garden's Buffer as a water quality BMP at the efficiency rating of 50%. This was because BGE-Spring Gardens had done such a good job of reestablishing the Buffer with appropriate plantings and designed and put in place level spreaders to ensure that stormwater actually flows through the buffer instead of bypassing it.
- The new MDE 2000 Stormwater Design Manual does not include riparian buffers as a standard water quality BMP because of the reasons stated in the first bullet above. Instead, they include riparian buffers in a special offset category option when stormwater management requirements cannot be met on site. In that scenario, they assign a pollutant removal value of 1lb of phosphorus removal per 0.5 acre of buffer establishment (Appendix D-4, Table D.4.9). This amount is less than what we have currently allowed BGE to count as a phosphorus removal credit for the buffer established at the Spring Garden's facility.

While the Commission does believe that BGE has done an exceptional job with Buffer reestablishment at the Spring Gardens site, we feel that to give BGE additional credits for Buffer reestablishment at this time would not be consistent with overall Commission policy and would not be something that MDE could support. Please feel free to call me if you wish to discuss this letter or if you have any additional questions or concerns.

Sincerely,

Claudia Jones

Claudia Jones
Science Advisor

Cc: Duncan Stuart, Baltimore City
Regina Esslinger, CAC
Dawnn McCleary, CAC
Reader



Judge John 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. Phil Townsend, P.E.
Project Manager
Project Management and Design
Maryland Department of General Services
State Office Building
301 West Preston Street – Suite 1405
Baltimore, Maryland 21201

Re: Police Barrack X – Princess Anne, Somerset County

Dear Mr. Townsend:

As you know the Critical Area Commission approved the above-referenced project. The approval took into account the preconstruction work that had been done on site prior to the Commission meeting. The project was approved as submitted including the additional wet swales added to the stormwater management BMP's to meet the 10% pollutant reduction requirement for development in an "intensely developed area" on state-owned property in the Critical Area. The Commission was made aware of the outstanding 0.84 acres of forest mitigation that is needed for the project. Commission approval includes the condition that DGS report back to the Commission at their August 1, 2001 meeting on the progress in finding a place to mitigate the remaining forest and that DGS report back to the Commission with a finalized plan for the remaining mitigation at the October 3, 2001 Commission meeting.

Please call if you have any questions regarding this letter or the Commission approval.

Sincerely,

Claudia Jones
Science Advisor

Cc: Ren Serey
Regina Esslinger

✓ leader

Branch 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

July 19, 2001

Mr. Dave Davis, Manager
Wye Island N.R.M.A
632 Wye Island Road
Queenstown, Maryland 21658

Re: Wye Island NRMA Critical Area Approvals

Dear Mr. Davis:

The Critical Area Commission approved four projects for the Wye Island Natural Resources Management Area at its monthly meeting on June 6, 2001. The projects are as follows:

1. Expanded Trail System – 01DNR095
2. Equestrian Parking Area – 98DNR27
3. Wye River Water Trail – Soft Landings at Ferry Landing (including placement of portable toilet outside the 100 foot Buffer), Dividing Creek, Solo Cove
4. Wye Island Shore Erosion Control Project (after-the-fact approval for area off of Granary Creek Drive)

The only outstanding issue is how the stormwater will be handled for the equestrian parking area. The Commission determined that this item could be handled at the staff level. I believe we can handle this through plantings around the parking lot. Either Julie Modlin of Resource Planning or myself will be touch on this issue.

Thank you for working with us to get these projects through the process. Please call if you have any questions regarding these approvals.

Sincerely,

Claudia Jones

Claudia Jones
Science Advisor

Cc: Julie Modlin, Resource Planning

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

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





Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

(410) 974-2426

Fax: (410) 974-5338

July 17, 2001

Mr. Kevin J. Shearon, P.E.
McCrone, Inc.
207 N. Liberty Street
Suite 100
Centreville, Maryland 21617

Re: Tilghman Elementary School, Planting Plan

Dear Ms. Verdery:

As you are aware the above-referenced project recently received conditional approval from the Critical Area Commission. At the time of conditional approval, the Critical Area Commission directed the staff of Talbot County and the Commission to continue to work with the applicant on the landscaping/mitigation plan. In general, the Critical Area Criteria encourage the use of native vegetation when mitigating for development impacts in the Critical Area. This seems especially applicable on the site of a school where the landscaping/mitigation could be used as part of an environmental curriculum to teach young children the value that native vegetation has for native wildlife. This is especially apparent in the relationship between butterflies and host plants. For this reason, I have suggested below some of the plants that I believe would grow on the soils that are present on the site. I have also attached a native plant list as well as a list of Maryland butterflies and the plants that are of particular importance to them.

Of the plants listed on the landscaping schedule, Red Maple, Pin Oak, Red Oak, and inkberry are native. The others are not native and one, Periwinkle (*Vinca minor*) is considered an invasive species. Other native species that should do well on the site include:

Hackberry (*Celtis occidentalis*)
American Holly (*Ilex opaca*)
Sweetbay magnolia (*Magnolia virginiana*)
Virginia sweetspire (*Itea virginica*)

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

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

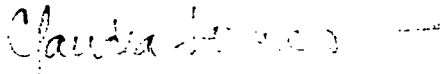
Mr. Kevin J. Shearon
July 17, 2001
Page Two

Wax Myrtle (*Myrica cerifera*)
Sweet pepperbush (*Clethra alnifolia*)
Highbush blueberry (*Vaccinium corymbosum*)

Some possible native ground covers include various species of violets (*Viola* sp.), wild ginger (*Asarum canadense*) sensitive fern (*Onoclea sensibilis*) and lady fern (*Athyrium filix-femina*).

Please do not hesitate to call if you have any questions or comments regarding this letter. My direct number is 410-260-3476.

Sincerely,



Claudia Jones
Science Advisor

Cc: Mr. John Masone, Talbot County Schools
Ms. Mary Kay Verdery, Talbot County Planning and Zoning
Ms. Lisa Hoerger, CAC

* Species that are suited to Tilghman Elementary site

Food Plants of Butterflies and Skippers

Alfalfa
(*Medicago sativa*)
Clouded Sulphur

amaranth sp.
(*Amaranthus* sp.)
Common Sooty Wing

American Beech
(*Fagus americana*)
Early Hairstreak

American Holly
(*Ilex americana*)
Henry's Elfin
Spring Azure

ash sp.
(*Fraxinus* sp.)
Hickory Hairstreak
Tiger Swallowtail

aspen sp.
(*Populus* sp.)
Compton Tortoise Shell
Dreemy Dusky Wing
Red-spotted Purple
White Admiral

aster sp.
(*Aster* sp.)
Pearl Crescent
Northern Pearl Crescent
Silvery Checkerspot

Atlantic White Cedar
(*Chamaecyparis thyoides*)
Hessel's Hairstreak

Beaked Hazel
(*Corylus rostrata*)
Early Hairstreak

Bear Oak
(*Quercus ilicifolia*)
Sleepy Dusky Wing

Bearberry
(*Arctostaphylos uva-ursi*)
Brown Elfin
Hoery Elfin

beardtongue sp.
(*Penstemon* sp.)
Baltimore

beggars-ticks sp.
(*Bidens* sp.)
Hoery Edge
Northern Cloudy Wing
Southern Cloudy Wing

Bermude Grass
(*Cynodon dactylon*)
Fiery Skipper
Sechem
Whirlabout

Big Bluestem
(*Andropogon gerardii*)
Arogos Skipper
Cobweb Skipper
Dusted Skipper
Indian Skipper

birch sp.
(*Betula* sp.)
Compton Tortoise Shell
Dreemy Dusky Wing
Mourning Cloak

Bird's-foot Violet
(*Viola pedata*)
Regal Fritillary

Black Cherry
(*Prunus serotina*)
Cherry Gell Azure
Spring Azure

Black Cohosh
(*Cimicifuga racemosa*)
Appalachian Azure
Summer Azure

Black Locust
(*Gleditsia triacanthos*)
Silver-spotted Skipper
Zarucco Dusky Wing

Black Oak
(*Quercus velutina*)
Edward's Hairstreak
Red-spotted Purple
White Admiral

Black Snekeroot
(*Cimicifuga racemosa*)
Spring Azure

Black Walnut
(*Juglans nigra*)
Banded Hairstreak

blackberry sp.
(*Rubus* sp.)
Striped Hairstreak

Black-eyed Susan
(*Rudbeckia laciniata*)
Silvery Checkerspot

Bleddernut
(*Staphylea trifolia*)
Giant Swallowtail

blueberry sp.
(*Vaccinium* sp.)
Henry's Elfin
Pink-edged Sulphur
Spring Azure

bluegrass sp.
(*Poa* sp.)
Hobomok Skipper
Long Dash

Bottlebrush
(*Hystrix patula*)
Northern Peery Eye

Broadleaf Uniola
(*Uniola latifolia*)
Northern Peery Eye

Bugbane
(*Cimicifuga racemosa*)
Appalachian Azure
Summer Azure

bulrush sp.
(*Scirpus* sp.)
Mitchell's Satyr

bush clover sp.
(*Lespedeza* sp.)
Hoery Edge
Northern Cloudy Wing
Southern Cloudy Wing

Butternut
(*Juglans cinerea*)
Banded Hairstreak

cassia sp.
(*Cassia* sp.)
Cloudless Sulphur
Little Sulphur
Orange-bellied Sulphur
Sleepy Orange

chokeberry sp.
(*Pyrus* sp.)
Corel Hairstreak
Striped Hairstream

Chokecherry
(*Prunus virginiana*)
Cherry Gall Azure
Spring Azure

Cottonwood
(*Populus* sp.)
Mourning Cloak

crebgrass sp.
(*Digitaria* sp.)
Fiery Skipper

Cranberry
(*Veccinium mecrrophyllum*)
Bog Copper

Columbine
(*Aquilegia canadense*)
Columbine Dusky Wing

Crown Vetch
(*Coronilla varia*)
Wild Indigo Dusky Wing

Curled Dock
(*Rumex crispus*)
Bronze Copper
Little Copper

dogbane sp.
(*Apocynum* sp.)
Monarch

dogwood sp.
(*Cornus* sp.)
Spring Azure
Summer Azure

elm sp.
(*Ulmus* sp.)
Comma
Mourning Cloak
Question Mark

everlasting sp.
(*Gnaphelium* sp.)
American Painted Lady

Fall Witchgrass
(*Leptolome cognatum*)
Dotted Skipper

false foxglove sp.
(*Aureolaria* sp.)
Baltimore
Buckeye

False Indigo
(*Baptisia tinctoria*)
Dog Face
Hoary Edge

False Nettle
(*Boehmeria cylindrica*)
Hop Merchant
Question Mark
Red Admiral

Flat-topped White Aster
(*Sericocarpus asteroides*)
Harris' Checkerspot

fleebene sp.
(*Erigeron* sp.)
Northern Metalmerk

Flowering Dogwood
(*Cornus florida*)
Edward's Azure

Goet's Beard
(*Aruncus dioicus*)
Dusky Azure

Gooseberry
(*Ribes* sp.)
Grey Comme

gresses
(*Poacea*)
Broken Dash
Clouded Skipper
Common Wood Nymph
Crossline Skipper
Delaware Skipper
Eufele Skipper
Fiery Skipper
Indian Skipper
Least Skipper
Leonard's Skipper
Little Wood Satyr
Ocola Skipper
Peck's Skipper
Pepper and Selt Skipper
Roadside Skipper
Sechem
Whirlabout
Zabulon Skipper

Hackberry
(*Celtis occidentalis*)
American Snout
Hackberry Butterfly
Mourning Cloak
Question Mark
Tawny Emperor

heath family
(*Ericacea*)
Brown Elfin
Striped Hairstreak

Hercules' Club
(*Aralia spinosa*)
Giant Swallowtail

hickory sp.
(*Carya* sp.)
Banded Hairstreak
Hickory Hairstreak

Hog Peenut
(*Amphicarpa bracteata*)
Gold-banded Skipper

hollyhock sp.
(*Althea* sp.)
Checkered Skipper

Hops
(*Humulus lupulis*)
Comma

Horse-suger
(*Symplocos tinctoria*)
King's Hairstreak

huckleberry sp.
(*Gaylussacia* sp.)
Brown Elfin
Henry's Elfin

Indigo Bush
(*Amorpha fruticosa*)
Dog Face

Inkberry
(*Ilex glabra*)
Cherry Gall Azure

joint vetch sp.
(*Lathyrus* sp.)
Barred Yellow

Lamb's Quarters
(*Chenopodium elbum*)
Common Sooty Wing
Scalloped Sooty Wing

Legume family
(*Leguminosae; Fabiacea*)
Clouded Sulphur
Dog Face
Eastern Tailed Blue
Grey Hairstreak
Long-tailed Skipper
Northern Cloudy Wing
Painted Lady
Silver-spotted Skipper
Silvery Blue
Southern Cloudy Wing

Little Bluestem
(*Andropogon scoparius*)
Cobweb Skipper
Dusted Skipper
Indian Skipper
Leonard's Skipper
Swerthy Skipper

Lupine
(*Lupinus perennis*)
Frosted Elfin
Persius Dusky Wing
Wild Indigo Dusky Wing

mellow sp.
(*Hibiscus* sp.)
Checkered Skipper
Grey Hairstreak
Painted Lady

Marsh Millat
(?????????)
Broad-winged Skipper

Mayapple
(*Podophyllum peltatum*)
Variegated Fritillary

meadowsweet
(*Spiraea* sp.)
Summer Azure

milk vetch sp.
(*Vicia* sp.)
Northern Cloudy Wing
Southern Cloudy Wing

milkweed sp.
(*Asclepias* sp.)
Monarch

Mistlatoa
(*Phoradendron flavescens*)
Great Purple Hairstreak

mustard family
(*Cruciferae*)
Cabbage Butterfly
Checkered White
Falcate Orange Tip

Nannybarr
(*Viburnum lentago*)
Cherry Gall Azure

New Jersey Tea
(*Ceanothus americanus*)
Mottled Dusky Wing
Spring Azure
Summer Azure

nettle sp.
(*Urtica* sp.)
Comma
Question Mark
Red Admiral

oak sp.
(*Quercus* sp.)
Banded Hairstreak
Hickory Hairstreak
Horaca's Dusky Wing
Juvenal's Dusky Wing
Rad-banded Hairstreak
Southern Hairstreak
Striped Hairstreak
White-M Hairstreak

Orchard Grass
(*Dactylus glomeratus*)
Little Wood Satyr

panic grass sp.
(*Panicum/Dichanthelium* sp.)
Hobomok Skipper
Northern Broken Dash
Tawny-edged Skipper

parsley family
(*Umbelliferae*)
Black Swallowtail

paspalum sp.
(*Paspalum* sp.)
Broken Dash

Paw-paw
(*Asimina triloba*)
Zebra Swallowtail

Pencil-flower
(*Stylosanthes biflora*)
Barred Yellow

peppargrass sp.
(*Lepidum* sp.)
Cabbage Butterfly
Checkered White

Pipevine
(*Aristolochia durior*)
Pipevine Swallowtail

poplar sp.
(*Populus* sp.)
Dreamy Dusky Wing
Red-spotted Purple
Viceroy
White Admiral

Prickly Ash
(*Xanthoxylum clava-Herculis*)
Giant Swallowtail

Purple Gerardia
(*Gerardia purpurea*)
Buckeye

Purpletop
(*Triodia flava*)
Common Wood Nymph
Crossline Skipper
Little Glassywing

pussy-toes sp.
(*Antennaria* sp.)
American Painted Lady

Queen-Anne's-Laca
(*Daucus carota*)
Black Swallowtail

Red Cedar
(*Juniperus virginiana*)
Olive Hairstreak

Redbud
(*Cercis canadensis*)
Henry's Elfin

Redroot
(*Lachnanthes tinctoria*)
Mottled Dusky Wing

rock cress sp.
(*Arabis* sp.)
Falcate Orange Tip
Olympia Marble

rose family
(*Rosaceae*)
Striped Hairstreak

Round-laaved Ragwort
(*Senecio obovatus*)
Northern Matalmark

Sarsparilla
(*Aralia hispida*)
Cherry Gall Azure

Sassafras
(*Sassafras albidum*)
Palamadas Swallowtail (?)
Spicebush Swallowtail
Tiger Swallowtail

Scrub Oak
(*Quercus ilicifolia*)
Edward's Hairstreak

Scrub Pine
(*Pinus virginiana*)
Eastern Pine Elfin

Seashore Saltgrass
(*Distichlis spicata*)
Salt Marsh Skipper

sedge sp.
(*Carex* sp.)
Appalachian Eyed Brown
Black Dash
Dion Skipper
Dun Skipper
Mitchell's Satyr
Mulberry Wing
Two-spotted Skipper

shadbush sp.
(*Amelanchior* sp.)
Stripad Hairstreak

Sheep Sorrel
(*Rumex acetocalla*)
American Copper

Shapherd's Purse
(*Capsella bursa-pastoralis*)
Chackerad White
Falcate Orange Tip

Spicebush
(*Lindera benzoin*)
Spicebush Swallowtail
Tiger Swallowtail

Steghorn Sumac
(*Rhus typhina*)
Spring Azure

sumac sp.
(*Rhus* sp.)
Red-banded Hairstreak
Summer Azure

sunflower sp.
(*Helianthus* sp.)
Silvery Checkerspot

Sweetleaf
(*Symplocos tinctoria*)
King's Hairstreak

Switchgrass
(*Panicum virgatum*)
Dotted Skipper

Thin-leaved Sunflower
(*Helianthus decapetalus*)
Silvery Checkerspot

thistle sp.
(*Cirsium* sp.)
Painted Lady

Timothy
(*Pleum pratense*)
European Skipper

Toadflax
(*Linaria canadense*)
Buckeye

toothwort sp.
(*Cardamine* sp.)
Felcete Orange Tip
West Virginie White

Trailing Arbutus
(*Epigaea repens*)
Hoary Elfin

trefoil sp.
(*Desmodium* sp.)
Clouded Sulphur

Tulip Tree
(*Lireodendon tulipifera*)
Tiger Swallowtail

Tumble Mustard
(*Sisymbrium altissimum*)
Cabbage
Checkered White

Turtlehead
(*Chelone glabra*)
Baltimore

vetch sp.
(*Vicia* sp.)
Alfalfa Butterfly
Silvery Blue

viburnum sp.
(*Viburnum* sp.)
Spring Azure

violet sp.
(*Viola* sp.)
Aphrodite Fritillary
Atlantis Fritillary
Great Spangled Fritillary
Meadow Fritillary
Silver-bordered Fritillary
Variegeted Fritillary

walnut sp.
(*Juglans* sp.)
Banded Hairstreak

Water Dock
(*Rumex orbiculatus*)
Bronze Copper

Wavy-leaved Aster
(*Aster undulatus*)
Tawny Crescent

Wax Myrtle
(*Myrica cerifera*)
Red-banded Hairstreak

White Clover
(*Trifolium repens*)
Clouded Sulphur

White Grass
(*Leersia virginica*)
Northern Pearly Eye

White Sweet Clover
(*Melilotus alba*)
Clouded Sulphur

Wild Carrot
(*Daucus carota*)
Black Swallowtail

wild cherry sp.
(*Prunus* sp.)
Coral Hairstreak
Red-spotted Purple
Spring Azure
Striped Hairstreak
Tiger Swallowtail
White Admiral

Wild Indigo
(*Baptisia tinctoria*)
Frosted Elfin
Wild Indigo Dusky Wing

Wild Plum
(*Prunus americana*)
Corel Hairstreak
Striped Hairstreak

Wild Rice
(*Zizania aquatica*)
Broad-winged Skipper

Wild Strawberry
(*Fragaria virginica*)
Grizzled Skipper

willow sp.
(*Salix* sp.)
Compton Tortoise Shell
Dreamy Dusky Wing
Mourning Cloek
Striped Hairstreak
Viceroy

Wingstem
(*Actinomeris alternifolia*)
Silvery Checkerspot

winter cress
(*Barbarea* sp.)
Felcete Orange Tip
Cabbage Butterfly
Checkered White

Wisteria
(*Wisteria sinensis*)
Silver-spotted Skipper

....
wooly aphids
Harvester

.....
??? Aaron's Skipper

26June 1995 jls

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

July 12, 2001

Ms. Lori Allen
Development Division
Anne Arundel County Office of Planning and Zoning
MS #6303
2664 Riva Road, P.O. Box 6675
Annapolis, Maryland 21401

Re: Watson Property off of Benfield Road, Severna Park

Dear Ms. Allen:

The map that I included in my letter to you of June 29, 2001 was incorrectly marked. Please replace it with the attached map indicating the area of reference.

Please call if you have any questions.

Sincerely,

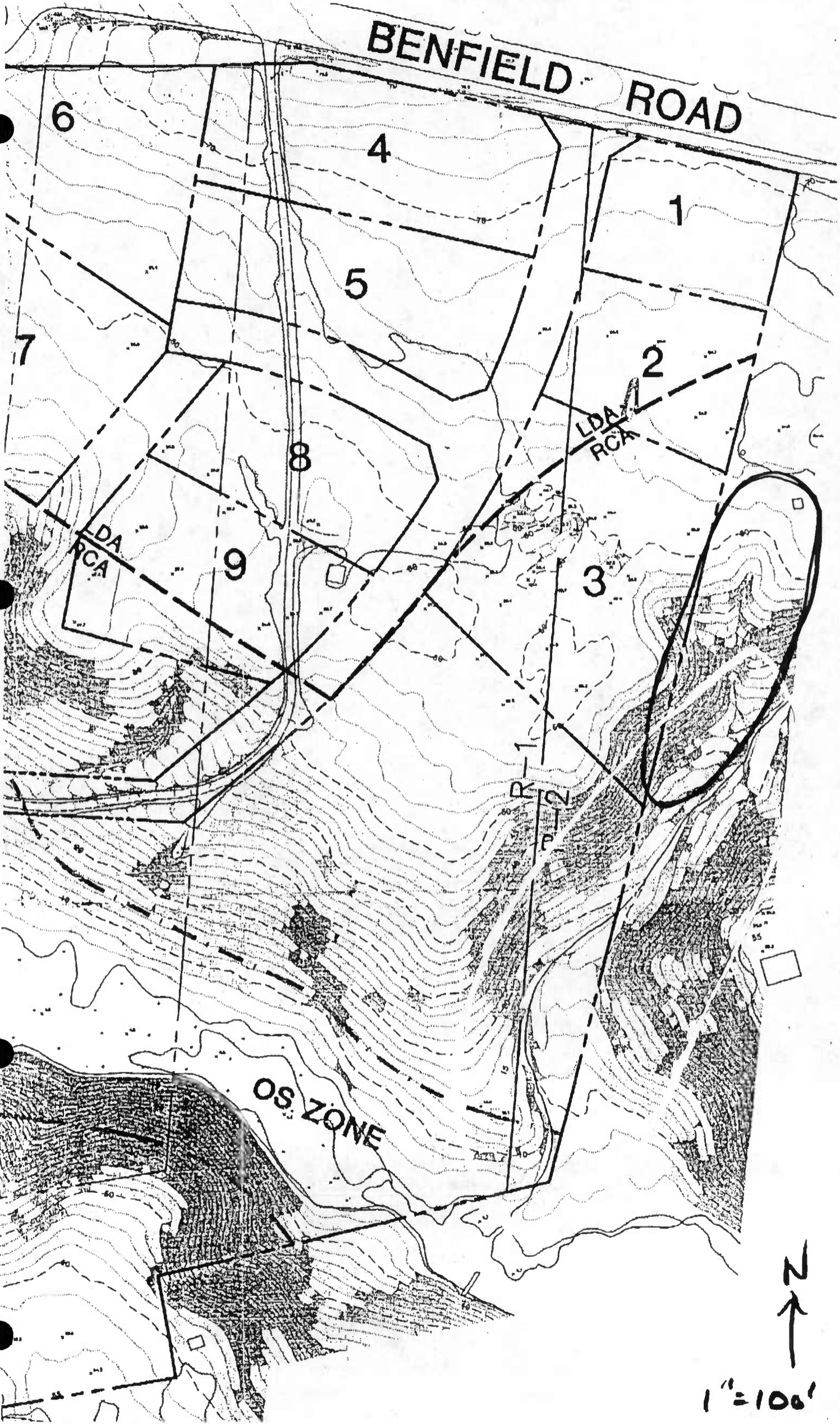
A handwritten signature in cursive script that reads "Claudia Jones".

Claudia Jones
Science Advisor

Cc: Lisa Hoerger
Eric See

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

BENFIELD ROAD



1" = 100'



Judge John C. 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

June 29, 2001

Ms. Lori Allen
Development Division
Anne Arundel County Office of Planning and Zoning
MS #6303
2664 Riva Road, P.O. Box 6675
Annapolis, Maryland 21401

Re: Watson Property off of Benfield Road, Severna Park

Dear Ms. Allen:

I am writing you regarding the above-referenced parcel in Severna Park. An environmental consultant on the project, Eric See, requested that I write you regarding the designation of a "stream" channel on the property and whether it would be considered a stream for Critical Area purposes. The area in question is located to the east of the existing road into the property in the LDA portion of the property adjacent to Benfield Road. I have attached a site plan indicating the general area.

I have been out on the site on several occasions. It is my opinion that the area is no longer functioning as a stream and will not require a Buffer for Critical Area purposes. At one time the channel obviously carried a significant amount of water, indicated by the riprap at several locations in the channel and the mesh cloth in the channel bottom. It appears that the water has been diverted elsewhere.

Please don't hesitate to call me if you have any questions regarding this letter.

Sincerely,

Claudia Jones
Claudia Jones
Science Advisor

Cc: Lisa Hoerger
Eric See

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

BENFIELD ROAD

6

4

1

5

7

2

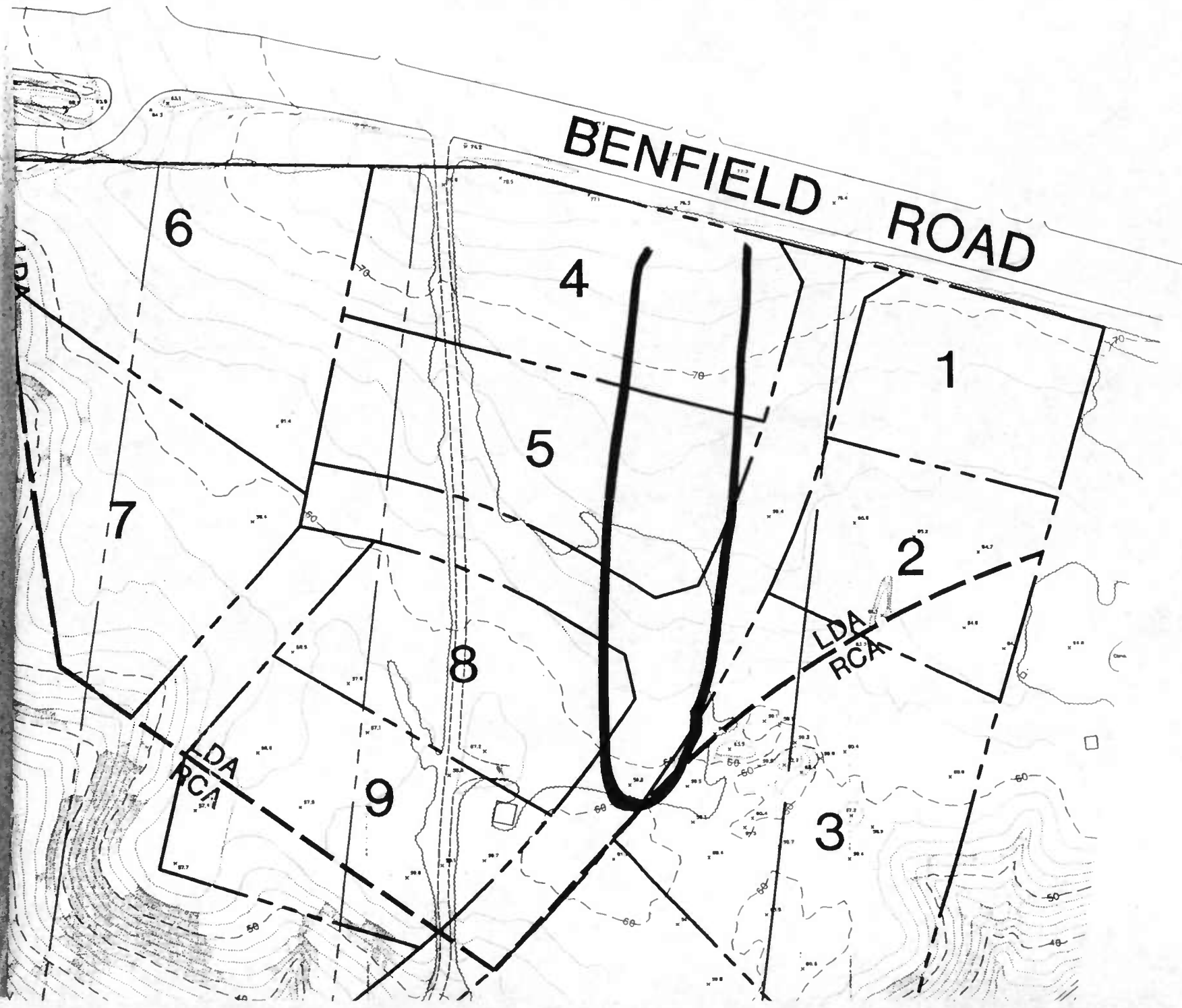
8

LDA
RCA

LDA
RCA

9

3





Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

June 29, 2001

Ms. Penny Chalkey
Development Division
Anne Arundel County Office of Planning and Zoning
2664 Riva Road, P.O. Box 6675
Annapolis, Maryland 21401

Re: South River Colony – Parcel F
Hidden Pond Reserve Parcels

Dear Ms. Chalkey:

I am in receipt of your letter of June 20, 2001. Your understanding of my letter of June 4, 2001 is correct. If the three houses are located in the areas shown on the June 4 attachment, this office will consider that the FID guidelines have been met. The only mitigation required is for the square footage of forest that is directly impacted or cut. This, however, can *only* be met by the creation of forest, since forest clearing in the Critical Area has to be replaced by planting on a no less than equal area basis. Since the forest that is being impacted is FID habitat, the forest replacement must create FID habitat as defined in the Critical Area Commission's FID guidance document.

Please call if you have any additional questions or comments.

Sincerely,

Claudia Jones
Science Advisor

Cc: Lisa Hoerger
Tim Brenza

Branch 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

June 28, 2001

Ms. Angie Evans
Assistant to the City Manager
City of Crisfield
City Hall
319 Main Street
Crisfield, Maryland 21817

Re: Larry and Patti Laird, CF 353-01, VAR

Dear Ms. Evans:

Thank you for submitting the above-referenced variance request to our office for review. The applicant is requesting a variance to construct a 24' x 24' garage within the 100' Buffer. It is not clear from the drawing provided whether or not the garage can be pulled in landward to be in line with the house. Our recommendation is to minimize intrusion into the Buffer to the extent possible. If it is not possible to eliminate all impacts to the Critical Area Buffer, we recommend that mitigation be provided in the form of Buffer plantings. Generally, mitigation for Buffer impacts is 3:1. Therefore, a 24' x 24' garage would result in 576 sq. ft. of Buffer impact and 1728 sq. ft. of mitigation. The applicant could meet this requirement in several ways based on the attached table from the Critical Area Buffer Management Plan document. Plantings should be native trees and/or shrubs and they should be planted on-site if possible.

Thank you for the opportunity to comment. Please do not hesitate to call if you have any questions regarding these comments.

Sincerely,

A handwritten signature in cursive script that reads "Claudia Jones".

Claudia Jones
Science Advisor

Cc: Tracey Greene

Branch 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

June 28, 2001

Ms. Angie Evans
Assistant to the City Manager
City of Crisfield
City Hall
319 Main Street
Crisfield, Maryland 21817

Re: Lester Stream, CF 354-01, VAR

Dear Ms. Evans:

Thank you for submitting the above-referenced variance request to our office for review. The applicant is proposing to add a 124 sq. ft. sunroom and deck to an existing dwelling. This office is not in opposition to this variance request. We do recommend that mitigation be provided in the form of Buffer plantings. Generally, mitigation for Buffer impacts is 3:1. The 124 sq. ft. addition would result in 372 sq.ft. of mitigation. The applicant could meet this requirement in several ways based on the attached table from the Critical Area Buffer Management Plan document. Plantings should be native trees and/or shrubs and should be placed on-site if possible.

Please do not hesitate to call if you have any questions regarding these comments.

Sincerely,

Claudia Jones

Claudia Jones
Science Advisor

Cc: Tracey Greene

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

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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

(410) 974-2426

Fax: (410) 974-5338

June 28, 2001

Mr. Tom Lawton
Department of Technical and Community Services
11916 Somerset Avenue, Room 102
Princess Anne, Maryland 21853

Re: Special Exception – Puncheon Landing, LIC 01-2204; SO 296-01

Dear Mr. Lawton:

Thank you for forwarding the above-referenced special exception request to this office for review and comment. The applicants propose to convert an existing residence into a Bed & Breakfast in an LDA. It is our understanding that there will be no new construction or new impervious surfaces associated with this proposal. This office has no objection to this proposal.

Please don't hesitate to call if you have any questions regarding these comments.

Sincerely,

A handwritten signature in cursive script that reads "Claudia Jones".

Claudia Jones
Science Advisor

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

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

June 12, 2001

Mr. Tom Lawton
Department of Technical and Community Services
11916 Somerset Avenue, Room 102
Princess Anne, Maryland 21853

Re: Michael Keating Variance 01-683, SO 334-01

Dear Mr. Lawton:

I am writing regarding the above-referenced variance request to expand an existing hunting cabin. The 14' x 16' addition will place the structure 23' from mean high water at the closest point. The existing cabin is located entirely within the 100-ft Buffer and there is no alternative that would allow the applicant to add on, but stay out of the Buffer. This office does not oppose the granting of this variance. We recommend that the standard 3:1 mitigation be applied for impacts to the Buffer. If plantings of native woody species cannot be accomplished on site, either off-site plantings should occur or payment into the County's fee-in-lieu fund.

Thank you for the opportunity of comment. Please call if you have questions regarding these comments.

Sincerely,

Claudia Jones
Science Advisor

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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

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

June 4, 2001

Mr. Timothy Brenza
J.A. Chisholm, P.E.
Land Development Consultant
Riva 400 Office Park
2661 Riva Road, Suite 320
Annapolis, Maryland 21401

Re: South River Colony, Hidden Pond: Reserve Parcels 1-3

Dear Mr. Brenza:

This letter is in response to your revised plan for the location of the house on Reserve Parcel 3.

Compliance with FID Guidelines

This office has reviewed the recent proposal and does not consider it to comply with the FID guidelines. To be in compliance with the FID guidelines, the house site should be within the existing FID habitat edge or where I have indicated on the enclosed site plan. Following the general **Site Design Guidelines** on pages 16 and 17 of the FID guidance paper is the first step in determining whether the Guidelines have been met. They include:

- # 2 locate development within the perimeter of the forest
- # 3 maximize interior
- #6 minimize the number and length of driveways and roads

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

Mr. Timothy Brenza
June 1, 2001
Page Two

As stated in my letter of October 13, 2000, the "80% criteria" is only one component to consider when determining if the guidelines have been followed. In this case, because some of the specific **Site Design Guidelines** have been followed and some have not, we looked to the "80% criteria" to help us conclude if the guidelines as a whole have been followed. Using the 80% criteria gave us the answer that the Guidelines overall have not been followed – we would lose more than 20% of the predevelopment interior if this development scenario is carried out. On the other hand, had we done the calculations and determined that at least 80% of the predevelopment interior had been preserved, it would indicate that despite not following all the guidelines exactly, overall a substantial amount of FID habitat will be preserved and we probably would conclude that the guidelines are being followed.

Alternative Site that would Meet the Guidelines

Among the things that were taken into account when reviewing this proposal besides the specific numbers was the length of the driveway into the forest interior and the amount and type of interior that would be lost. We made a decision when developing the guidelines not to count anything less than 30 ft. in width as an opening that would be considered edge. In reality, however, a driveway of the length that is being proposed will compromise the integrity of the adjacent forest by allowing an easy pathway for predators such as fox and raccoons to enter the forest even if the canopy is maintained. Another consideration is the location of the house site in relation to the water/wetland interface. In general, riparian forests are more valuable for FID species than those forests without an aquatic component. The original and most recent proposal for the lot in question will compromise the riparian forest, which is protected as valuable habitat itself if it is 300 feet in width or greater and at least 50 acres in size.

If the third house site is located within the area indicated on the attached plan, continuing to avoid steep slopes, we will consider that the guidelines have been met. This would locate all three houses within the existing edge that is the result of development outside the Critical Area or within an edge created by another of the houses to be located on the reserve parcels. While locating a house within the new edge created by the same development is a stretch of **Site Design Guideline #2a** [*"If forest loss or disturbance is unavoidable, concentrate or restrict development to...the perimeter of the forest (i.e., within 300 feet of the existing forest edge")*], it avoids locating a house site on steep slopes and does not result in the loss of a lot. This lot location will also avoid the need for excessively long driveways and avoids impact to the 300 foot riparian buffer.

Mr. Timothy Brenza
June 1, 2001
Page Three

Location of the third house in the area we have indicated will result in substantially less mitigation that is required. Only the direct loss of forest would need to be replaced as opposed to the direct loss plus two times that of the interior loss. The area of direct cutting would be reduced because the length of the driveway would be substantially reduced. In addition, the same forest that provides the FID habitat mitigation could also meet the requirements for general forest clearing mitigation clearing in the Critical Area.

Mitigation Proposal

We have reviewed the proposal for FID mitigation on the existing parcel outside of the Critical Area. Most of the mitigation areas proposed do not meet the Criteria listed in the Guidance document for FID mitigation because the majority of the mitigation areas proposed are comprised entirely of edge. Some of the proposed mitigation areas are also labeled as "Recreation Areas". This may or may not be compatible with FID mitigation sites depending on what recreational activities are proposed. In general, active recreation areas would not be acceptable as FID mitigation; passive recreation such as trails with limited or no clearing might be acceptable.

In order for a forest to be considered as suitable for FID mitigation, it must be at least 100 acres in size and contain at least 20 acres of interior forest habitat. It should also not be protected under any other programs. Circular and square forest tracts are better than rectangular or long, linear forests. There may be a small corner of the northwest portion of the property that will meet these criteria.

In addition to problems with the proposed mitigation from a FID perspective, the proposed mitigation would not be acceptable even for general forest clearing in the Critical Area. Even if this was not FID habitat, there would need to be some creation of forest that is being lost at a minimum 1:1 ratio to ensure that overall there is no loss of forest coverage in the Critical Area. The fact that it is FID habitat impacted directs us more specifically on how and where that direct forest loss needs to be mitigated. With this development proposal it appears that forest loss inside the Critical Area would be mitigated for on the portion of the property outside the Critical Area and forest loss/development outside the Critical Area is using forest inside the Critical Area to meet forest mitigation requirements. This is not an acceptable way to meet either general forest or FID mitigation for Critical Area impacts. *This results in a net loss of forest and habitat overall.*

Mr. Timothy Brenza
June 1, 2001
Page Four

Please do not hesitate to call me at 410-260-3476 if you have any questions regarding these comments.

Sincerely,

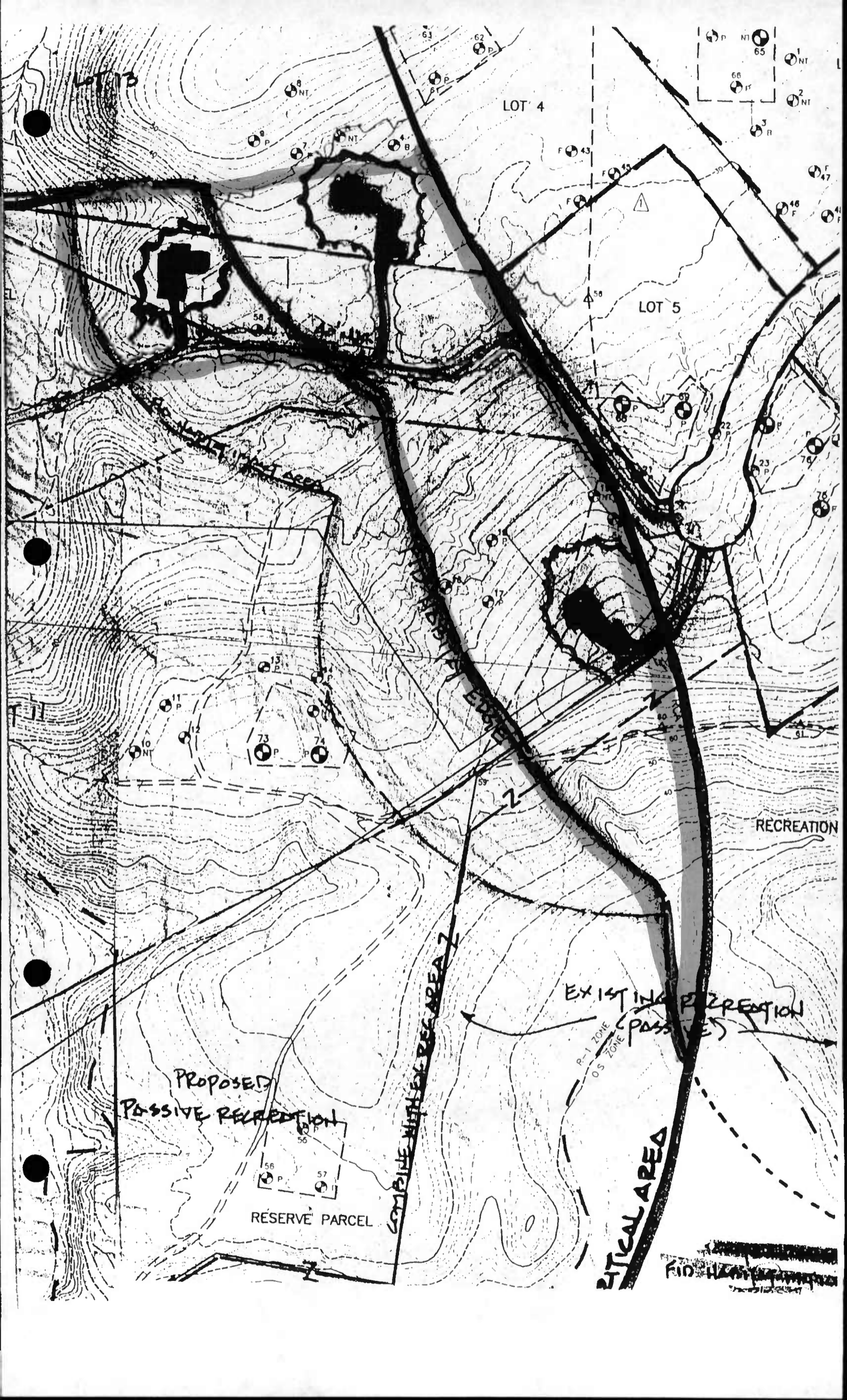
M. Claudia Jones

M. Claudia Jones
Science Advisor

MCJ/jjd

Enclosure

cc: Mr. Dennis Canavan
Ms. Penny Chalkley
David Plott, Esq.
Mr. Kevin Lusby
Ms. Katherine McCarthy
Mr. Ren Serey
Ms. Regina Esslinger
Ms. Lisa Hoerger



LOT 4

LOT 5

PROPOSED
PASSIVE RECREATION

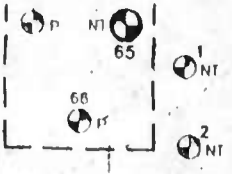
RESERVE PARCEL

EXISTING RECREATION
(PASSIVE)

COMBINE WITH EX REC AREA 7

CRITICAL AREA

RECREATION



FID H...

Judge John C. 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

May 23, 2001

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

Re: Back Creek Partners/Harborview

Dear Mr. Torney:

This letter is a follow up to our onsite meeting of Wednesday, May 16th to determine the extent of buffer clearing on the above-referenced project. The trees were cut before the City approved a Buffer Management Plan. The property owner/developer is doing a marsh creation project and some trees were to be cut and/or trimmed to allow enough sun to penetrate the shoreline to allow the marsh grasses to grow. This office believes that more trees could have possibly been limbed up instead of outright cutting. Since the trees were cut prior to the applicant receiving the City's approval of a Buffer Management Plan, the mitigation for the tree removal is 3:1. We counted 31 trees that had been removed; therefore, mitigation for this cutting is 93 trees. These trees should be replaced on site and should be balled and burlapped or container grown with a caliper of at least 2 inches.

The property owner/developer should develop a Buffer Management Plan for the City's approval for the marsh creation project that includes the location of the trees that have been cut, the species and number of trees to be planted and the location where they will be planted. A time frame for planting should also be provided – ideally for this spring, but no later than the fall of this year. We recommend that successful growth of these trees should be monitored for at least 5 years.

Any additional work in the Buffer will require an additional Buffer Management Plan that specifically lays out the work that is being proposed, how it will be accomplished,

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

any vegetation that will need to be replaced, etc. For example, if the property owner would like to remove Japanese honeysuckle or poison ivy, the plan should include a sketch of the Buffer, an estimate of the area to be disturbed, the method of removal, and what type of vegetation would replace that which is being removed. Commission staff would be happy to work with the City and the property owner to develop such a plan.

Sincerely,

Claudia Jones

Claudia Jones
Science Advisor

Cc: Dawnn McCleary
Regina Esslinger
Frank Biba

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

(410) 974-2426

Fax: (410) 974-5338

April 23, 2001

Mr. Steve Dodd
Dorchester County Department of Planning and Zoning
P.O. Box 107
Cambridge, Maryland 21613

Re: IC Partnership Subdivision 572F, DC 657-00 SUB

Dear Mr. Dodd:

This letter is a follow-up to our site visit to the above-referenced subdivision site earlier this month. The Critical Area Commission staff is satisfied that the drainage in question along lots 16,17 and 21 was entirely excavated and therefore is not a stream requiring a buffer under the Dorchester County Critical Area Program.

Even though not required, this office does recommend that vegetation be planted along the drainage to provide some water quality and habitat benefits. Please do not hesitate to contact me if you have any questions regarding this letter.

Sincerely,

Claudia Jones

Claudia Jones
Science Advisor

cc: Sean Callahan

Branch 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

April 11, 2001

Ms. Angie Evans
Assistant to the City Manager
City of Crisfield
P.O. Box 270
Crisfield, Maryland 21817

Re: Murray Building Permit, Tax Map 101, Parcel 369, Lots 7 and 8 Landon's Point
Subdivision, CF 191-01 VAR

Dear Ms. Evans,

I am writing in reference to a Buffer variance request by William and Janet Murray for a new single family residence in Crisfield. This office has no objection to approval of the variance request. There is a requirement in the Critical Area that a lot or parcel be at least 15% forested. Mitigation for Buffer impacts should also be provided for the area of disturbance to the Buffer at a ratio of 3:1. Buffer mitigation should consist of plantings of native tree and shrub species. The Buffer mitigation can count towards the 15% afforestation requirement.

Please do not hesitate to call if you have any questions regarding these comments. I can be reached directly at 410-260-3476.

Sincerely,

Claudia Jones
Science Advisor

cc: Tracey Greene

Branch 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

March 21, 2001

Mr. Tom Lawton
Department of Technical and Community Services
11916 Somerset Avenue, Room 102
Princess Anne, Maryland 21853

Re: Richard Bouchard Subdivision, SA 01-208, SO 147-01

Dear Mr. Lawton:

This office has reviewed the above-referenced subdivision proposal. We have the following comments:

- Regarding the 1.31 acre area that is proposed to make up 20 acres for Critical Area density purposes: it needs to be determined if the tidal marsh area designated on the site plan is private or State tidal wetlands. Only private tidal wetlands can be counted toward density requirements.
- There should be a notation on the plat that links the reserve area (1.31 acres) to Lot 1 (18.69 acre) so it is clear that this is a 20acre segment of the larger parcel.

Please do not hesitate to call if you have questions regarding these comments.

Sincerely,

A handwritten signature in cursive script that reads "Claudia Jones".

Claudia Jones
Science Advisor

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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

March 19, 2001

Ms. Janet Gleisner
Department of Planning and Zoning
220 South Main Street
Bel Air, Maryland 21014

RE: Old Trails Variance Application #5071

Dear Ms. Gleisner:

This letter contains the comments and recommendations of the Chesapeake Bay Critical Area Commission on the Buffer variance requested by the Old Trail Partnership. It is our understanding that this variance request is in order to allow the development shown on a preliminary site plan dated November 6, 1986. The preliminary site plan shows a total of 56 lots. The majority of the lots are in the Critical Area Buffer, which is expanded to include much of the site due to steep slopes. In addition, this site is adjacent to the Gunpowder River and tidal wetlands, which contain three species of plants that are listed as rare, threatened or endangered. The County's Critical Area Program lists this area, called Gunpowder Shore, as a Habitat of Local Significance.

It is the opinion of this office that the variance as requested should be denied. The applicant has not indicated the extent of intrusion into the Buffer, has not delineated the Buffer properly to include expansion for steep slopes, and has not quantified the extent of disturbance to steep slopes or other general impacts such as clearing in the Buffer. In addition, the applicant has not provided any specific information about how sensitive resources will be protected. Most of the site consists of steep slopes. Development on such slopes adjacent to the water is problematic in any case, but especially so in a Habitat of Local Significance where rare species are present.

The site has received Growth Allocation and is classified as an Intensely Developed Area under the Harford County Critical Area Program. This is not a blanket classification that allows development without protection of sensitive resources. It is only a way to increase the density on a given parcel in accordance with the underlying zoning. This density is not a given, however, and sensitive resources must still be accounted for and protected. In fact, the Harford County Ordinance specifically addresses protection of sensitive areas that have received growth allocation in the **Expansion of intensely developed and limited development management areas** (267-41.1.N) as indicated below.

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

Ms. Gleisner
March 19, 2001
Page Two

- Such areas shall incorporate measures to protect water quality and identified habitat protection areas located on or adjacent to the proposed expansion areas. 267-41.1N. (1)(b)[3]
- Such areas shall minimize impacts to habitat protection areas and lands in resource conservation management areas in proximity to such an expanded limited development or intensely developed area. 267-41.1N. (1)(b)[4]
- Development on slopes greater than fifteen percent (15%), as measured prior to development, shall be prohibited. 267-41.1N. (2)(c)
- Development on soils with development constraints, i.e. highly erodible soils, soils with severe septic constraints, hydric soils less than forty thousand (40,000) square feet in extent and soils with hydric inclusions...shall be restricted.

It is the opinion of this office that the Harford County variance standards have not and cannot be met for such intense development on this site. Specifically, an application for a variance must meet the requirements in Section 267-41.H of the Harford County Code.

H. Variances. Variances from the provisions of this section may only be granted if, due to special features of a site or other circumstances, implementation of this section or a literal enforcement of its provisions would result in unwarranted hardship to an applicant. Denial of the variance as requested does not create an undue or unwarranted hardship. As stated in *Belvoir Farms v. North*, 355 Md. 259 (1999), the unwarranted hardship standard and its similar manifestations, are equivalent to the denial of reasonable and significant use of the property. This property can be developed for reasonable and significant use while adhering to the Harford County Critical Area Program. Intrusions into the Buffer can be minimized and the project can be scaled down to avoid the Buffer and steep slopes.

To obtain a variance, the applicant must demonstrate the existence of an "unwarranted hardship" under the following requirements of the Harford County Code:

- (1) That a literal interpretation of the provisions of this section will deprive the applicant of rights commonly enjoyed by other properties in similar geographic and land use management areas within the Critical Area. All property owners within the Critical Area are prohibited from disturbing the Critical Area Buffer. They are also required to expand the Buffer for steep slopes and to minimize impacts to Critical Area resources. This variance standard has not been met.
- (2) That the granting of a variance will not confer upon the applicant any special privilege that would be denied by this section to other lands or structures within the Critical Area.

Granting a variance of this extent in the Critical Area Buffer would confer upon the applicant a special privilege that would be denied to others within the Critical Area. Generally, a Buffer variance is warranted because it is the only way that a property owner can realize a reasonable and significant use of the property. This has generally been interpreted to be the minimum relief necessary to realize reasonable and significant use. This property owner is seeking much more than would be allowed on other lands that encompass a Critical Area Buffer. This variance standard has not been met.

- (3) That the variance request is not based upon conditions or circumstances which are the result of actions by the applicant, nor does the request arise from any condition relating to land or building use, either permitted or nonconforming, on any neighboring property. The property has severe limitations on the amount of development that can occur in accordance with the County's Critical Area Program. By not addressing these limitations and redesigning to eliminate or reduce impacts, the applicant has created a hardship for himself. This variance standard has not been met.
- (4) That the granting of a variance will not adversely affect water quality or adversely impact fish, wildlife or plant habitat within the critical area, and the granting of the variance will be in harmony with the purpose and intent of this section. The granting of this variance will most certainly affect water quality and adversely impact fish, wildlife, and plant habitat within the Critical Area. The Buffer in general provides habitat for wildlife, reduces the pollutants that travel from the land to the water, and provides a physical barrier between human activity and aquatic resources. New impervious surface in the Buffer reduces the area available for infiltration and habitat. The General Assembly put in place the requirements for protection of the Buffer because of the cumulative impact of construction and ongoing activities in the Buffer. It is well documented that once the impervious surfaces in a watershed reach a certain level, negative impacts can be seen to water quality. It is also well documented that those forests adjacent to aquatic features are some of the most important resources that we have because of their value as wildlife habitat.

On this site, the Buffer is particularly important because of the rare plant species that are growing adjacent to the shoreline. The County recognized this by designating the area a Habitat of Local Significance. The intertidal zone adjacent to the property supports a large population of Parker's Pipewort (*Eriocaulon parkeri*), a Globally Rare plant species, which is designated as Threatened in Maryland. This area also supports Spongy Lothotocarpus (*Sagittaria calycina*), a State Rare species and Riverbank Quilwort (*Isoetes riparia*), a State Watch list species. Activities which could increase sediment or pollutant runoff into the intertidal zone have the potential to adversely impact these rare plant species and should be avoided. Construction on the steep, erodible slopes could create

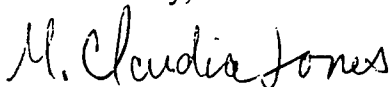
significant sediment and pollutant runoff, both during and after construction. The functions of the Buffer will continue to be compromised by the loss of natural vegetation, maintenance of lawns, new impervious surface, and increased human activity.

There has been no attempt by the applicant to avoid steep slopes or the Buffer to prevent harm to this Habitat of Local Significance and these species or even to maintain the general water quality and habitat functions of the Buffer. The soils on a significant portion of the site are considered to be highly erodible. In addition there are hydric soils and nontidal wetlands on the site that were not identified on the site plan. It is the belief of this office that granting of this variance would not be in harmony with the purpose and intent of the Harford County Critical Area Program. This variance standard has not been met.

- (5) That all identified Habitat Protection Areas on or adjacent to the site have been protected by the proposed development and implementation of either on-site or off-site programs. There has been no attempt to address how the habitat protection areas on site (Buffer) and adjacent to the site (habitat for rare species) will be protected. In fact, most of the Buffer which would provide some protection for the rare plant species in the intertidal zone will be cleared, graded, and developed.

In summary, this office recommends that this variance request be denied because it does not meet the variance standards as set out in the Harford County Zoning Ordinance. This office is willing to work with the County and the applicant to find areas on the property where some dwellings may be constructed. In general, there has been minimal attempt to identify sensitive resources on the site and no attempt to protect them from the negative impacts of development. There has been no attempt to minimize impacts to the Critical Area Buffer, steep slopes, highly erodible soils, hydric soils, wetlands and rare plant species. This office does not believe that the granting of this variance would be in harmony with the purpose and intent of the Harford County Critical Area Program.

Sincerely,



M. Claudia Jones
Science Advisor

MCJ/jjd

cc: Ms. Dawnn McCleary
HC73-01

Judge John C. 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

March 5, 2001

Mr. Jim Doughty
Code Enforcement Officer
Town of Princess Anne
11786 Beckford Avenue
Princess Anne, Maryland 21853

Re: Town of Princess Anne – ID#K00P1200348
FY'01 Amendment to Original Scope of Work

Dear Mr. Doughty:

This office is in receipt of the requested change to your Critical Area grant for the salary rate for the Town Manager. You have requested that the FY'01 Scope of Work and Budget be amended to reflect this change. The salary rate will be changed to \$25.66 per hour. This is \$3.06 less per hour than previously. This change is acceptable and will be noted in the Town's grant file. Please call if you have any questions.

Sincerely,

Claudia Jones

Claudia Jones
Science Advisor

Cc: Tracey L. Greene

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

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

February 16, 2001

Mr. Robert Hess, Chairman
Somerset County Board of Appeals
11916 Somerset Avenue, Room 102
Princess Anne, MD 21853

RE: John Bunting variance request

Dear Chairman Hess:

This letter contains the comments and recommendations of the Chesapeake Bay Critical Area Commission on the Buffer variance requested by Mr. John Bunting. Mr. Bunting is asking this Board to grant an after-the-fact variance for a hunting lodge, and outhouse, which he built on a small island in the marsh off Pocomoke Sound. According to the information that this office has been provided, the area disturbed on the island is 2,943 square feet. There is a small area in the middle of the island that is not Buffer. The majority of the lodge is located in the Buffer. The island and surrounding marsh are designated as Resource Conservation Area, the most pristine and protected category in the County's Critical Area Program.

In addition, the marsh in which these structures occur is designated as a State Natural Heritage Area (NHA). This NHA, Irish Grove, is the larger of only two NHAs located in Somerset County. The Irish Grove NHA was designated in 1987 because it is considered to be among the best statewide example of a salt marsh community and is habitat for a number of rare, threatened and endangered species.

Mr. Bunting built a sizeable lodge, an outhouse, a boardwalk and pier in this very environmentally sensitive area without any building permits, or wetland permits. When you build without permits, you disrupt the processes that have been put in place by the County, State, and federal governments to ensure that when development occurs in such a place as this, it occurs in the most environmentally sensitive way. This did not happen here because Mr. Bunting chose to circumvent the process.

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

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

Chairman Hess
January 16, 2001
Page Two

If Mr. Bunting had gone through the building permit process, he would have been told that he had a right to use his land and that he was required to build in the least destructive way. The County, the Critical Area Commission, and the Maryland Wildlife and Heritage Division of the Department of Natural Resources would have worked with him to locate the best site and the best time for construction. He very likely would not have needed a variance. The way that development has occurred on this site, it is possible that the best location for building has not been found and there may have been impacts to the Natural Heritage Area due to the time of year in which construction occurred, the manner of dealing with human waste, and the impacts that result from human activity in an area with sensitive species.

It is the opinion of this office that the variance as requested should be denied by the board; that the main structure should be reduced in size; that the outhouse be removed from its current location and that waste be treated in a less environmentally damaging manner; that there be a time of year restriction for use of the structure; and, that the number of persons using the cabin at any one time be limited. In addition, we are asking for mitigation in the form of tree planting and monetary fines that would benefit the County's Phragmites eradication program.

Specifically, an application for a variance must meet the following variance standards. We do not believe that these standards have been met.

- 1. Denial of the variance as requested is not an unnecessary and undue hardship.**
Denial of the variance as requested does not create an unnecessary and undue hardship for the applicant. As stated in *Belvoir Farms v. North*, 355 Md. 259 (1999), the unwarranted hardship standard and its similar manifestations, are equivalent to the denial of reasonable and significant use of the property. In this case, the applicant could have made reasonable and significant use of the property by placing the structures outside of the Buffer. If the applicant had followed the proper procedures, the development would have been designed to minimize impacts to the protected 100-foot Buffer and probably eliminated the need for a variance entirely. This variance standard has not been met. Additionally, the Critical Area recommendations still allow Mr. Bunting a reasonable use of the property.
- 2. Special conditions and circumstances must exist which are peculiar to the land.**
While most of the upland within this parcel is within the Critical Area Buffer, there is an area of land on the island, where the structures are located, that is outside of the Buffer. Many parcels within the Critical Area contain land that is all or mostly within the Buffer, therefore, special conditions and circumstances do not exist peculiar to this land. This variance standard has not been met.
- 3. This variance request is self-created.** The Somerset County Zoning Ordinance specifically states that special conditions and circumstances must not result from the

actions of the applicant. In this case the applicant has built a structure in the Critical Area without appropriate review and permits. The only reason that a variance is necessary is because the applicant built without benefit of the County and State assistance in locating the structures. This has resulted in a self-created hardship.

4. **Granting this variance would confer a special privilege to the applicant.** All property owners within the Critical Area are prohibited from disturbing the Critical Area 100-foot Buffer. In applying for permits, property owners work with County staff to understand the regulations and design development accordingly in a way that minimizes impacts to Critical Area resources. If this variance is granted, as requested, it is a slap in the face to all the people that follow the law when developing in the Critical Area.
5. **The granting of this variance would be contrary to the Spirit and Intent of the Critical Area Program.** It is stated in the Somerset County Zoning Ordinance, Section 9.3.(8), that the granting of a variance will be in harmony with the general purpose of the Ordinance and the Somerset County Critical Area Program. Approval of the requested variance would not be consistent with the spirit and intent of the Critical Area Program. One of the expressed purposes of the Critical Area Law was to establish a Resource Protection program for the Chesapeake Bay and its tributaries by fostering more sensitive development activity for certain shoreline areas so as to minimize damage to water quality and natural habitats. See *Bucktail v. Talbot County*, 352 Md. 530, 533 (1999). A key aspect of the Resource Protection Program is the Critical Area Buffer. Section 13.f.1. of the Zoning Ordinance states "New buildings, structures, activities, and facilities permitted in the underlying zoning district (base zoning district) are prohibited within the Buffer..."

The 100-foot Buffer is a cornerstone of the Critical Area Law. The Buffer functions to protect water quality and to provide transitional habitat between aquatic and upland communities. These functions are compromised when clearing, construction, and other development activities occur in the Buffer. These functions will continue to be compromised by the increased human activity in the Buffer.

In addition, the location of this variance request is not only within the Buffer and within a Resource Conservation Area, but also within a designated State Natural Heritage Area. The Irish Grove Natural Heritage Area is habitat for Rare, Threatened and Endangered species and species with the State designation "In Need of Conservation." The Irish Grove NHA contains the endangered Eastern Narrowmouth Toad, the threatened sedge wren (*Cistothorus platensis*), three species listed as In Need of Conservation: the Short-eared Owl (*Asio flammeus*), American Bittern (*Botaurus lentiginosus* and the Black Rail (*Laterallus jamaicensis*), plus the State Rare species, the Northern Harrier (*Circus cyaneus*).

6. The granting of this variance will adversely affect water quality and adversely impact fish, wildlife, and plant habitat within the Critical Area. The Buffer in general provides habitat for wildlife, reduces the pollutants that travel from the land to the water, and provides a visual buffer between human activity and aquatic resources. New impervious surface in the Buffer reduces the area available for infiltration and habitat. The General Assembly put in place the requirements for protection of the Buffer because of the cumulative impact of construction and ongoing activities in the Buffer. It is well documented that once the impervious surfaces in a watershed reach a certain level, negative impacts can be seen to water quality. It is also well documented that those forests adjacent to aquatic features are some of the most important resources that we have because of their value as wildlife habitat. There is also the issue of sewage disposal at this site. The soil types mapped for this area indicate that the water table in this area is either at or above the surface most of the year. The current method of disposal, an outhouse, puts untreated sewage into the surfacewater and ground water. Untreated sewage can cause many problems in an aquatic system, upsetting the balance of soil microbes to impacts on up the marsh food chain. Increased nutrients in the system often results in excessive algal growth that upon decay leads to a depletion of oxygen in the surrounding waters. In this situation, we not only have impacts to the Buffer, but also to a designated Natural Heritage Area. This particular Natural Heritage Area was designated primarily for species that need large areas of near pristine tidal marsh. This variance standard has not been met.

In summary, this office recommends that this variance request be denied because it does not meet the variance standards as set out in the Somerset County Zoning Ordinance. The applicant could have built a hunting cabin that would not have required a variance. There is no unwarranted hardship because there is an alternative location for the cabin outside of the Buffer. The applicant created this situation. If the applicant had gone through the permit process, County staff and Commission staff could have assisted the applicant in avoiding negative impacts.

- We recommend that the main structure be reduced in size. The size of the cabin is greater than it needs to be to provide use of the property.
- We recommend that the outhouse structure be removed and a sanitary facility be located within or attached to the cabin structure. The sanitary facility should be self-contained and not be introduced into the marsh ecosystem.
- We also recommend that a time of year restriction of April 1 through August 31 be placed on the use of the cabin.

We are also recommending substantial mitigation to offset the impacts within this Natural Heritage Area.

Chairman Hess
February 16, 2001
Page Five

- We recommend that all Buffer clearing be mitigated at a 6:1 ratio by the planting of trees in a Buffer location in Somerset County. A 3:1 ratio is standard for impacts to the Buffer and since the clearing was done illegally we believe that this ratio should be increased to 6:1.
- We are also requesting additional mitigation that would directly benefit the marshes within and adjacent to this Natural Heritage Area in Somerset County. We suggest a payment into the County Phragmites control fund of \$15,000. Phragmites control costs approximately \$100/acre depending on the application method. There is an existing program for Phragmites eradication in place. This would benefit the marsh ecosystems in the Irish Grove NHA and throughout the County.
- We also recommend that it be made clear that this is the only dwelling that is allowed for the entire property.

Thank you for this opportunity to provide comments. Please notify the Commission in writing of the decision made in this case.

Sincerely,

Claudia Jones

Claudia Jones
Science Advisor

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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

February 12, 2001

Mr. Tom Lawton
Department of Technical and Community Services
11916 Somerset Avenue, Room 102
Princess Anne, Maryland 21853

Re: T. D. & M. Holding Company

Dear Mr. Lawton:

This office has reviewed the above-referenced subdivision application and has the following comments:

- There needs to be a letter from the Maryland Department of Natural Resources, Wildlife and Heritage Division regarding the presence of any rare, threatened, or endangered species in the vicinity of the subdivision.
- At least 15% of the site must be afforested. This afforestation should be located in the Buffer as much as possible.
- In accordance with COMAR 27.01.09.01, the Buffer shall be established in forest vegetation when agricultural land within the Buffer is converted to another use. That is the situation on this parcel. The establishment of the Buffer can count toward the 15% afforestation requirements.
- It should be recorded on the final plat that no more development is allowed on this parcel in the Critical Area.

Please don't hesitate to call if you have any questions regarding these comments.

Sincerely,

A handwritten signature in cursive script that reads "Claudia Jones".

Claudia Jones
Science Advisor

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

February 12, 2001

Mr. Tom Lawton
Department of Technical and Community Services
11916 Somerset Avenue, Room 102
Princess Anne, Maryland 21853

Re: William Lavorgna Subdivision, SA 00-207, SO 37-01

Dear Mr. Lawton:

This office has reviewed the above referenced subdivision application as has the following comments:

- The Buffer as shown may not be adequate. On the plat dated 12/08/00, there is not a full 100 feet from the edge of all the areas designated as tidal wetland.
- The State Tidal Wetlands maps do not distinguish between private tidal wetlands (those tidal wetlands above mean high water), and State tidal wetlands (those tidal wetlands below mean high water). It is necessary to determine the amount of tidal wetlands that are below mean high water. Only private tidal wetlands can be included in the lot acreage. Therefore, the lot acreage may not be correct.
- The 2.7 acres that is reserved for the density requirement of 1 dwelling unit per 20 acres may not be adequate. Only the portion of tidal wetlands that is above mean high water may be counted toward the density requirements. This can be rectified by either surveying the wetlands to determine where mean high water is based on vegetation changes, etc. or include only fast land in the 2.7 acre reserve parcel.
- Additional information that needs to be provided with this subdivision is the acreage of the remainder of the parcel in the Critical Area. This is necessary to ensure that no unbuildable parcels are created.

Please don't hesitate to call if you have any questions regarding these comments.

Sincerely,

A handwritten signature in cursive script that reads "Claudia Jones".

Claudia Jones
Science Advisor

Branch Office: 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

January 12, 2001

Mr. Tom Hamilton
P.O. Box 520
14 South Harrison Street
Easton, Maryland 21601

RE: Easton Club

Dear Mr. Hamilton:

This letter is a follow up to our site visit on December 19, 2000 to the Easton Club Golf Course/Subdivision site. The purpose of the site visit was to determine if an intermittent stream shown on topographic maps and the soil survey for Talbot County is indeed a stream requiring a 100-foot Buffer. It is the opinion of the Critical Area Commission staff that the feature is a stream that requires a Buffer under the Town of Easton's Critical Area Program.

Commission staff checked previous submittals of site plans for this project to see if a stream had been previously shown on plans associated with the growth allocation for the project. A stream is not indicated in the location in question on any of the plans that we received. In addition, the lot configuration has changed from that presented at the time of growth allocation.

This office has the following comments regarding this issue:

- According to the most recent site plan that this office has received, dated November 2000, the buffer to this stream will significantly impact lots 50, 51, and 52.
- This office cannot support a variance to Critical Area provisions on a newly created lot.
- All new subdivisions must meet Critical Area requirements including all provisions restricting development in the buffer. The subdivision needs to be reconfigured to eliminate lots that will require a variance to develop.
- Impacts to this stream buffer have already occurred for the placement of a sewage line. This office does not believe that removal of this line is necessary since the impacts from its installation have already occurred, however, further impacts should be avoided and a forested buffer restored. The area of disturbance/clearing that have occurred prior to subdivision approval should be mitigated at a minimum 3:1 ratio.

If you have any questions regarding these comments please call Lisa Hoerger or me at 410-260-3460.

Sincerely,

Claudia Jones
Science Advisor

Cc: Mr. Lynn Thomas
Ms. Lisa Hoerger

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

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

Staff Correspondence : LaBrancher

2001

S1832-149-5

Judge John 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

Gail Owings
Kent County Department of Planning & Zoning
County Government Center
400 High Street
Chestertown, MD 21620

Re: ^{SUB} Variance 01-137, Dinning Family Ltd. Partnership

Dear Ms. Owings:

Thank you for providing information on the above referenced subdivision application. The applicant is requesting to subdivide a 212.8 acre parcel of land to create 3 parcels (82.3 acres, 72.5 acres and 57.9 acres). The property is designated RCA and is currently developed with a house, barn, shed, and pond, driveway.

Based on the information provided, we would not oppose this subdivision request, providing several conditions are addressed. It appears that the proposed Lots 2 and 3 can be developed without disturbance to the Critical Area. However, the extent of existing forested areas on Lot 1 would place certain restrictions on future development within the Critical Area, including consideration of Forest Interior Dwelling Bird (FID) Habitat. In addition, we recommend an evaluation be conducted by the Department of Natural Resources to determine whether potentially sensitive areas are present on each of the proposed lots, including as fish spawning areas, and waterfowl staging and concentration areas. A copy of this evaluation should be provided to this office.

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 subdivision. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: KC 637-01

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 Beach

Judge John 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 13, 2001

J. R. Cosgrove
R.A. Barrett & Associates
3140 West Ward Road, Suite 208
Dunkirk, Maryland 20754

Re: Veterans Park, Chesapeake Beach

Dear Mr. Cosgrove:

Thank you for providing site plans and 10% Rule calculations for the Veterans Park project in Chesapeake Beach. We have reviewed the 10% Rule Worksheets and found them to be accurate, indicating no pollutant removal requirement for redevelopment of the site.

If you have any questions, please contact me at (410) 260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
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

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

December 12, 2001

J. R. Cosgrove
R. A. Barrett & Associates
3140 West Ward Road, Suite 208
Dunkirk, Maryland 20754

Re: Veterans Park, Chesapeake Beach

Dear Mr. Cosgrove:

Thank for providing site plans and 10% Rule calculations for the Veterans Park project in Chesapeake Beach. We have reviewed the 10% Rule forms and found several errors in the calculations. The R_v coefficients (runoff) for the pre-development and post-development load equations are incorrect. Therefore, the new pollutant removal requirement for the project is 0.0217 pounds of phosphorous. The pollutant removal requirement would likely be met by existing BMP's on the site. Please provide documentation that the site can meet the revised pollutant removal requirement to comply with the 10% Rule for redevelopment.

If you have any questions, please contact me at (410) 260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

JVL/jjd

Enclosures

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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

December 5, 2001

Pam Miley
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 0359, Thomas McCollum

Dear Ms. Miley:

I have reviewed the revised site plans for the Thomas McCollum property (Long Point Road, Parcel 193) submitted by Drum, Snell & Associates, LC on December 5, 2001. The applicant has demonstrated adequately avoidance of grading on steep slopes within the 100-foot Buffer of the Critical Area. This office has no further comments and does not oppose this variance.

Thank you for the opportunity to provide comments on this variance request. Please include this letter in your file and submit it as part of the record for this variance.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 563-01 (supplemental)

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 4, 2001

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2001-0457-V, David Gould

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a covered porch attached to the existing dwelling within the 100-foot Buffer of a Buffer Exempt Area (BEA). The property is designated LDA and is currently developed with a house, decks, driveway, garage, and pier.

From the information provided, we have several concerns about this variance request. Based on the current site plan, existing impervious surfaces on the property exceed the maximum allowable coverage within the LDA (31 percent). The property contains approximately 48 percent impervious surface, as measured from the site plan. The replacement of portions of the existing driveway with planting beds will offset the proposed impervious surfaces by a small amount (approximately 80 square feet).

If granted, we recommend the following be made conditions of this variance. Mitigation should be required at ratios of 2:1 for new impervious surfaces within the Buffer and 1:1 for new impervious surfaces outside the Buffer. Mitigation plantings should be first directed to non-vegetated portions of the Buffer. Further reduction of impervious surfaces is needed for the property to comply with Critical Area criteria for the LDA.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner
JVL/jjd
cc: AA 662-01

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

December 4, 2001

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2001-0447-V, Richard and Beverly Heiberger

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance for previous construction of a pool, shed and patios. The property is designated LDA and is currently developed with a house, driveway, garage, patios, and pool.

From the information provided, several conditions of the proposed site plan are unclear.

- 1) The location and the additional impervious surface for the (previously constructed) shed are not shown on the proposed property plan. The applicant states in a letter of October 25, 2001, that one reason for their variance request is to retain this structure on the property. Pending clarification of the site plan, we would not oppose this variance.
- 2) Any forest clearing associated with previous development of the property must be mitigated.
- 3) Mitigation is required at a ratio of 1:1 for impervious surfaces within the Critical Area.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resources Planner

JVL/jjd

cc: AA 657-01

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

December 3, 2001

Roxana L. Whitt
Calvert County Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

Re: Variance 01-2750, Rogers, Stephen

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to remove the existing house and deck, and construct a new house, deck on another portion of the property. The property is designated LDA and is currently developed with a house, deck, patio, carport, and septic system.

Provided this lot is properly grandfathered, this office does not oppose the siting of a single family dwelling on the property. If granted, we recommend the following be made conditions of this variance.

- 1) The footprint of the new house should be reconfigured to maximize the cliff setback and reduce Buffer disturbances. For example, the reconfigured footprint may be rectangular, oriented parallel to Randle Avenue, and utilize a 2-story design to reduce the overall area of the structure.
- 2) Accessory structures (existing concrete patio, and the proposed patio and deck) should be eliminated from the site plans to accommodate the reconfigured footprint of the house, reduce Buffer impacts, and maximize the cliff setback.
- 3) Mitigation plantings, at a ratio of 3:1 for all Buffer disturbances, should be directed to areas between the proposed house and the cliff. This will help stabilize these areas and reduce erosion potential.

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,

Julie V. LaBranche

Julie V. LaBranche
Natural Resources Planner

cc: CA 636-01

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

Calvert

Judge John 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 3, 2001

Dean Wilkerson
R.A. Barrett & Associates, Inc.
3140 West Ward Road, Suite 208
Dunkirk, Maryland 20754

Re: Flag Harbor Yacht Haven Subdivision

Dear Mr. Wilkerson:

Thank you for providing additional information about the proposed subdivision. The property (consisting of parcels ABE 298/888 and ABE 264/658) is designated LDA and is currently developed with a marina and facilities. The entire property is within the Critical Area.

The following is a summary of the site development specifications for this project. The applicant is requesting a variance to subdivide a 10.6-acre property into four lots, of varying size, and two residue parcels. Each of the four lots will be developed with a single family home and services. Lot 1 will also accommodate a mound-type septic system for the 0.48 acre residue parcel. We understand that some of the existing marina facilities (gravel parking areas, tennis courts, outbuildings) will be removed from the property prior to redevelopment.

Based on our phone discussion of 11/30/01, we request the following additional information to complete our evaluation of the site plans.

- 1) The revised site plans must show the entire property.
- 2) The revised site plans must include calculations of forested area, impervious area, and disturbed area for the entire property.
- 3) The 100-foot Buffer must be shown on the site plans. The Buffer must be expanded to include steep slopes contiguous to the Buffer.
- 4) The 100-foot Buffer must be expanded to include the stream located on the eastern boundary of the property.
- 5) Disturbances associated with the removal of existing marina facilities will need to be quantified and a landscape management plan developed to mitigate for these disturbances. Disturbed areas should be re-vegetated, preferably with native plants, shrubs or trees.
- 6) If not established, fifteen percent of the property must be afforested.
- 7) It appears that existing storm water management structures may need to be improved or redesigned to accommodate redevelopment of this site. The outfall for the existing storm water drainage system must be shown on the revised site plans.

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

Dean Wilkerson
Flag Harbor Yacht Haven Subdivision
Page 2

8) Please provide a description of the future development planned for the 4.43 acre residue parcel.

A copy of the revised site plans should be sent to this office and to the Calvert County, Department of Planning and Zoning. Please contact me at (410) 260-3475, if you need further assistance.

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: Olivia Vidotto, Calvert County Planning and Zoning (MSD 00-10)

CA 614-01

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 3, 2001

Roxana L. Whitt
Calvert County Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

Re: Variance 01-2776, Carmichael Enterprises

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to construct a house, deck, and porches within the 100-foot Buffer and a septic system within the Critical Area. The property is designated IDA and is currently undeveloped.

From the information provided, we have the following comments regarding the present site design.

- 1) The proposed development will disturb approximately 55 percent of the lot area. Given the presence of steep slopes over most of the disturbed area, the scope of the project should be reconsidered to reduce impacts to the Critical Area while allowing development of the property.
- 2) Given the proximity of the proposed structures to the shoreline, the location of the 100-year floodplain should be indicated on the site plans.
- 3) A surge stone pad outlet is located at the base of the slope to convey storm water runoff from the roof of the house. Has water quality treatment been provided prior to discharge of the runoff, which drains directly to the Bay?

Provided this lot is properly grandfathered, this office does not oppose the siting of a single family dwelling on the property. We recommend that the following be made conditions of the variance, if granted.

- 1) The combined area of the proposed deck and porches should be reduced by approximately 35 percent to minimize impervious area and disturbances in the Buffer.
- 2) The proposed house should be reduced in size to minimize impervious area and disturbances in the Buffer.
- 3) Water quality measures should be provided by on-site storm water management.

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. Roxana Whitt
Variance 01-2776, Carmichael Enterprises
December 3, 2001
Page 2

- 4) Mitigation for Buffer disturbances should be provided at a ratio of 3:1. Native plantings should be used to establish a vegetated Buffer.

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: 626-01 (revised)

Judge John 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 3, 2001

Roxana L. Whitt
Calvert County Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

Re: Variance 01-2774, Jones, Pamela

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to construct an addition to the existing dwelling. The property is designated LDA and is currently developed with a house, driveway, and pier.

From the information provided, a substantial portion of the proposed addition would be located within the 100-foot Buffer. We reviewed our records of a previous subdivision of the Hutchins property (MSD 96-34, George Hutchins) to determine the extent of current developable lands on the property (Lot 2). Based on building restriction lines shown on the subdivision plans, it appears that the addition can be accommodated on other portions of the property, outside of the 100-foot Buffer. Given the existence of alternative sites on the property for the proposed addition, we would not support this variance.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: CA 624-01

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 3, 2001

Roxana L. Whitt
Calvert County Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

Re: Variance 01-2775, Graham, David

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to construct a concrete patio within the 100-foot Buffer. The property is designated LDA and is currently developed with a house, driveway and pier.

From the information provided, it appears that the entire patio would be located within the 100-foot Buffer. If granted, we recommend the following be made conditions of this variance.

- 1) The proposed patio should be constructed of wood, with a gravel substrate beneath. This will reduce runoff, enhance infiltration, and provide water quality benefits.
- 2) The patio should be reconfigured or relocated to minimize Buffer disturbances and avoid removal of existing vegetation within the Buffer.
- 3) Mitigation plantings, at a ratio of 3:1 for all Buffer disturbances, should be directed toward non-vegetated areas within the Buffer. Native plants should be utilized for mitigation plantings.

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

Sincerely,

Julie V. LaBranche
Natural Resources Planner

cc: CA 625-01

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 3, 2001

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2001-0451-V, Bruce & Marie McWhirter

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting an extension for a previously granted variance to construct a dwelling within the 100-foot Buffer of the Critical Area. The property is designated RCA and is currently being developed.

Based on the information provided, this office does not oppose an extension of the previously granted variance. The recommendations in Ms. Chandler's letter of December 5, 2000, to the Anne Arundel County Office of Planning and Zoning, remain applicable. Also, permits should be obtained from the Maryland Department of the Environment for the proposed storm water outfall to tidal wetlands and the shore erosion control project.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 528-00 (extension)

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 27, 2001

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 0433, Cox, Randall Property

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct an addition, to an existing house, within the 100-foot Buffer of the Critical Area. The property is designated LDA and is currently developed with a house, driveway, and walkway.

Based on the site plan submitted with the variance, the total impervious surface on the property would be 2,509 square feet, including the proposed addition. This differs significantly from the total impervious surface area (1,573 square feet) stated by the applicant in his letter of October 2, 2001. We understand that no vegetation will be removed from the Buffer as a result of the proposed development. The plans do not indicate whether grading is required.

Provided this lot is properly grandfathered, we do not oppose this variance. We recommend that the following be made conditions of this variance.

- 1) The proposed addition will increase the total impervious surface area to slightly greater than 24 percent of the property. This would preclude any future development, such as construction of a new deck or other structures, requiring a variance.
- 2) Mitigation for Buffer disturbances, at a ratio of 3:1, should be directed toward non-vegetated areas within the Buffer. If the property is not established in 15 percent forest cover presently, mitigation should include afforestation of 15 percent of the property area.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 617-01

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

Mark Evans
Drum, Snell & Associates, LC
209 West Street, Suite 203
Annapolis, Maryland 21401

Re: Ann Arundel Variance 0414, Lewis, John

Dear Mr. Evans:

As discussed at our site visit on Thursday, November 15, 2001, we request the following supplemental information to review this variance request:

- 1) a copy of the wetland delineation report,
- 2) a description of alternative configurations considered for the proposed development, and
- 3) plans for on-site storm water management.

Based on the current site plans, we recommend that the proposed patio be reduced in area by approximately 47 percent, and be constructed of wood decking, with a gravel substrate and vegetative stabilization at the down-slope end.

Please contact me at (410) 260-3475 if you have questions or need additional information.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 597-01

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



Perryville

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

Eric Morsicato
P.O. Box 773
Perryville, Maryland 21903-0513

Re: IKEA Distribution Center

Dear Mr. Morsicato:

Enclosed are comments regarding the above referenced redevelopment project. The applicant proposes to redevelop the property with a commercial distribution facility, storm water management structures, and access roads. Portions of the property are designated IDA, LDA, and RCA and the property is partially developed.

Based on our review of the environmental assessment and revised site plans provided by Frederick Ward Associates, Inc., we offer the following comments regarding this project. We are unable to locate certain portions of the Buffer delineated on the site plans. It is not clear whether the Buffer includes certain wetlands and streams on the property. A site visit will be required to determine if expansion of the Buffer is necessary, and to calculate the amount of Buffer disturbance (mainly due to the road alignment). Therefore, a variance may be required for the project to be in compliance with the Perryville Critical Area Program. Mitigation, at a ratio of 3:1, should include additional Buffer disturbances. Also, we would like an opportunity to review the mitigation plan for this project.

Thank you for the opportunity to provide comments. Please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: Mary Ann Skilling, Maryland Department of Planning
Rob Jones and Chuck Schneider, Frederick Ward Associates, Inc.

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 15, 2001

Ramona Plociennik
Anne Arundel County, Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 0413, Bay Cove Properties, Inc.

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a house, porch, and driveway, and install a well, within the 100-foot Buffer of the Critical Area. The property is designated LDA and is currently undeveloped and partially forested.

Provided this lot is properly grandfathered, we do not oppose this variance, however, several conditions should be addressed.

- 1) Based upon the applicant's letter of 9/6/01, it appears that storm water management requirements are not being met for this new development.
- 2) To minimize impacts to the 100-foot Buffer, the proposed location of the house could be adjusted, to the northwest corner of the building set back area. This would also increase the set back, and provide area for mitigation plantings, between the tidal wetlands and the house.
- 3) Mitigation plantings, at ratios of 3:1 for Buffer disturbances and 1:1 for forest clearing, should be directed toward fully vegetating portions of the Buffer between the house and the tidal wetlands and other non-forested areas of the property.

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

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resources Planner

cc: AA 596-01

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 13, 2001

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 0419, Edward W. Adams III

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a deck attached to an existing townhome within the 100-foot Buffer of the Critical Area. The property is designated LDA and is currently developed with a townhome.

Provided this lot is properly grandfathered, we do not oppose this variance. The deck should be designed with a gravel substrate and vegetative stabilization at the downslope end. Installation of the concrete footers should be completed by hand, if feasible, to minimize disturbances to the Buffer. Mitigation plantings should be directed toward vegetation of the Buffer, at a ratio of 3:1, for all Buffer disturbances.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 601-01

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 8, 2001

John Swartz
Calvert County Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

Re: Coonan, Building and Grading Permit

Dear Mr. Swartz:

Thank you for providing information on the above referenced application. The applicant is requesting a permit to construct a house, garage, pool, and driveway within the Critical Area. The property is designated LDA and is currently undeveloped and partially forested.

Provided this lot is properly grandfathered, this office does not oppose the siting of a single family dwelling on the property. We have the following recommendations concerning this project.

- 1) Mitigation plantings for forest clearing in the Critical Area will require 1.5:1 replacement due to clearing in excess of the 20 percent allowed in the LDA (clearing is proposed at 24 percent).
- 2) Mitigation plantings, consisting of native species, should be first directed toward establishing a fully vegetated Buffer. The remainder should be directed to partially forested areas within the Critical Area, especially those areas adjacent to the Buffer.
- 3) The proposed driveway should be aligned to follow existing open areas to minimize the amount of forest clearing and disturbance.

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

Sincerely,

Julie V. LaBranche
Natural Resources Planner

cc: CA 595-01

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

FU

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

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

November 6, 2001

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 0351, Maenner, Edward

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance for construction of an addition to an existing home within the 100-foot Buffer of the Critical Area. The property is designated LDA and is currently developed with a house, porch, walkway, driveway, and an uninhabited accessory structure.

We understand that portions of the addition to the existing house and the new septic system have been constructed, prior to submission of this variance application. Based on the supporting documentation submitted with the application, we have the following concerns regarding this variance.

- 1) It is unclear as to whether development of the expanded foundation, constructed by the previous property owner, is properly grandfathered. We would not support this variance if development of the expanded foundation were not grandfathered.
- 2) The addition to the existing house extends beyond the expanded foundation constructed by the previous owner. This action results in greater Buffer impacts than might have been allowed for development of the expanded foundation, if it were grandfathered.

If the lot and expanded foundation are properly grandfathered, and a variance is granted, we recommend the following be made conditions of this variance:

- 1) The addition to the existing house should be restricted to the footprint of the previously expanded foundation to minimize impacts to the Buffer. The footprint of the addition should accommodate a deck or porch, if desired by the applicant, to preclude the necessity of future variances.
- 2) The proposed septic system should be relocated to avoid disturbances to steep slopes (20 percent as stated on site plan). Installation of the system in its present location would require extensive grading on the site.

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

Ramona Plociennik
November 6, 2001
Page 2

- 3) The proposed storm water management structures (French drains) should be located outside of the Buffer and impacts to steep slopes should be minimized.
- 4) Mitigation for Buffer impacts, at a ratio of 3:1, should be first directed toward establishing a fully vegetated Buffer on the property. The remaining mitigation plantings should be directed to non-forested areas on the property, especially those with steep slopes.

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: AA 558-01

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 29, 2001

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 0359, McCollum, Thomas

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a house, attached garage, two decks, driveway and septic system within the 100-foot Buffer of the Critical Area. The property is designated LDA and is currently undeveloped and entirely forested.

Providing this lot is properly grandfathered, we recommend that the following be made conditions of this variance.

- 1) It appears that the proposed house, decks and garage can be reconfigured to eliminate clearing and grading on steep slopes. (Refer to the attached sketch for an example.)
- 2) The proposed covered deck should be redesigned to be an open deck, with a gravel substrate beneath and vegetative stabilization on the down slope side. Also, the total area of the combined deck and screened porch should be reduced by approximately 35 percent. This will reduce impervious area within the Buffer, protect steep slopes from erosion, and provide water quality benefits on the site.
- 3) Mitigation plantings, at a ratio of 3:1, should be provided for all impacts to the 100-foot Buffer, and should be first directed toward non-vegetated areas within the Buffer.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 563-01

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 29, 2001

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance, Frank Proctor

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to expand the existing deck within the 100-foot Buffer and construct an addition to the existing attached garage within the Critical Area. The property is designated IDA and is currently developed with a house, deck, attached garage, pier and paved driveway.

Provided this lot is properly grandfathered, we do not oppose this variance, however, several conditions should be addressed. Runoff from the proposed addition to the garage should be discharged to a stable outfall, such as a pad or stone, or a properly vegetated area on the adjacent slope. Based on the information provided, we calculate that the proposed deck expansion will extend to within 4 feet of steep slopes within the 100-foot Buffer. We recommend that the deck expansion be limited to no greater than 5 feet shoreward across the present length of the deck (30 feet). This would increase the deck area by an amount equal to the proposed expansion (150 square feet) while reducing encroachment into the Buffer.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 557-01

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 29, 2001

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 0348, Frank Proctor

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to expand the existing deck within the 100-foot Buffer and construct an addition to the existing attached garage within the Critical Area. The property is designated IDA and is currently developed with a house, deck, attached garage, pier and paved driveway.

Provided this lot is properly grandfathered, we do not oppose a variance for the garage expansion. Runoff from the proposed addition to the garage should be discharged to a stable outfall, such as a pad or rip-rap, or a properly vegetated area on the adjacent slope. Based on the information provided, we calculated that the proposed deck expansion will extend to within 4 feet of steep slopes within the 100-foot Buffer, which does not comply with the County setback requirements. Given the reasonable size of the existing deck (300 square feet), and the restrictions state previously, the proposed deck expansion is not advised. If the variance were approved, we recommend that the deck expansion be limited to no greater than 5 feet shoreward across the present length of the deck (30 feet). This would increase the deck area by an amount equal to the proposed expansion (150 square feet) while reducing encroachment into the Buffer.

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

Sincerely,

Julie V. LaBranche
Julie V. LaBranche
Natural Resources Planner

cc: AA 557-01

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 29, 2001

Jeanne Minner
The Commissioners of the Town of Elkton
P.O. Box 157
Elkton, Maryland 21922-0157

Re: Family Support and Education Center, Elkton

Dear Ms. Minner:

Thank you for providing information on the above referenced redevelopment project. The Town of Elkton is proposing to redevelop an existing property to construct a Family Support and Education Center. The property is designated IDA and is currently developed with a building, walkway system, gravel driveway, and an outbuilding.

Based on the information provided by Raudenbush Engineering, Inc., the site does qualify as new development, since the existing impervious area comprises less than 15 percent of the property. The 10% Rule requirements for new development in the Critical Area have also been met through the use of a dry swale for storm water management on the site. The development project is consistent with the local Critical Area Program, as stated in the consistency report provided by the Town of Elkton.

We understand that the site is not forested currently, however a landscape management plan has been designed which includes planting of trees, shrubs, and ground cover along the sides of the new building. Additional afforestation of this site may be considered to meet the mitigation requirements for another development project in Elkton. This would greatly improve the existing conditions surrounding the new Family Support and Education Center by establishing a buffer between adjacent properties and increasing the forest cover within this IDA.

Thank you for the opportunity to provide comments on this project.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: EL 567-01 (revised)

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 24, 2001

Roxana L. Whitt
Calvert County Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

Re: Variance Case No. 01-2770, Fowler Property

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit construction of a single-family dwelling. The property is designated RCA and is currently developed with a house, shed, gravel driveway and beach access road, and several accessory structures along the northern beach area.

As submitted, the site plans do not show the location of the beach access road or an additional structure near the northern beach area on the property. Also, the site plans indicate that the floodplain, between the tributary stream and steep slopes, are forested. However, a significant portion of the floodplain area is populated with herbaceous vegetation, not forested. This was confirmed by Critical Area staff (Claudia Jones and myself) during a site visit on September 27, 2001. The site plans have been revised to include expansion of the Buffer due to steep slopes adjacent to the stream.

Provided it is properly grandfathered, we do not oppose the siting of a single family dwelling on the lot. In order to minimize impacts to the expanded Buffer, we recommend the following:

- 1) Grading, associated with expansion of the existing house, should be minimized due to the proximity of steep slopes.
- 2) Mitigation plantings, at a ratio of 2:1, will be provided to offset impacts to the expanded Buffer. Native plantings should be first directed to non-forested areas in the expanded Buffer. The site plans indicate that no forest clearing will take place.
- 3) Given the considerable size of the new house (2,600+ square feet), we recommend that the deck be reduced in area by approximately 50% to reduce impacts to the expanded Buffer. The deck should be designed with a gravel substrate beneath and vegetative stabilization on the down-slope side.

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. Roxana L. Whitt
October 24, 2001
Page 2

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

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: John Swartz, Calvert County, Planning and Zoning

CA574-01

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 24, 2001

Roxana L. Whitt
Calvert County Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

Re: Variance Case No. 01-2744, Billman

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to construct a house with an attached garage, two porches, a well, a storm water management structure, and portions of a driveway within the 100-foot Buffer. The property is designated LDA and is currently undeveloped.

Provided this lot is properly grandfathered, the Critical Area Commission does not oppose this variance, however several conditions will need to be addressed. As submitted, the site plans do not show the areas where clearing is proposed and the relative proportion of clearing that will take place within the 100-foot Buffer. There is a discrepancy in the amount of forested area existing on the site. The site plans state that 10,314 square feet of forested area exists, indicating that the entire property is forested. This does not appear to be so, based upon the graphical representation on the site plans and interpretation of air photography. Given that 46 percent of the existing forested area will be cleared and 57 percent of the site will be disturbed, it is important that mitigation and landscape management plans be developed. (This percentage may be higher if the total forested area on the property, referenced above, is incorrect.)

We recommend the following comments be made conditions of the variance:

- 1) The required 3:1 forest mitigation, and 2:1 mitigation plantings to offset impacts to the 100-foot Buffer, should be first directed to the 100-foot Buffer, specifically the existing open area between the shoreline and the proposed house.
- 2) Clearing should be minimized in the septic reserve area and reforestation of this area will be provided, where possible, following construction.
- 3) The amount of clearing required to install the sediment and erosion control measures (peripheral drainage ditch and sediment trap) on the site should be minimized. These areas within the 100-foot buffer should be reforested following construction.

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

Roxana L. Whitt
October 24, 2001
Page 2

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,



Julie V. LaBranche
Natural Resources Planner

cc: CA 370-01

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 24, 2001

Gail Owings
Kent County Department of Planning & Zoning
County Government Center
400 High Street
Chestertown, MD 21620

Re: Case No. 01-119, Hunters Run Subdivision

Dear Ms. Owings:

Thank you for providing information on the above referenced development project. The applicant is requesting authorization for a subdivision. Within the Critical Area, the applicant proposes to subdivide one 29-acre lot (Lot 64), of which 2.8 acres will be afforested. A single family dwelling will be located on the remaining 26.7-acre parcel. The property is designated RCA and is currently in agricultural use and partially forested.

As delineated from the Department of Natural Resources, MERLIN database, portions of the 100-foot Buffer lie in the Kent County sensitive species project review area. In addition, Kent County has identified Swantown Creek as a Habitat Protection Area, containing unique wildlife habitat types and plant communities of local significance. Given the sensitive natural resource characteristics of the property, we recommend the following condition be applied to this project. It appears that a single family dwelling, services, and access road, can be accommodated on Lot 64 without impacts to the existing riparian forest and the 100-foot Buffer. Proper site selection will avoid potential impacts to forest interior dwelling (FID) bird habitat, wetlands and streams, and preserve natural heritage areas identified by the County.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: KC 573-01

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 18, 2001

Jeanne Minner
The Commissioners of the Town of Elkton
P O Box 157
Elkton, Maryland 21922-0157

Re: Variance for the Family Support and Education Center, Elkton

Dear Ms. Minner:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit construction of a Family Support & Education Center, which will provide public services for residents of the Town of Elkton. The property is designated IDA and is currently developed with a building, walkway system, gravel driveway, and an outbuilding.

Provided this lot is properly grandfathered, this office does not oppose this variance. Based on the information provided by Raudenbush Engineering, Inc., the site does qualify as new development, since the existing impervious area comprises less than 15 percent of the property. The 10% Rule requirements for new development in the Critical Area have also been met through the use of a dry swale for storm water management on the site.

We understand that the site is not currently forested and that another development project in Elkton is considering use of this site for their forest mitigation requirements. This would greatly improve the existing conditions surrounding the new Family Support and Education Center by establishing a buffer between adjacent properties and increasing the forest cover within this IDA.

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,

Julie V. LaBranche
Natural Resources Planner

JLB

cc: EL 567-01

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

October 15, 2001

John Trueschler
Site Resources, Inc.
14307 Jarrettsville Pike
Phoenix, Maryland 21131

Re: Northbay Camp Proposal at Elk neck State Park, Cecil County
by the Erickson Foundation

Dear Mr. Trueschler:

Thank you for meeting with Commission staff and the DNR ID team on Friday, October 5, 2001 to discuss the Northbay Camp project. We hope that the information shared at this meeting will be helpful to you in making necessary revisions to the site plans.

Request for Information

Based on discussions from this meeting, there remain several unresolved issues relating to forest clearing and the placement of structures within the Critical Area. Commission staff request the following additional and revised information to further evaluate the project prior to the November 7, 2001 Critical Area Commission meeting:

- 1) revised FID calculations, revised calculation and delineation of the expanded Buffer,
- 2) identification of all intermittent and perennial streams within the development envelope,
- 3) a mitigation plan for all impacts (FID habitat, Buffer, stream crossings, etc.), and
- 4) buffer and FID impacts, and other areas of disturbance, must be quantified (square feet).

This information must be provided to Commission staff no later than Monday, October 22, 2001. Further delays in providing this information will result in delays in the review of the project by the Project Evaluation Subcommittee.

Expanded Buffer The presence of steep slopes (>15 percent) can result in expansion of the 100-foot Buffer. The expanded Buffer can be calculated using several methods, which consider site-specific characteristics. If you need clarification of these methods or how to apply them, please contact Commission staff for assistance.

Forest Interior Dwelling Bird (FID) Habitat The FID calculations need to be revised to be consistent with the FID Guidelines for development. When FID habitat is adjacent to water or wetlands that forest is considered interior forest habitat. This is due to the fact that an edge created by water or wetlands has different ecologic functions than an edge created by an adjacent agricultural field, lawn or developed area. Since the current proposal is not consistent with the FID Guidelines for development, the mitigation for impacts to FID habitat would be equal to the area of direct impacts plus two times the area of interior forest that is lost after development.

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

John Trueschler
October 15, 2001
Page 2

Commission Meeting Presentation

The Project is scheduled for an informational presentation, to the Project Evaluation Subcommittee, the morning of the November 7, 2001 Commission meeting. The Erickson Foundation will have approximately one hour to present the project to the Subcommittee. We have scheduled a second hour for discussion. Presentation materials may be displayed using easels, handouts and overhead projector or a screen can be made available for PowerPoint presentations (must provide your own computer/projector).

State and Federal Authorizations

Any authorizations required by the Maryland Department of the Environment (MDE), and the U.S. Army Corps of Engineers, must be completed before the Commission can vote on the project. If the authorizations are not completed before the Commission vote, a letter of intent to authorize must be obtained for each required authorization. Keep in mind that the review period for some MDE authorizations can be a minimum of thirty to forty-five days, given that the application submitted is complete. The MDE review process for impacts to nontidal wetlands and streams, and tidal wetlands could be extended if: additional project information is required, a public hearing is requested, or issues such as sensitive or endangered species arise. In addition, revisions to approved storm water management plans can be requested as part of the standard project evaluation process for wetland and stream impacts, thus, further delaying the required authorizations.

We look forward to your presentation at the November 7th Commission meeting. Please contact me if you have any questions regarding the presentation or technical aspects of our staff review, and for directions to the Department of Housing and Community Development, where the Commission meeting will be held.

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: Pete Albert, Erickson Foundation
Dr. Robert Bingham, Erickson Foundation
James W. Dunmyer, Assistant Secretary, Department of Natural Resources
Carolyn V. Watson, Assistant Secretary, Department of Natural Resources
Butch Norden, Department of Natural Resources
Gary Setzer, Maryland Department of the Environment

Judge John 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

Roxana L. Whitt
Calvert County Planning and Zoning
150 Main Street
Prince Frederick, Maryland 20678

Re: Variance 99-2508
Vanek, Sheldon (Holiday Beach Subdivision)

Dear Ms. Witt:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit to construct a house, and grade and clear on steep slopes. The property is designated LDA and is currently undeveloped.

From the information provided, this office does not oppose the variance to subdivide the property and construct a single family dwelling on the lot (Lot 2). However, several conditions should be addressed. As submitted, the site plans do not show clearly the location of the proposed house on Lot 2 or a plan to mitigate for disturbances. The amount of proposed grading (21,000 square feet) is substantial for a lot of this size, disturbing approximately 46 percent of the total area (1.04 acres). It appears that there may be little potential for mitigation on the lot. While it appears that some grading on steep slopes is necessary to construct the septic system, it is not clear why the area of 25 percent and greater slopes also has to be graded (especially since the slope after grading will still be 25% or more). We recommend that the house and septic drain field be relocated to the existing cleared area on the lot (approximately 50 feet northeast of its present position on the site plans), with slopes of approximately 18 percent. This would greatly minimize disturbances to the existing forested area and the need to clear and grade on steep slopes, thereby reducing mitigation requirements within the Critical Area.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: CA 637-98 (revised)

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

October 2, 2001

Ms. Roxana L. Whitt
Calvert County Planning and Zoning
150 Main Street
Prince Frederick, Maryland 20678

Re: Variance 99-2508, Vanek, Sheldon (Holiday Beach Subdivision)

Dear Ms. Witt:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit to construct a house, and grade and clear on steep slopes. The property is designated LDA and is currently undeveloped.

Provided this lot is properly grandfathered, this office does not oppose this variance, however, several conditions should be addressed. As submitted, the site plans do show clearly the location of the proposed house on Lot 2 or a plan to mitigate for disturbances. The amount of proposed grading (21,000 square feet) is substantial for a lot of this size, disturbing approximately 46 percent of the total area (1.04 acres). It appears that there may be little potential for mitigation of the on the lot. While it appears that some grading on steep slopes is necessary to construct the septic system, it is not clear why the area of 25 percent and greater slopes also has to be graded (especially since the slope after grading will still be 25% or more). We recommend that the house be relocated to the existing cleared area on the lot (approximately 50 feet northeast of its present position on the site plans), with slopes of approximately 18 percent. This would greatly minimize disturbances to the existing forested area and the need to clear and grade on steep slopes, thereby reducing mitigation requirements within the Critical Area.

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,

Julie V. LaBranche
Natural Resources Planner
JVL/jjd

cc: CA 637-98

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

October 1, 2001

Mr. Joseph Johnson
Cecil County, Office of Planning and Zoning
129 E Main Street, Room 300
Elkton, Maryland 21921

Re: Variance and Building Permit
Lawrence A. Campbell, St. John's Manor, Inc.

Dear Mr. Johnson:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit construction of a beach pavilion for recreational purposes. The property is designated LDA and is partially developed with a parking area, boat access and pier. The property serves as community open space and a recreational area.

From the information provided, it appears that the pavilion is partially constructed, including a frame structure supported by concrete footers with a natural substrate beneath. The structure is located 30 feet from the mean high water line within the 110-foot Buffer. We understand that the Cecil County, Office of Planning and Zoning, has taken action to cease construction on the site until a review of the project has been completed by this office. The structure does not meet the requirements for a water-dependent structure of facility, according to the Cecil County Critical Area Program. We recommend that the structure be moved to an alternative location outside of the 110-foot Buffer with minimal disturbance of the surrounding vegetation and soil.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner
JVL/jjd
cc: CE 504-01

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

Kent

Judge John 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

Ms. Amber Fetterolf
Project Landscape Architect
Unity landscape Design/Build
P O Box 26
Kennedysville, Maryland 21645

Re: Landscape Management Plan
for the Tom Offutt Property

Dear Ms. Fetterolf:

Thank you for providing information on the above referenced project. The site plans include removal and planting of vegetation and placement of shore erosion control structures within the 100-foot Buffer, and construction of two rain garden areas for storm water management within the Critical Area.

The following is a summary of a telephone conference call with you, Mary Owens, and myself on Wednesday, September 26, 2001 to discuss the Offutt project. The plans indicate that a large number of trees will be removed along the shoreline and within the 100-foot Buffer. We understand that extensive erosion has compromised the stability of these slopes, causing uprooting of trees. Many of these trees now lean out over the water or have collapsed. The site plans do provide for one-to-one replacement of trees within the Buffer and additional placement of trees in uplands within the Critical Area. New tree plantings in the Buffer will be as close as possible to the location of trees that will be removed.

The site plans indicate that the entire length of shoreline will be graded to some extent. We understand that much of the grading for placement of the bio-logs near the shoreline will be done by hand. Use of this method will help to protect established vegetation and existing soil structure, and maintain slope stability.

Construction of the 'rain garden areas' will require removal of numerous trees. We understand that these trees will be replaced by appropriate hydrophytic species. To further reduce the flow velocities within the 'natural drainage stabilization areas', a splash pad, or other suitable

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

Ms. Fetterolf
September 28, 2001
Page Two

stabilization structure, should be located beneath the outfall of the 'rain garden areas'. Also, the stone, for the rock outlets near the shoreline, should be sized to withstand flow velocities from the drainageways and the influence of tide and wave forces.

Thank you for the opportunity to provide comments for this project.

Sincerely,



Julie V. LaBranche
Natural Resources Planner

JVL/jjd

cc: Mr. Rick Myers, Kent County Planning and Zoning
Mr. Charles DeRose, MDE, Tidal Wetlands Division

KC 531-01

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 28, 2001

Ms. Roxanna L. Whitt
Calvert County Planning and Zoning
175 Main Street
Prince Frederick, Maryland 20678

Re: Variance 91-2759, Spring Cove Marina

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit expansion of an existing swimming pool. The property is designated IDA and is currently developed with a commercial marina and facilities.

From the information provided, it appears that the proposed swimming pool expansion is located in a Buffer Exempt Area (BEA). However, as submitted, the project does not meet the requirements for BEAs as stated in the Calvert County Ordinance. We recommend that the site plans be revised to meet the required standards for BEAs. However, if this cannot be done due to site constraints, we recommend the following revisions to reduce impacts: 1) Buffer plantings would help mitigate for the increase in impervious area, and 2) the proposed concrete pool apron could be replaced with wood decking and a gravel substrate.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

JVL/jjd

cc: CA 526-01

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

September 28, 2001

Ms. Roxanna L. Whitt
Calvert County Planning and Zoning
175 Main Street
Prince Frederick, Maryland 20678


Re: Variance 01-2757, Kollmorgen

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit construction of a single family dwelling, deck, driveway access and services. The property is designated LDA and is currently undeveloped.

Provided this lot is properly grandfathered, this office does not oppose this variance, however, several conditions should be addressed. The total area of disturbance (7,518 square feet) is substantial for this lot, impacting approximately 46 percent of the total area, of which 1,516 square feet is located within the 100-foot Buffer. It appears that on-site mitigation for vegetation removal in the Buffer would be difficult due to lot constraints and placement and size of the proposed structures. As submitted, the site plans do not include a Buffer mitigation plan. We recommend the following to reduce disturbances and impervious areas in the Buffer: 1) reconfigure the deck to reduce the total deck area by approximately 15 percent, 2) design the deck, porch and steps to be pervious, with gravel substrate beneath and vegetative stabilization on the down-slope sides, 3) reduce the size of the house, 4) relocate all structures (house, deck and porch steps) approximately 13 feet landward, while keeping within the 50 foot building restriction line. The drive way might also be reconfigured to reduce impervious areas and grading on the site. As submitted, the site plans do not indicate the location of a well.

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,

Julie V. LaBranche
Natural Resources Planner

JVL/jjd

cc: CA 527-01

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

September 28, 2001

Ms. Amber Fetterolf
Project Landscape Architect
Unity landscape Design/Build
P O Box 26
Kennedysville, Maryland 21645

Re: Landscape Management Plan
for the Tom Offutt Property

Dear Ms. Fetterolf:

Thank you for providing information on the above referenced project. The site plans include removal and planting of vegetation and placement of shore erosion control structures within the 100-foot Buffer, and construction of two rain garden areas for storm water management within the Critical Area.

The following is a summary of a telephone conference call with you, Mary Owens, and myself on Wednesday, September 26, 2001 to discuss the Offutt project. The plans indicate that a large number of trees will be removed along the shoreline and within the 100-foot Buffer. We understand that extensive erosion has compromised the stability of these slopes, causing uprooting of trees. Many of these trees now lean out over the water or have collapsed. The site plans do provide for one-to-one replacement of trees within the Buffer and additional placement of trees in uplands within the Critical Area. New tree plantings in the Buffer will be as close as possible to the location of trees that will be removed.

The site plans indicate that the entire length of shoreline will be graded to some extent. We understand that much of the grading for placement of the bio-logs near the shoreline will be done by hand. Use of this method will help to protect established vegetation and existing soil structure, and maintain slope stability.

Construction of the 'rain garden areas' will require removal of numerous trees. We understand that these trees will be replaced by appropriate hydrophytic species. To further reduce the flow velocities within the 'natural drainage stabilization areas', a splash pad, or other suitable

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

Ms. Fetterolf
September 28, 2001
Page Two

stabilization structure, should be located beneath the outfall of the 'rain garden areas'. Also, the stone, for the rock outlets near the shoreline, should be sized to withstand flow velocities from the drainageways and the influence of tide and wave forces.

Thank you for the opportunity to provide comments for this project.

Sincerely,



Julie V. LaBranche
Natural Resources Planner

JVL/jjd

cc: Mr. Rick Myers, Kent County Planning and Zoning
Mr. Charles DeRose, MDE, Tidal Wetlands Division

KC 531-01

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 24, 2001

Ms. Gail Owings
Kent County Department of Planning & Zoning
County Government Center
400 High Street
Chestertown, Maryland 21620

Re: ^{SUB} Variance 01-121, Smith, Doris

Dear Ms. Owings:

Thank you for providing information on the above referenced ^{subd.} variance application. The applicant is requesting a variance to permit subdivision of the parcel for intrafamily transfer. The property is designated RCA and is currently developed with a house, garage, and pier.

Provided this lot is properly grandfathered, this office does not oppose this variance, however, several conditions should be addressed. As required by Critical Area Law for Intrafamily Transfers, the Doris Smith property (Tax Map 52, Parcel 11) can be subdivided into two lots. As submitted, the site plans do not include details for development of the new lot (Lot 1). New development, including a house, driveway, well, services and other structures, must be accommodated outside of the 100-foot Buffer with minimal disturbance to existing forested and other vegetated areas. The Commission would appose an additional variance request to develop the new lot. I have not visited the site, however, a comparison of the Tidal Wetlands maps and a recent air photograph indicate that wetlands might be reestablished in previously farmed areas near the shoreline. Also, the air photograph indicates the presence of an additional structure on the Dorris Smith property. Due to the scale of the photographs, the type or use of the structure could not be determined.

We have asked the Department of Natural Resources, Wildlife and Heritage Division to evaluate potential impacts to Habitat Protection Areas on the property, including rare, threatened and endangered species, waterfowl staging areas, and anadromous fish, as indicated on the Project Information form submitted by your office. When their comments are received, we will review the proposed activities and submit additional comments on this project, if necessary.

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

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

Ms. Owings
September 24, 2001
Page Two

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,



Julie V. LaBranche
Natural Resources Planner

JVL/jjd

cc: KC 507-01



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 21, 2001

Ms. Gail Owings
Kent County Department of Planning & Zoning
County Government Center
400 High Street
Chestertown, Maryland 21620

Re: Variance 01-120, Hawkins and Holland

Dear Ms. Owings:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit construction of a deck and two stairways within the 100-foot Buffer. The property is designated LDA and is currently developed with a house, deck, stone driveway, and pier.

Provided this lot is properly grandfathered, this office does not oppose this variance, however, several conditions should be addressed. The total area of decking, both existing and proposed, is substantial and extends to within approximately 57 feet of the shoreline. We recommend reconfiguration of the decks to reduce the total deck area by approximately 25 percent. For example, the deck facing Shipyard Creek might be reduced in width, increasing the distance between the deck and the shoreline. The site plans do not show the location of existing trees and other vegetation or existing topography. As submitted, we understand the proposed activities will not require removal of trees or vegetation, and will not impact steep slopes. If the variance is approved, we recommend that the applicant provide for mitigation at a ratio of 3:1 for the area of impact to the 100-foot Buffer (includes pervious areas of the proposed decks). Native plant species should be used for all mitigation planting in the Buffer.

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

Sincerely,

Julie V. LaBranche
Natural Resources Planner

JVL/jjd

cc: KC 506-01

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

September 21, 2001

Ms. Gail Owings
Kent County Department of Planning & Zoning
County Government Center
400 High Street
Chestertown, Maryland 21620

Re: Variance 01-104, Parker, Thomas

Dear Ms. Owings:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit replacement and expansion of an existing dwelling in the 100-foot Buffer. The property is designated LDA and is currently developed with a house, two brick patios and a sidewalk, a frame garage, and a grass parking area.

Provided this lot is properly grandfathered, this office does not oppose a variance to replace the existing dwelling. As stated by Anne from the County Planning and Zoning office in our phone conversation of 9/20/01, the County Health Dept. has approved plans to relocate and install a new septic system, located outside of the 100-foot Buffer. The proposed construction will include increasing the footprint of the existing house by 101 square feet (from 1,126 square feet to 1,226 square feet), adding new decks totaling 214.8 square feet, and removing the existing brick patios. We have asked the Department of Natural Resources, Wildlife and Heritage Division to evaluate potential impacts to Habitat Protection Areas on the property, including rare, threatened and endangered species, waterfowl staging areas, and anadromous fish, as indicated on the Project Information form submitted by your office. When their comments are received, we will review the proposed activities and submit additional comments on this project, if necessary.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner
JVL/jjd
cc: KC 489-01

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

September 19, 2001

Mr. Michael Trumbauer
Kent County Department of Planning & Zoning
County Government Center
400 High Street
Chestertown, Maryland 21620

Re: Variance 01-105 Crossan, Kenneth

Dear Mr. Trumhauer:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit replacement and construction of decking attached to an existing home located on steep slopes. The property is designated LDA and is currently developed with a house and a shed.

Provided this lot is properly grandfathered, this office does not oppose this variance, however, several conditions will need to be addressed. Given that most construction will take place on steep slopes (>15 percent), we recommend minimal disturbance of these areas during construction by limiting the use of heavy equipment and digging pilings by hand. The decks should be designed to be pervious, with gravel substrate beneath and vegetative stabilization on the down-slope sides. The total area of decking, both reconstructed and new, encompasses all or a portion of four sides of the existing cottage. We recommend reconfiguration of the decks to reduce the total deck area by approximately 15 percent. For example, the deck on the eastern side of the cottage might be eliminated or reduced in the size and the remaining decks might be connected. The site plans do not show the location of a driveway, which would increase the total impervious area on the property. This may be a factor if the decks are not designed to be pervious and are not reduced in size. Also, the site plans indicate that two trees will be removed. As required by the Kent County Zoning Ordinance, the site plans should be revised to include 1:1 replacement of these trees on the property.

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

Mr. Trumbauer
September 19, 2001
Page Two

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,



Julie V. LaBranche
Natural Resources Planner

JVL/jjd

cc: KC 490-01

Staff Correspondence : Owens

2001

SI832-149-6

Mary Reader



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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

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

November 28, 2001

Mr. Mike Rodevik
R. A. Barrett and Associates
3140 West Ward Road
Dunkirk, Maryland 20714

RE: Mitigation Planting Sites in Chesapeake Beach

Dear Mr. Rodevik:

I am writing to follow up on our field visits where we evaluated several sites for their potential as mitigation planting sites for development projects in the Critical Area in Chesapeake Beach. At this time, the Town is attempting to identify 41,320 square feet of planting areas as required by the Critical Area Commission as a condition of approval of the Chesapeake Beach Sidewalk Improvement Project that was approved by the Commission in February 1998. The following site inventory and evaluation reflects our discussions in the field and my subsequent conversations with Mr. Ren Serey, Executive Director of the Critical Area Commission.

Area #1: Kellam's Field Recreational Complex

Description:

The Town has recently completed the redevelopment of Kellam's Field Recreational Complex. There is extensive landscaping associated with the project. Some of the plantings are in place, and additional plantings will be installed in the next few months. This site is an acceptable mitigation site and the square footage credit for each large tree, understory tree, and shrub can be calculated based on the credit system used by Calvert County as long as native species are used. The Town should ensure that large trees are planted in areas where there is adequate space for them to reach a natural mature size. (Generally, large trees planted in parking lot islands cannot receive the full 400 square feet of credit.) All of the plantings on this site can be used to satisfy the outstanding planting requirement and all plantings on the site that are located within the Buffer and expanded Buffer will be considered Buffer mitigation.

Required Action:

The Town engineer shall provide complete landscape plans with plant lists for the Kellam's Field Recreational Complex Project to the Critical Area Commission for review. The Critical Area Buffer and expanded Buffer should be shown on the plans. Some non-native species shown on

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

the preliminary plans will need to be replaced with native species. Mitigation credit will be calculated by Commission staff based on the number of trees and shrubs planted using the Calvert County system.

Area #2: Fishing Creek Landings Marina

Description:

This site is part of a dredge material disposal area used by the U.S. Army Corps of Engineers (ACOE) for the dredging of Fishing Creek. Based on our conversation, it is my understanding that this site is no longer used for this purpose and is fully stabilized and dewatered. The area consists of several dikes and shallow basins and is generally vegetated with phragmites. The mitigation proposal on this site would involve the eradication of the phragmites and the subsequent planting of salt tolerant shrubs and possibly trees. This site appears to be an acceptable mitigation site. Mitigation credit would be based on the area of the site where phragmites was eradicated and shrubs, trees, and possibly marsh grasses were established. Mitigation planting on this site would be considered Buffer mitigation because it is generally within 100-feet of tidal wetlands.

Required Action:

The Town engineer shall provide written documentation from the ACOE that this site is not proposed for future use as a dredge material disposal area, and that planting in the area would be acceptable. A phragmites eradication plan and planting plan shall be developed for the area and the Town engineer shall submit the plans to the Critical Area Commission for review. The Critical Area Buffer and expanded Buffer should be shown on the plans. Mitigation credit will be calculated by Commission staff based on the area of the site.

Area #3: Bay View Hills Boat Storage Area

Description:

This site is technically "excluded from the Critical Area" because it is located at least 1,000 feet from open water and is separated by an area of wetlands determined to be adequate to protect tidal water quality and habitat. The exclusion was officially approved by the Commission and is reflected on the Town's Critical Area maps. The proposed planting site involves an existing boat storage area located at the end of Bay View Drive. The area surrounding the boat storage area is basically a meadow with some nominal landscaping. This area could be planted with native trees and shrubs or could be allowed to naturally regenerate. If the area is allowed to fully or partially naturally regenerate, then appropriate fencing and/or signage will be necessary to ensure that mowing of the area is discontinued permanently. Mitigation planting on this site would be considered Buffer mitigation because the area is within 100-feet of the edge of tidal wetlands even though it has been "excluded" from the Critical Area.

Mr. Rodevik
November 28, 2001
Page 3

Required Action:

If the area is proposed to be planted with trees and shrubs, the town engineer shall provide complete landscape plans with plant lists for the Bay View Hills Boat Storage Area to the Critical Area Commission for review. If the area is proposed to be planted, mitigation credit will be calculated by Commission staff based on the Calvert County system. If the area is proposed to be allowed to naturally regenerate, the Town engineer shall provide a plan delineating the area and describing how the natural regeneration would be managed and monitored to ensure success. Mitigation credit will be calculated by Commission staff based on the area of the site. Commission staff is available to assist you in developing an appropriate plan.

Area #4: Bay View Hills Streetscaping

Description:

This site is also technically "excluded from the Critical Area" as outlined above. The proposal involves the planting of street trees and shrubs throughout the subdivision. Currently the streets and sidewalks are not landscaped and are stabilized with grass. This proposal is the least desirable of all those reviewed because it appears that the isolated plantings in an area that is not a public use area (like Kellam's Field Recreational Complex) will make only a nominal contribution to enhancing water quality and habitat within the Critical Area. It is my understanding that the planting is required to meet the Town's landscaping requirements and is primarily for aesthetic purposes. This site may be acceptable to meet the requirements of the Chesapeake Beach Sidewalk Improvement Project if the planting on the other sites is not sufficient to meet the mitigation requirement.

Required Action:

After documenting the need to use this site because portions of the mitigation requirement cannot be satisfied on the other sites, the Town engineer shall provide complete landscape plans with plant lists for this site. Mitigation credit will be calculated by Commission staff based on the number of trees and shrubs planted using the Calvert County system.

Area #5: Richfield Station

Description:

This site is an open field area that used to be forested, but was cleared and graded to construct streets and stormwater management measures in the Richfield Station Project. The site is not located within the Critical Area; however, it is not clear whether the site was "excluded from the Critical Area" like Bay View Hills or if it is located beyond 1,000 feet of tidal water and tidal wetlands. The open field area is proposed to be allowed to naturally regenerate.

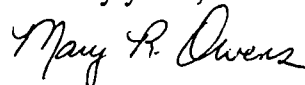
Mr. Rodevik
November 28, 2001
Page 4

Required Action:

The town engineer shall provide a site plan showing the open field area within the Richfield Station Subdivision and showing the limit of nearby tidal wetlands. The Town engineer shall provide a plan delineating the area and describing how the natural regeneration would be managed and monitored to ensure success. Mitigation credit will be calculated by Commission staff based on the area of the site. Commission staff is available to assist you in developing an appropriate plan.

I hope that this information will be helpful in finalizing the plans to implement the mitigation required for the Chesapeake Beach Sidewalk Improvement Project. If you have any questions, please feel free to contact me at (410) 260-3480.

Sincerely yours,



Mary R. Owens, Chief
Program Implementation Division

cc: The Honorable Gerald Donovan



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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

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

November 20, 2001

Mr. Dennis Simpson
State Highway Administration
Maryland Department of Transportation
P.O. Box 8755
BWI Airport, Maryland 21240-0755

RE: Chesapeake Beach Railway System Trail

Dear Mr. Simpson:

Over the last several months, I have been meeting with Mayor Gerald Donovan and various representatives of the Town of Chesapeake Beach to discuss the referenced project. It is my understanding that the Town hopes to obtain TEA-21 funds to construct the proposed project through the Transportation Enhancement Program that is managed by your office.

As you are aware, although some of the proposed walkway is located over an old railroad right-of-way, much of the walkway is located over State and private tidal wetlands and nontidal wetlands and within the 100-foot Critical Area Buffer. In general, these areas are considered sensitive environmental areas and disturbance and development in these areas should be avoided or designed to minimize adverse impacts. Mitigation is usually required for any authorized impacts to these areas.

In order to minimize impacts to these sensitive areas and the amount of required mitigation associated with the project, there has been some discussion between Town officials and the Project Subcommittee of the Critical Area Commission about the proposed width of the walkway. The American Association of State Highway and Transportation Officials' 1999 publication, Guide for Development of Bicycle Facilities, recommends a 10-foot width for a two-directional shared use path; however the guide states that eight feet could be adequate under certain conditions. Because of the sensitive resources that will be affected by this project, the Project Subcommittee of the Critical Area Commission has recommended that the Town use an eight-foot width for the portions of the walkway that are located over tidal and nontidal wetlands and in the 100-foot Buffer. The Subcommittee has indicated that they would support the 10-foot width in non-Buffer upland areas.

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. Simpson
November 20, 2001
Page 2

Following this recommendation, Town officials indicated their concern that using an eight-foot width could affect the eligibility of this project for TEA-21 funding, and I offered to look into the issue further. I am writing to you in order to determine if an eight-foot width would be acceptable for this project if it were to be funded or if a minimum 10-foot width would be required. I believe that based on the final location of the trail, portions of the walkway that were not located in sensitive environmental areas could be 10-feet wide.

I am currently coordinating with the Town on the design of the project, so it is important that we address the width issue in the next few weeks. If you have any questions about the project or the affected resources, please feel free to call me at (410) 260-3480.

Sincerely yours,



Mary R. Owens, Chief
Program Implementation Division

cc: Mr. Rick Ayella, MDE

May Reader

Judge John 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 14, 2001

Mr. Anthony J. Di Giacomo, AICP
Department of Planning
Cecil County Government
129 East Main Street
Elkton, Maryland 21921

**RE: Cecil County Airport Critical Area Boundary Extension
Cecil County Airport Growth Allocation**

Dear Mr. Di Giacomo:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the referenced changes to the County's Critical Area Maps. On November 7, 2001, the Critical Area Commission concurred with Chairman North's determination that the Critical Area boundary extension and the use of 24.0 acres of growth allocation to change the Critical Area designation of the Cecil County Airport from RCA to IDA were refinements to the County's Critical Area maps, and they were approved as submitted. As part of the approval of the Critical Area boundary extension, five percent of the additional RCA acreage that is not non-tidal wetlands was added to the County's growth allocation total. The additional growth allocation amount is .30 acres.

In accordance with §8-1809(p)(4) of the Natural Resources Article of the Annotated Code of Maryland, these changes shall be adopted by the County, and the Critical Area maps amended within 120 days of the date of this letter. Please send a copy of the revised Critical Area maps to the Commission when they are completed.

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

I want to thank you, Mr. Rob Jones of Frederick Ward Associates, and Mr. Powell for your cooperation and patience as we worked out the details of this rather complex project. If you have any questions, please feel free to contact me at (410) 260-3480.

Sincerely yours,



Mary R. Owens, Chief
Program Implementation Division

cc: Mr. Rob Jones, Frederick Ward Associates
Mr. Robert D. Powell, Cecil County Airport

May - Reader



Judge John 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 5, 2001

Mr. Anthony J. Di Giacomo, AICP
Department of Planning
Cecil County Government
129 East Main Street
Elkton, Maryland 21921

**RE: Cecil County Airport Critical Area Boundary Extension
Cecil County Airport Growth Allocation**

Dear Mr. Di Giacomo:

Thank you for providing information on the referenced changes to the County's Critical Area Maps. The information you provided in your letter, over the past several months, and in our telephone conversations has been determined to be a complete submittal. It is my understanding that the County Commissioners approved both the Critical Area boundary extension and the use of 24.0 acres of growth allocation at their meeting on October 30, 2001.

Judge North will make a refinement determination, and these items will be placed on the agenda for review by the full Critical Area Commission on November 7, 2001. If you have any questions, please feel free to contact me at (410) 260-3480.

Sincerely yours,

Mary R. Owens, Chief
Program Implementation Division

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 1, 2001

Mr. David H. Sisson
Fishing Creek Landings Corporation
P O Box 1150
Chesapeake Beach, Maryland 20732-1150

RE: Fishing Creek Landings Marina

Dear Mr. Sisson:

I am writing in response to your letter dated October 2, 2001 regarding the redevelopment project at Fishing Creek Marina. As you know, the purpose of the initial site visit was to look at the site and to discuss some very general ideas about redevelopment with both representatives from the Critical Area Commission and the Maryland Department of the Environment (MDE). My letter to you dated August 8, 2001 was the result of our discussion in the field and information provided to me by Rick Ayella from MDE.

As you may recall, at the conclusion of the site visit, John Hofmann requested that he be provided with some guidelines for redevelopment of the site. The purpose of my letter was to provide him with some general guidelines for planning your project as well as provide the Town with some direction regarding how to proceed with a commercial redevelopment project in a Buffer Exemption Area (BEA). The letter was not intended to be strictly interpreted as regulations or requirements for your project, but rather to provide a starting point from which a concept plan could be formulated and discussions among the regulatory agencies initiated.

I would like to express to you that the Critical Area Commission staff supports your efforts to redevelop the site in such a way that there will be a significant improvement to the water quality and habitat of Fishing Creek. Commission staff is available to provide assistance with interpreting the regulations and with environmentally sensitive design and mitigation.

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

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

Mr. Sisson
November 1, 2001
Page Two

As you expressed in your letter, I believe that we can work together to create a redevelopment plan that meets everyone's objectives. I would be happy to meet with you to discuss the information outlined in my letter and to explore some various options for the site. Please feel free to give me a call at (410) 260-3480.

Sincerely yours,



Mary R. Owens, Chief
Program Implementation Division

MRO/jjd

cc: The Honorable Gerald Donovan, Town of Chesapeake Beach
Mr. Eric Blitz, Webb & Blitz
Mr. Rick Ayella, MDE

Judge John 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. Nancy Jones
University of Maryland
Center for Environmental Science
P.O. Box 775
Cambridge, Maryland 21613-0075

**RE: University of Maryland Center for Environmental Studies
Horn Point Aquaculture and Restoration Ecology Lab**

Dear Ms. Jones:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the referenced project. On October 3, 2001, the Commission voted to approve the Horn Point Aquaculture and Restoration Ecology Laboratory as submitted.

I have enclosed a copy of the "Planting Agreement for State Projects." Please provide an estimated planting date and year, sign the bottom of the form, make a copy for your records and return the original to me. When the construction is completed, and the mitigation is in place, please contact me so that we can perform an inspection of the plantings.

I want to thank you and Andy Lazur for all of your help with the review and approval of the project. If you have any questions, please feel free to contact me at (410) 260-3480.

Sincerely yours,

A handwritten signature in cursive script that reads "Mary R. Owens".

Mary R. Owens, Chief
Program Implementation Division

cc: Mr. Andy Lazur, Center for Environmental Studies

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 5, 2001

Mr. Tom Magenau
South County Properties
P.O. Box 9
Churchton, Maryland 20733-0009

RE: Critical Area Boundary Extension – Magenau Property

Dear Mr. Magenau:

The purpose of this letter is to follow up on the Critical area Commission Program Subcommittee's discussion of the Critical Area Boundary Extension for Parcels 75, 197, and 452 located between Route 256 and Deale Beach Road. The Commission was provided with information describing the purpose of the proposed extension and how the extension would be consistent with the Commission's "Policy for Extension of the Critical Area" dated December 6, 1989. A sketch plan showing the area proposed for extension was also included.

At their meeting on October 3, 2001, the Program Subcommittee generally supported the proposed extension of the Critical Area boundary to include an additional approximately 18.5 acres adjacent to the Critical Area. The additional acreage will be designated RCA and is proposed to be used as a private (not County operated) forest mitigation bank. It was discussed that the extension will have substantial water quality and habitat benefits by affording protection to forested nontidal wetlands, providing opportunities for forest mitigation, and potentially enhancing FIDS habitat. The extension area will be used to increase the Critical Area acreage to allow two dwellings rather than one dwelling to be constructed within the existing Critical Area. The remaining undeveloped portion of the property will be protected by an easement. A forest management and wildlife management plan will be developed for this area.

As you are aware, the Anne Arundel County Council must approve the extension as an official change to the County's Critical Area maps, and the extension must then be approved by the full Critical Area Commission.

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. Magenau
October 5, 2001
Page 2

For your records, I have enclosed a copy of the Commission memo and sketch plan that outlines the information presented to the Program Subcommittee. If you have any questions, please feel free to call me at (410) 260-3480.

Sincerely yours,



Mary R. Owens, Chief
Program Implementation Division

cc: Ms. Elinor Gawel, Anne Arundel County

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

TO: Program Subcommittee (Foor, Myers, Bailey, Evans, Barker, Wynkoop, Johnson, Lawrence, Duket, Samorajczyk, Bradley, Wenzel)

FROM: Mary Owens

SUBJECT: Critical Area Boundary Extension - Magenau Property

DATE: October 3, 2001

Last year, Commission staff and Anne Arundel County staff met with a property owner, Mr. Tom Magenau, with some land in southern Anne Arundel County that he was in the process of evaluating for various development opportunities. Portions of the property were not ideally suited for development because of the location of nontidal wetlands, generally poor drainage, lack of sewer service, and difficult access. It was proposed that Mr. Magenau explore opportunities for conserving some of this land and possibly using some of the property as a "forest mitigation bank."

Historically, Anne Arundel County has had an extremely difficult time meeting the forest mitigation requirements within the Critical Area, so Commission staff were extremely interested in the concept of a forest mitigation bank. Although approximately 15 acres of the 37-acre property are within the Critical Area, an additional 15 acres adjacent to the Critical Area boundary were also discussed as a possible location for a forest mitigation bank. After a visit to the site and further evaluation of the natural resources on the property, it was agreed that the property, both inside and outside the Critical Area, could function as a forest mitigation bank site. It was also discussed that this use would be enhanced if the Critical Area boundary were extended to include the land outside the Critical Area as well.

In June of this year, Mr. Magenau wrote a letter to Anne Arundel County officially requesting an extension of the Critical Area boundary to include the additional 15 acres. Commission staff and County staff believe that this extension would be consistent with the Commission's "Policy For Extension of the Critical Area" dated December 6, 1989. The Commission's policy states the extension of the Critical Area should result in improvement in water quality or water quality protection, improvement in plant or wildlife habitat, or reduced human impact. The policy sets forth five mandatory administrative requirements that **must be** met and then sets forth three categories of guidelines and requires that proposals meet one or more guidelines in each category.

management plan. It is anticipated that these plans will be completed prior to final approval by the Commission.

Water Quality Guidelines

1. The extension will protect several areas of nontidal wetlands and extensive areas of hydric soils. Hydrologic characteristics in the area make it vulnerable to flooding, and it is likely that this condition would be exacerbated by clearing and development in this area.

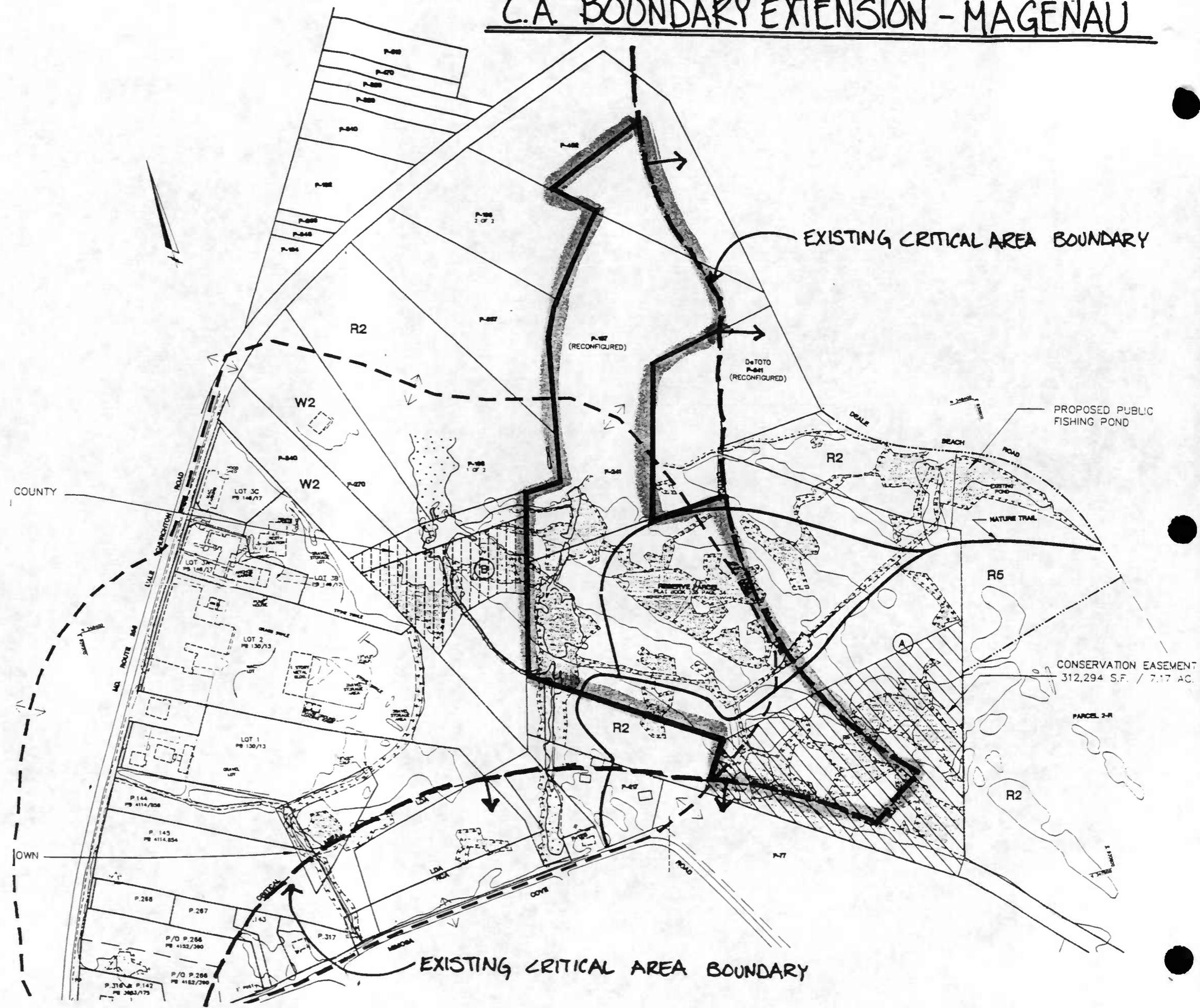
Guidelines Minimizing Impact from the Number and Movement of People in the Critical Area

1. The extension will prevent substantial development adjacent to the original Critical Area as this area is currently zoned for medium to high density residential development. The property owner had explored the possibility of creating 22 lots in this area. Although the extension area contains areas of nontidal wetlands, portions of the land are developable, and it is likely that development proposals for this area would maximize development on the upland areas resulting in large, concentrated areas of clearing and impervious surfaces.
2. The extension area will be used to increase the Critical Area acreage to more than 40 acres so that two dwellings (rather than one) can be constructed on the property. The dwellings are proposed to be located in the original Critical Area close to Deale Beach Road for the following reasons: 1) to minimize clearing associated with the development of lots in the interior of the parcel, 2) to gain access to a gravity sewer line, and 3) to create and maintain contiguous forest in the interior of the site, resulting in a more viable wildlife corridor network.

Supporting Reasons for Extending the Critical Area

1. The proposed extension is located partly between two arcs of the Critical Area and the extension is adjacent to the existing Critical Area and will expand the Critical Area by approximately 300 feet beyond the 1,000 foot boundary.

C.A. BOUNDARY EXTENSION - MAGENAU



Mary-Reader



Judge John 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. Steve Dodd
Dorchester County Planning and Zoning Office
P.O. Box 107
Cambridge, Maryland 21613

RE: Kirtland Subdivision, SUB 982
DC 224-01

Dear Mr. Dodd:

Thank you for providing information on the referenced project. The applicant is proposing an intrafamily transfer based on our discussion when we met on June 8, 2001. I have reviewed the subdivision plat and your letter to Mr. Callahan dated August 31, 2001, and I have the following comments:

1. Based on our meeting, Commission staff are considering this subdivision as an intrafamily transfer of a parcel greater than 12 acres and less than 60 acres which allows the property to be subdivided into three lots, all of which will be buildable if they meet all other local requirements. Lot 1 is considered to be the parent parcel because the parent parcel may be conveyed to a nonfamily member without meeting the standards and procedures for subsequent conveyance of lots specified in §8-1808.2(g) of the Natural Resources Article of the Annotated Code of Maryland. It is acknowledged that this conveyance has already occurred and this subdivision will legalize Lot 1 as a buildable lot. Lot 2 and Lot 3 are considered to be the additional lots permitted by the intrafamily transfer provisions, and therefore must be conveyed to family members.
2. The plat should include a detailed note describing that the lots were created in accordance with the intrafamily transfer provisions in the County Subdivision Regulations. The note should include the standards and procedures for subsequent conveyance to a nonfamily member so that it is clear that the lots are not created for ultimate commercial sale.

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

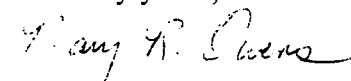
TTY For The Deaf:
Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450

Mr. Dodd
October 1, 2001
Page 2

3. The subdivision plat should show the Critical Area boundary, Critical Area designation, and the Critical Area acreage and total acreage of each lot.
4. The applicant must provide information from the Heritage Division regarding the presence of rare, threatened, and endangered species. Please provide a copy of the correspondence from the Heritage Division.
5. The 100-foot Buffer must be shown on the subdivision plat. Plat notes should indicate that new development activities and land disturbance are prohibited in the Buffer. Plat notes should also indicate that clearing of existing natural vegetation is not allowed.
6. The plat does not indicate that the 100-foot Buffer will be fully established in natural vegetation. In accordance with §27.01.09.01.C(6) of COMAR, when agricultural use of the property ceases and the land is converted to other uses (i.e. residential development), the 100-foot Buffer must be established. The applicant must indicate how this requirement will be addressed.
7. Forest cover must be shown on each lot. If total forest cover for the subdivision is less than 15%, afforestation will be required.
8. The plat should include a note stating that impervious surface area is limited to 15% of each lot.
9. The plat does not include topography or any information about slopes greater than 15%.
10. The plat does not include information about perennial and intermittent streams.

Please provide the additional information requested. If you have any questions about these comments, please feel free to call me at (410) 260-3480.

Sincerely yours,



Mary R. Owens, Chief
Program Implementation Division

MO-Reader



Judge John 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. Ted Bishop
City of Havre de Grace
Dept. of Economic Development and Planning
711 Pennington Avenue
Havre de Grace, Maryland 21078

RE: City of Havre de Grace Critical Area Ordinance

Dear Mr. Bishop:

Enclosed is a paper copy of the current draft of the Havre de Grace Critical Area Ordinance and an electronic copy. I apologize for the additional time that it has taken to complete the draft. As I reviewed the document on the disk, I discovered that only a few of the issues that Ms. Dawnn McCleary of our staff had discussed with Mr. Stan Ruchlewicz had actually been addressed, so it took longer to make the changes than I had anticipated. At this point, I think that most of the changes have been made, and we can move forward with a final review by you and your staff. The following comments pertain to the sections marked with red flags in the paper copy:

1. The page numbers in the table of Contents will need to be revised after all of the changes have been made and the format is finalized.
2. The provisions pertaining to land designated as Limited Development Areas (LDA) are included in the ordinance. At one time, Stan Ruchlewicz had recommended that they be removed from the ordinance; however, staff recommends that the provisions be included. Although the City does not currently have any land designated LDA within the City limits, it is possible that some land designated LDA could be annexed into the Town or that growth allocation could be used to change some land from RCA to LDA.

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. Bishop
September 28, 2001
Page 2

3. In Section 1-109 "Growth Allocation" on page 26, the acreage figures need to be verified. Additional information is needed regarding how the City would coordinate with Harford County to utilize growth allocation to change the Critical Area designation of a property from RCA to LDA or IDA.
4. In Section 1-109 "Growth Allocation" on page 27, the process for approving the use of growth allocation should be reviewed to ensure that what is written is consistent with the process that the City would use.
5. In Section 1-113 "Program Amendments" on page 34, the process for amending the Critical Area Ordinance and/or maps should be reviewed to ensure that what is written is consistent with the process that the City uses.
6. The provisions in Section 1-110 "Agriculture" are not currently applicable within the City; however, the provisions may be used if some land were annexed into the City and not developed for several years. This section can be left as it is written, or it could be amended to be similar to Section 1-120 "Surface Mining."
7. The Buffer Exemption Area provisions contained in Sections 1-124 and 1-125 reflect the substantive revisions to the Commission's policy that were made last year. The provisions are quite different from those that are currently in place in the City and therefore may warrant careful review to ensure that they will be effective in the City.

As part of the comprehensive review process, jurisdictions are required to update their Critical Area maps. Dawnn McCleary is working with the Heritage Division to determine if there have been any changes to the City's Habitat Protection Area maps. We will provide you with updated information in the next few weeks.

If you have any questions about these issues or would like to meet to review the ordinance, please feel free to contact me at (410) 260-3480.

Sincerely yours,



Mary R. Owens, Chief
Program Implementation Division



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

September 20, 2001

Joseph A. Stevens, Esq.
Stevens and Associates, L.L.C.
114 West Water Street
Centreville, Maryland 21617

RE: Community Pier at Easton Village on the Tred Avon

Dear Mr. Stevens:

I am writing in response to your letter dated September 11, 2001 regarding a community pier at Easton Village on the Tred Avon. You have asked us to clarify the Critical Area Commission staff position regarding whether a community pier associated with the Easton Village project is prohibited in light of previous local approval for individual boat slips in the Ratcliffe Subdivision. As I discussed with Bill Stagg of Stagg Design, it is the position of Commission staff that a community pier is not prohibited at Easton Village even though the Ratcliffe Subdivision contains private piers. Because each project has been developed on a separate parcel, has generally been reviewed and approved at the local level independently, and is recorded on separate plats, Commission staff considers them as separate "new development projects."

The Critical Area Criteria at COMAR 27.01.03.07.A(5) state that "If community piers, slips, or moorings are provided as part of a new development project, private piers in the development are not allowed." Because our staff has considered the private piers constructed at Ratcliffe as part of a different development project, we do not believe that they create a prohibition against the construction of a community pier at Easton Village.

Staff's position on this issue has been discussed with the Commission's Program Subcommittee, and the Subcommittee has concurred. However, this issue, and the project as a whole, have not yet been reviewed or approved by the full Critical Area Commission. Commission approval will be necessary for final resolution of this matter. It

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

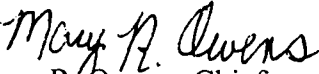
TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450

Joseph A. Stevens
September 20, 2001
Page 2

is also important to note that authorization and permits from the U.S. Army Corps of Engineers and the Maryland Department of the Environment will be required.

If you have any questions, please feel to contact me at (410) 260-3480.

Sincerely,


Mary R. Owens, Chief
Program Implementation Division

Cc: Mr. Lynn Thomas

Mary - Reader



Judge John 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 17, 2001

Mr. Steve Dodd
Dorchester County Planning and Zoning Office
P.O. Box 107
Cambridge, Maryland 21613

RE: Sunset Cove Point Concept Plan

Dear Mr. Dodd:

I am writing in response to your request for information regarding the feasibility of replacing an existing metal shed located within the Buffer with a gazebo in the same location. The shed is located on an existing grandfathered lot that has not been mapped as a Buffer Exemption Area.

The Commission would not oppose a request to replace the shed with a gazebo as long as the gazebo was no larger (and was preferably smaller) than the existing structure, and the gazebo was located on the same footprint. The gazebo could also be constructed in a new location as long as it was further from the water and would not result in greater impacts to the Buffer. The applicant would need to provide mitigation at three-to-one for the area of the Buffer disturbed by the removal and replacement of the structure. If the gazebo is placed in a different location than the shed, the area of mitigation required will be greater. The mitigation should be located on the site in the Buffer.

If you are interested in discussing this issue and how the County could incorporate provisions into their Zoning Code to address this type of situation or if you have any questions about this particular property, please feel free to contact me at (410) 260-3480.

Sincerely yours,

Mary R. Owens, Chief
Program Implementation Division

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

May - Reader

Judge John 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 17, 2001

Mr. Steve Dodd
Dorchester County Planning and Zoning Office
P.O. Box 107
Cambridge, Maryland 21613

RE: Clifford Lindale, VAR 2055
DC 474-01

Dear Mr. Dodd:

Thank you for providing information on the referenced project. The applicant is requesting an after-the-fact variance in order to construct a 144 square foot detached gazebo within the 100-foot Buffer. The location of the gazebo is within 25 feet of the water. The property is an existing grandfathered lot, and it is located in a mapped Buffer Exemption Area (BEA).

This office does not support this variance request, as it appears that the proposed gazebo could be placed elsewhere on the property in order to comply with §155-38.J.5.c.ii of the Dorchester County Code which states that new development shall not exceed the shoreward extent of existing structures located on the property.

This office strongly encourages the applicant to work with the County staff to identify a location for the gazebo that is consistent with the Buffer Exemption Area provisions of the Dorchester County Code. If an acceptable location is identified, it is recommended that the applicant provide mitigation on site between the gazebo and Fishing Creek.

If you have any questions, please feel free to call me at (410) 260-3480.

Sincerely yours,

A handwritten signature in cursive script that reads "Mary R. Owens".

Mary R. Owens, Chief
Program Implementation Division

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

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

Mary's Reader

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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

September 11, 2001

Ms. Mary Ann Skilling
Maryland Department of Planning
210 Inverness Drive
Church Hill, Maryland 21623

RE: Special Buffer Area Provisions in IDA, LDA and RCA in Charlestown

Dear Ms. Skilling:

The purpose of this letter is to follow up on our recent telephone conversation regarding the proposed "Special Buffer Area Provisions in IDA, LDA, and RCA." It is my understanding that Charlestown proposes to incorporate these provisions into the local Critical Area Program during the comprehensive review process which should be nearing completion. I have reviewed the propose provisions, and I have the following comments:

1. In Section (a)[4], the Town is proposing that new development not be located closer to the water than the local setback or 30 feet, whichever is greater. As you know, the Commission's policy specifies that new development activities, which are defined as those taking place on undeveloped lots or those with less than 15% impervious surface area, be located at least 50 feet from the water. This issue was discussed at great length, and the Commission felt strongly that on vacant lots or those with only a small area developed, that the setback should be 50 feet. The Commission felt that on these types of properties, that although the Buffer may not **currently** be performing the functions of the Buffer, **that there would be nothing precluding the establishment of a functioning Buffer** on these properties, and that every effort should be made to do so. It is unlikely that staff would support a setback of less than 50 feet for new development activities unless some other type of water quality or habitat enhancement mitigation was proposed by the Town.
2. In Section (a)[7], there is a typographical error in the word "buildable".
3. In Section (a) [9], "in the" is repeated in the first line.

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

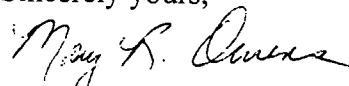
TTY For The Deaf:
Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450

Ms. Skilling
September 11, 2001
Page 2

4. In Section (a)[9] [a], revise the text to read, "... water (e.g. between the development and ~~the distance to~~ the water).
5. In Table 1 "Required Buffer Yard Planting", the Area column should read, "For every 100 square feet of buffer yard." The buffer yard mitigation requirement is not based on the area of the Buffer to be disturbed by the specific project. The buffer yard requirement is intended to facilitate the establishment of a vegetated buffer wherever feasible on a development site. The Commission analyzed this requirement in depth and felt that this mitigation requirement was essential to improving Buffer functions on the site where the development activity is taking place.
6. In Table 1 "Required Buffer Yard Planting", in the Quantity and Stocking column, it is not clear whether 5 Herbaceous Plants, Grasses, Etc. are required. This needs to be clarified.
7. In Section (a)[10] [c] (2), a period is needed at the end of the sentence.
8. In Section (b) [2], replace the word "policy" with "ordinance."
9. In Section (b) [3][b], there is no limit on the cumulative total area of all new and existing accessory structures that may be permitted in the Buffer. When the Commission discussed this issue, there were many concerns about permitting accessory structures in the Buffer, because variance requests for accessory structures are generally opposed by the Commission. The Commission ultimately decided that allowing accessory structures in the Buffer in BEAs was not inconsistent with the BEA provisions in the Critical Area Criteria as long as they were limited on each individual property. The 1,000 square foot limit was determined to be sufficient to accommodate most typical residential accessory buildings. It is unlikely that staff would support the accessory structure provisions without an overall area limit.
10. In Section (d) [2], there is a typographical error in the word "prevents".

Thank you for the opportunity to comment on the proposed provisions for "Special Buffer Areas" in Charlestown. If you have any questions or would like to meet with me to discuss these comments, please feel free to call me at (410) 260-3480.

Sincerely yours,



Mary R. Owens, Chief
Program Implementation Division

Mary-Reader



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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

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

September 7, 2001

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

RE: Stormwater Quality Requirements Within Intensely Developed Areas (IDAs)

Dear Mr. Torney:

The purpose of this letter is to follow up on our meeting regarding the applicability of certain provisions regarding stormwater quality requirements within Intensely Developed Areas (IDAs) in the Critical Area. It is my understanding that there is some confusion as to whether or not the provisions regarding exemptions, waivers, and modifications to the stormwater requirements included in Chapter 17.10 are applicable within IDAs.

Section 21.67.070 of the City Code requires stormwater management technologies for development in IDAs to reduce pollutant loadings by at least 10 percent below that of predevelopment levels in accordance with Chapter 17.10. The Critical Area sections of the City Code do not provide for any exemptions or waivers and are consistent with the Critical Area Criteria in that respect. It appears to me that the reference in Section 21.67.070, "Development requirements - Intensely developed areas" to Chapter 17.10 is limited to the methodologies and best management practices necessary to meet the required 10 percent reduction in pollutant loadings. I do not believe that the reference is intended to provide exemptions, waivers, or modifications within the Critical Area.

As we discussed at our meeting, I can understand that the provisions could be interpreted to be conflicting; however, the stricter provisions would apply as specified in Section 21.67.040 entitled "Applicability", of the City Code. In order to clarify these provisions and to avoid possible misinterpretation of the stormwater regulations within the Critical Area, I would recommend that the City make a minor change to their Critical Area Program to clarify that exemptions, waivers, and modifications are not permitted within the Critical Area. The change could be handled at the same time that the City adopts the new stormwater regulations promulgated by MDE and required to be implemented this year. Most likely, this change would be considered a refinement.

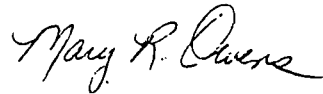
Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

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

Mr. Torney
September 7, 2001
Page 2

I hope this letter provides the clarification that you are seeking. If you have any questions, please feel free to call me at (410) 260-3480.

Sincerely yours,



Mary R. Owens, Chief
Program Implementation Division

Cc: Ms. Dawnn McCleary
Ms. Jackie Rouse

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

August 28, 2001

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

RE: Historic St. Mary's City Buffer Management Plan

Dear ^{Mary}Ms. Alves:

The purpose of this letter is to follow up on our meeting on August 14, 2001 regarding the referenced project which is being used to satisfy the forest mitigation requirement for the State Highway Administration's Route 2 Widening Project. Based on our discussion, it is my understanding that Paige Ohliger will be proceeding with the development of the plan, and that the following issues will be addressed:

1. Area A will be bush-hogged, treated with herbicide, and fully vegetated, either through natural regeneration or supplemental planting. Because this area is currently fully vegetated and the Buffer is functioning, Area A will receive credit as a Buffer enhancement at 0.5:1. The total credit for Area A will be approximately 0.25 acres.
2. Area B will be planted with native shrubs with taller species planted near the bottom of the slope. This area is generally bush-hogged each year and is not considered to be a naturally vegetated Buffer; therefore, Area B will receive credit as a Buffer establishment at 1:1. The portions of Area B that wrap around Area A and are located southwest of the State House will include tree species. The total credit for Area B will be approximately .22 acres.
3. Area D involves primarily the planting of native tree seedlings and shrubs in an area that is currently a grassed lawn and is adjacent to a vegetated slope that falls off steeply to the river. The area will be mulched, and all mowing of the area will cease. Two locations within Area D will be planted with just shrubs in order to maintain existing views. Because this area is not considered to be a naturally

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. Alves
August 28, 2001
Page 2

4. vegetated Buffer, Area D will receive credit as Buffer establishment at 1:1. Area D is approximately .46 acres in area and will require approximately 400 tree seedlings and/or one-gallon shrubs. (This figure is based on stocking of approximately 870 seedlings per acre.) Shrubs smaller than one gallon size may be used if necessary to meet the requirement to minimize disturbance to archaeological resources. Mitigation plantings involving seedlings should be required to achieve a 75% survival rate after one year. If survival rates fall below 75%, supplemental planting should be required.
5. It is my understanding that the areas where new plantings are installed will be mulched. The Commission staff strongly encourages mulching areas where new plantings are installed, especially when the plantings are small, because it minimizes the risk of the plants being mowed, reduces competition from weeds, and maintains soil moisture. Seeds can also be blown into the mulched area and begin to grow potentially eliminating the need for supplemental planting even if all of the original plantings do not survive.

I enjoyed meeting with you and Paige on the site, and I believe that most of the issues have been resolved. I look forward to working with you as the final plans are developed. If you have any questions, please feel free to call me at (410) 260-3480.

Sincerely yours,



Mary R. Owens, Chief
Program Implementation Division

cc: Ms. Paige Ohliger, WBCM
Ms. Linda Mott, State Highway Administration



Judge John 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. Steve Dodd
Dorchester County Planning and Zoning Office
P.O. Box 107
Cambridge, Maryland 21613

**RE: Zachary Shalaby, VAR 2050
DC 454-01**

Dear Mr. Dodd:

Thank you for providing information on the referenced project. The applicant is requesting a variance in order to construct a 240 square foot addition to an existing dwelling within the 100-foot Buffer. The property is an existing grandfathered lot, and the dwelling is located almost completely within the 100-foot Buffer.

This office does not oppose this variance request, as it appears that the proposed addition is a reasonable expansion of living space. If the variance request is approved, it is recommended that the applicant provide mitigation in the form of plantings at three times the extent of the impact to the Buffer.

If you have any questions, please feel free to call me at (410) 260-3480.

Sincerely yours,

Mary R. Owens, Chief
Program Implementation Division

Mary



Judge John 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. John A. Hofmann, P.C.
P.O. Box 2542
Prince Frederick, Maryland 20678

**RE: Fishing Creek Landings Marina, Chesapeake Beach
CB 90-01**

Dear Mr. Hofmann:

The purpose of this letter is to follow up on the joint site visit with Rick Ayella and Phil Mohler of the Maryland Department of the Environment. During the meeting, we discussed the proposal to renovate the existing Fishing Creek Landings Marina in Chesapeake Beach. The project will involve a complete reconfiguration of the existing shoreline, including excavation of the Buffer, filling open water areas, dredging, installing erosion control measures, and installing new and reconfiguring existing piers.

As we discussed, approval of the project will be based on the concept that any adverse impacts associated with the project will be mitigated and that the project will result in an overall environmental benefit to Fishing Creek, surrounding wetlands, and riparian areas. The following performance standards are recommended:

1. The conversion of tidal waters to uplands should not exceed the conversion of uplands to tidal waters. If 13,500 square feet are proposed to be excavated, then filling of open water areas should not exceed 13,500 square feet.
2. The entire extent of new shoreline should be protected with nonstructural erosion control measures.
3. All existing bulkheads to be replaced should be replaced with nonstructural erosion control measures.

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

4. Dredge material shall not be placed within the Buffer or elsewhere in the Critical Area that has been designated as a habitat protection area except as necessary for:
 - a. Backfill for permitted shore erosion protection measures;
 - b. Use in approved vegetative shore erosion projects;
 - c. Placement on previously approved channel maintenance spoil disposal areas, and
 - d. Beach nourishment.

5. This area of the Town has been mapped as a Buffer Exemption Area; however, the Town has not incorporated the Commission's Policy for Commercial, Industrial, Institutional, Recreational, and Multi-Family Residential Buffer Exemption Areas into the Town's Zoning Ordinance. (See Enclosure 1.) The Town will need to incorporate these provisions or an approved alternative into their ordinance prior to approval of development plans for this site. All development on the site must comply with these provisions. Because all existing structures on the property will be removed and the shoreline will be totally reconfigured, a 25-foot bufferyard as described in the Commission's policy will be required for the entire shoreline.

6. Mitigation for impacts to the Buffer will be an important component of this project. Two-to-one mitigation plantings will be required for all new impervious surface area within the Buffer. All construction within the Buffer on the filled areas will be considered new impervious surface area.

7. Mitigation sites and landscape plans will be required as part of the site development plans for the project.

8. Stormwater management shall be provided in compliance with the MDE Stormwater Manual and the 10% pollutant reduction requirement in Intensely Developed Areas. Best Management Practices or offsets must be provided; the collection of fees-in-lieu will not be permitted unless the Town has developed a strategy and plan for utilizing these monies.

9. Mitigation for impacts to open water tidal wetlands would not be required provided that the new shoreline stabilization incorporates vegetative measures. Mitigation for any vegetated tidal wetlands impacts must be at a 2:1 ratio.

Mr. Hofmann
August 8, 2001
Page 3

Thank you for the opportunity to comment on this proposal. I look forward to working with you and the property owner on this ambitious effort. If you have any questions, please feel free to call me at (410) 260-3480.

Sincerely yours,



Mary R. Owens, Chief
Program Implementation Division

Cc: Mr. Rick Ayella

Enclosure

Judge John 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

Mr. Steve Dodd
Dorchester County Planning and Zoning Office
P O Box 107
Cambridge, Maryland 21613

RE: Earl Robinson Variance
DC 303-00

Dear Mr. Dodd:

Thank you for providing updated information on the referenced project. Following my correspondence to you dated April 11, 2001; I met with Mr. and Mrs. Geisler on site, and we discussed various locations for the house that would minimize impacts to the Buffer and would be generally in keeping with the concept of the original approval.

I have reviewed the most recent site plan prepared by William Craig and dated July 13, 2001. The plan indicates that the proposed Buffer encroachment will be 434 square feet. This proposal seems reasonable and is generally consistent with the original Board of Appeals approval. This office does not oppose the revised house location as long as the footprint shown includes all decks and patios that may be located on the south side of the house.

Thank you for providing me with the revised plan. If you have any questions, please feel free to call me at (410) 260-3480.

Sincerely yours,

A handwritten signature in cursive script that reads "Mary R. Owens".

Mary R. Owens, Chief
Program Implementation Division

MRO/jjd

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



Mary - Reader

Judge John C. North, II
Chairman

Ren Serey
Executive Director

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

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

July 17, 2001

Mr. David R. Black
Cecil County Government
129 East Main Street
Elkton, Maryland 21921

RE: Eastern Shore Land Conservancy – Minor Subdivision

Dear Mr. Black:

Thank you for providing information on the referenced project. It is my understanding that this 338.8-acre property was recently purchased by the Eastern Shore Land Conservancy and that the prior concept approval for a residential development with 42 lots will not be implemented. I have reviewed the minor subdivision plan, and I have the following comments:

1. The property consists of a single parcel of record with 94.4 acres within the Critical Area. Most of Lot 4 and a portion of Lot 3 are located within the Critical Area. The Critical Area acreage of each lot should be included on the plat.
2. The applicant proposes to construct one dwelling and to place the associated sewage easement within the Critical Area on Lot 4. There is an existing mobile home outside the Critical Area on Lot 3, and the applicant proposes to construct one dwelling and place the associated sewage reserve area outside the Critical Area on this lot. No development rights are proposed to be transferred, so there exists the potential to construct three additional dwellings within the Critical Area on the two lots.
3. The plat indicates that there are two perennial streams on the property and the 100-foot Buffer and required expansion for steep slopes has been indicated. It is my understanding that there are no intermittent streams on the property. If an intermittent stream is identified in the field, a minimum 100-foot Buffer will be required. New development activities and the creation of new agricultural lands that require clearing of forest vegetation are prohibited within the Buffer.

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

Mr. Black
July 17, 2001
Page 2

4. The applicant has provided a copy of a letter from the Heritage Division of the Department of Natural Resources regarding rare, threatened, and endangered species. The letter states that the forested area on the site contains potential Forest Interior Dwelling Bird Habitat. Conservation of this habitat is required within the Critical Area, and all clearing within the Critical Area will need to comply with the habitat protection area requirements of the Critical Area Criteria and the Cecil County Critical Area Program.
5. The plat should include a note stating that clearing or the removal of natural vegetation is prohibited within the 100-foot Buffer.
6. All agricultural activities within the Critical Area shall use best management practices in accordance with a soil conservation and water quality plan approved by the local soil conservation district. This should be noted on the plat and discussed with the Amish families to whom the property is being conveyed.

Thank you for the opportunity to comment on this project. If you have any questions, please feel free to call me at (410) 260-3480.

Sincerely yours,



Mary R. Owens, Chief
Program Implementation Division

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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

July 18, 2001

The Honorable Mark Frazer
Town of North Beach
P.O. Box 411
North Beach, Maryland 20714

RE: North Beach Heritage and Environmental Center and Tidal Marsh Trail

Dear Mayor Frazer:

I enjoyed meeting with you and Mark Spencer several weeks ago to discuss the proposed North Beach Environmental and History Center and the Tidal Marsh Walkway. The project sounds very exciting, and I look forward to working with you on it over the next several months. As we discussed during the meeting, there are several issues that will need to be addressed, and I have summarized them as follows:

1. The proposed site, which is currently developed and used by the North Beach Public Works Department, may or may not be designated as a Buffer Exemption Area (BEA). I have not been able to verify this by reviewing the Town's maps and will need some additional information to determine this. This designation is necessary in order to facilitate any new development in the 100-foot Buffer without a variance or a conditional approval by the Critical Area Commission.
2. Based on our conversation, I believe that if the property is not designated as a BEA, the Commission would support this designation and the associated change to the Town's Critical Area maps. This designation would be handles as an official amendment to the Town's Critical Area maps and would need to be approved by the Town Council and the Critical Area Commission.
3. The Town's current Critical Area Program and Ordinance do not contain specific provisions for development and redevelopment of non-residential properties that are designated as BEAs. The Commission adopted a new policy specifically for these types of uses last year, and this policy should be incorporated into the Town's Program and Ordinance prior to design and construction of this project.

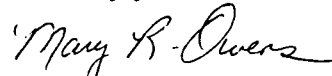
Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

The incorporation of the Commission's policy either by reference or through actual regulations would be handled as an official amendment to the Town's Critical Area Program and would need to be approved by the Town Council and the Critical Area Commission. This change and the designation of the site as a BEA could be handled at the same time.

4. In accordance with the Commission's policy, redevelopment of this site to accommodate the proposed use will require mitigation. The Town will be required to establish a 25-foot landscaped bufferyard between the development activity and the water or edge of wetlands **and to plant an area elsewhere in the Buffer on site or off site equal to two times the area of impact in the Buffer.**
5. The project will need to address stormwater mangement and must comply with the new Maryland Department of the Environment (MDE) 2000 Maryland Stormwater Design Manual and the Critical Area 10% pollutant reduction requirement. It is likely that Best Management Practices will be required on site and these practices should be addressed during the site design phase.
6. It is my understanding that the Town may relocate an existing historic building to this site. The relocation would be considered a development activity and would most likely involve impacts to the 100-foot Buffer. A site plan should be submitted to the Critical Area Commission for review by staff, and the project may require approval by the Critical Area Commission as a local agency action resulting in major development. If possible, this project should be coordinated with the Heritage and Environmental Center project, so that mitigation and stormwater can be addressed most efficiently.

I have enclosed copies of the Critical Area Commission's BEA Policy. The Commission has also developed zoning ordinance language that can be made available to you as well. I look forward to working with you on this exciting project. If you have any questions, please feel free to call me at (410) 260-3480.

Sincerely yours,



Mary R. Owens, Chief
Program Implementation Division



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

July 20, 2001

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

RE: Historic St. Mary's City Buffer Management Plan

Dear Ms. Alves:

The purpose of this letter is to provide some preliminary comments on the conceptual "Buffer Management Plan" that was prepared by Paige Ohliger following her meeting with you and Rodger Hill on July 2, 2001. It appears that significant progress is being made as the site analysis and planning process gets underway. I was also pleased to find out that native shrub cuttings have already been taken, and that they will be ready for planting this fall. I have reviewed the "Project Meeting Report", and I have a few comments:

1. In Area A, the credit to be provided should be based on the area to be treated, not the number of replacement plants installed. After bush-hogging and herbicide treatments, this area should be fully vegetated so that it has approximately the same number of trees, shrubs and herbaceous plants as what currently exists in the area. In summary, the work in this area will count as 0.25 acres of mitigation, and the individual square foot credit for trees and shrubs is not applicable in this area. Credits should be assigned in accordance with Table 3 in the Commission's Guidance entitled "Forest Mitigation." I have enclosed a copy of this document.
2. In Area B, it has been agreed that this area will receive full credit and will be planted with native shrubs in order to maintain the current view. Because no trees are proposed to be planted, special care should be taken to select a variety of shrub species that will still provide some structural diversity and habitat in this area. It may be possible, to use some taller and bulkier shrub species on the sides of the lawn and this is strongly encouraged. It is not clear why Area B is extended at the top of the slope and the base of the slope where it wraps around a part of

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

Area A. It would seem that these areas are outside the State House Lawn area and could be part of Area A.

3. In Area D, it is not clear exactly what will be done in this area. How many trees and shrubs will be planted and what will be the spacing? Because much of this area is currently vegetated, it seems that the mitigation credit should be 0.5 to one. For the areas that are currently vegetated with grass, it may be possible to receive one to one credit for the planting of native vegetation; however, a combination of trees and shrubs must be used. It is important to remember that the goal of a Buffer Management Plan is to create and enhance a **riparian forest Buffer**. An exception was made for the State House Lawn Area because of the specific site conditions in that area.
4. In Area D, it is not clear what will happen in the areas that are bush-hogged and treated with herbicide because it states that no planting will be done in this area. It seems that some replacement planting will be necessary in order to maintain the densely vegetated Buffer that currently exists, maintain the stability of the slope, and prevent erosion of the bank.

In order to address these issues most effectively, I would like to meet with you and Paige Ohliger. It would probably be most practical to meet on site. I am available on August 6th or 7th or the 13th or 14th. Please give me a call, so we can arrange a time.

Sincerely yours,



Mary R. Owens, Chief
Program Implementation Division

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

July 16, 2001

Mr. Steve Dodd
Dorchester County Planning and Zoning Office
County Office Building
P.O. Box 107
Cambridge, Maryland 21613

RE: James Hill, VAR 2047
DC 403-01

Dear Mr. Dodd:

Thank you for providing information on the referenced request for a variance and a special exception. It is my understanding that the applicant is requesting a variance to demolish an existing structure and construct a new structure partially within the Buffer and partially over an open water area of Back Creek. The property has been designated as a Buffer Exemption Area, and it is an existing grandfathered lot.

This office does not oppose the variance request for impacts to the Buffer associated with this project as long as the applicant obtains a State Wetlands License from the Maryland Department of the Environment. It is my understanding that the applicant has not applied for a license at this time and that a license would not be issued for the construction of a new non-water-dependent structure on a pier. It may be possible to obtain a license for maintenance and repair of the existing structure.

Based on our conversation, it is my understanding that County staff opposes the special exception request to allow the building to be converted from an accessory use to a commercial use. Commission staff supports the County's position that to allow an increase in impacts to the Buffer in order to allow a change in use would require that the applicant demonstrate that there is no feasible alternative and that impacts to the Buffer have been minimized. The applicant has not provided this information.

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

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

Mr. Dodd
July 16, 2001
Page 2

Thank you for the opportunity to comment on this project. If you have any questions, please feel free to call me at (410) 260-3480.

Sincerely yours,

A handwritten signature in cursive script that reads "Mary R. Owens".

Mary R. Owens, Chief
Program Implementation Division

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

July 13, 2001

Ms. Karen Houtman
Dorchester County Planning and Zoning Office
P.O. Box 107
Cambridge, Maryland 21613

RE: Resolution Pertaining to Growth Allocation Allotments to Municipalities

Dear Ms. Houtman:

Thank you for providing information on the referenced change to the Dorchester County Critical Area Program. It is my understanding that the County Commissioners approved this change on June 19, 2001. The change provides for the allotment of growth allocation acreage to the City of Cambridge and the Towns of Vienna, Secretary, Church Creek, Eldorado, Brookview, and Galestown. The allotment will allow these municipalities to award growth allocation within existing municipal boundaries without additional approval or authorization by the Dorchester County Commissioners.

The change also includes a provision that designates 150 acres of the County's growth allocation acreage to be reserved for nonresidential uses that involve conversions from LDA to IDA and from RCA to LDA.

The information provided has been determined to be a complete submittal. Chairman North will make a refinement determination within 30 days of the date of this letter. This change will tentatively be placed on the agenda for the Critical Area Commission meeting on August 1, 2001. If you have any questions, please feel free to contact me at (410) 260-3480.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Mary R. Owens".

Mary R. Owens, Chief
Program Implementation Division

Cc: Ms. Amber Widmyer

Branch Office: 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



Mary's Reader

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. Steve Dodd
Dorchester County Planning and Zoning Office
P.O. Box 107
Cambridge, Maryland 21613

RE: Leonard Spangler, VAR 2048
DC 404-01

Dear Mr. Dodd:

Thank you for providing information on the referenced project. The applicant is requesting a variance in order to construct a 200 square foot addition to an existing dwelling within the 100-foot Buffer. The property is an existing grandfathered lot, and the dwelling is located almost completely within the 100-foot Buffer.

This office does not oppose this variance request, as it appears that the proposed addition is a reasonable expansion of living space. If the variance request is approved, it is recommended that the applicant provide mitigation in the form of plantings at three times the extent of the impact to the Buffer.

If you have any questions, please feel free to call me at (410) 260-3480.

Sincerely yours,

Handwritten signature of Mary R. Owens in cursive script.

Mary R. Owens, Chief
Program Implementation Division

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

July 3, 2001

Ms. Susan Borneman
The Greenwell Foundation, Inc.
P.O. Box 911
Hollywood, Maryland 20636

RE: Buffer Management Plan for Rosedale Manor

Dear Ms. Borneman:

I enjoyed meeting with you to discuss the proposed Buffer Management Plan for Rosedale Manor at Greenwell State Park. It is my understanding that the Greenwell Foundation proposes to develop and implement a Buffer Management Plan on approximately 400 linear feet of shoreline of the Patuxent River. As we discussed, the project site is located on a State property within the Chesapeake Bay Critical Area, and therefore must comply with the Critical Area Act and Criteria.

The project as proposed is comprised largely of the removal of invasive species, non-native vines, dead trees and branches. It is the desire of the Greenwell Foundation to improve the health of the vegetation in the Buffer, to maintain and enhance the view from the manor house for events held on the grounds, and to eliminate further erosion of the steep bank. As you are aware, the Critical Area Criteria provide for the removal of vegetation in the Buffer in order to maintain the health of individual trees and to construct shore erosion protection devices. Removal of vegetation to enhance a view is not addressed in the Criteria; however, it is possible that some pruning and species replacement may be permitted as long as the water quality and habitat functions of the Buffer are not adversely affected.

As we discussed in the field, the Buffer on the project site may be somewhat unkempt; however, it does perform the specific water quality and habitat functions set forth in the Critical Area Criteria. Because the Buffer is functioning in its current state, all removal of vegetation must be carefully considered and replacement planting must be installed in the same location. Removal of natural vegetation on this site is further complicated by the extremely steep slopes, the presence of erodible soils, and the location of several underground drainage pipes that carry rainwater from the gutters of the mansion and discharge directly onto the slope. It appears that these drainage pipes are responsible for the recent "blow-outs" and associated erosion of the bank.

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

Ms. Borneman

July 3, 2001

Page 2

Before proceeding with the development of a Buffer Management Plan, the underground drainage pipes need to be addressed. I would recommend that the underground drainage system be examined by an engineer and potentially disconnected, so that stormwater would be handled above ground. It is likely that the existing pipes may be leaking underground which saturates the soil on the bank and can lead to upland slumping. The current location of the outfall points of these pipes, which are located in the middle of the face of the steep bank, appears to be largely responsible for the current erosion and stability problems. At this time, the heavy vegetative cover and extensive brush and vines on the bank are essential to maintaining its current stability, and I would not recommend removing any natural vegetation in these areas, until this issue has been evaluated more fully.

Once the drainage issue has been addressed, the most effective way to accomplish this project would be to develop a detailed Buffer Management Plan. The Buffer Management Plan would consist of three components: 1) a drawing of existing conditions; 2) a planting plan; and 3) a written project description.

The drawing of existing conditions should include topography, the location of trees and shrubs (particularly those trees and shrubs that require the removal of vegetation to maintain their health), and the location of existing structures and utilities. Notes regarding areas where invasive species and/or vines are proposed to be removed should be included. The planting plan should show all vegetation that is proposed to remain and all vegetation that is proposed to be planted after vines and exotic species have been removed. The planting plan should include the species, quantity, size, and location of all new plantings. The written project description can be developed using the Commission's "Sample Buffer Management Plan" form which includes property background information, information about proposed buffer disturbance, calculations for mitigation for disturbance, and calculations for developing a planting plan. The sequence of work and timing of clearing and planting should also be addressed. If herbicides such as "Round-Up" or "Rodeo" are proposed to be used, the method and timing of application should be specified. If bushhogging or controlled burning is proposed, information detailing the equipment and process to be used will need to be included. The plan should also include a description of measures proposed to control erosion and manage run-off after the removal of vines and invasive species and prior to planting. It is recommended that some type of jute matting ("Curlex" or similar) be used on this site. In most cases, plantings can be installed through this matting.

As you know, this project is not a minor effort. Removal of natural vegetation on steep slopes adjacent to the water can be somewhat difficult because there is a risk of destabilizing the bank and creating a potential erosion problem. Because of this, Buffer Management Plans for a large area of shoreline, in this case, almost an acre, must be carefully developed and executed. As we discussed, it is recommended that the project be

Ms. Borneman

July 3, 2001

Page 3

initiated with a trial area of approximately 100 linear feet, in order to ensure that the bank remains stable and the Buffer functions are maintained to the extent possible during the clearing and planting. This phased approach will also allow adjustments to be made in the approach to the project based on the success or failure of various methods employed. In general, the Commission supports this type of project because these efforts can result in enhanced water quality and habitat functions of the Buffer; however, careful review of the Buffer Management Plan is necessary to ensure the success of the project. Generally this review can be accomplished at the staff level. The staff review can usually be completed in a week or two.

Based on our conversation last Friday, it is my understanding that you would like to proceed with a small project in early fall in order to improve the appearance of the grounds of the Rosedale Manor House and protect the top of the bank. The small project will involve applying herbicide and pruning vines at the top of the bank only, in areas that are generally flat and can be accessed from the Rosedale Manor House yard. You then propose to create a 10 to 20 foot wide planting strip at the top of the bank. Low growing shrubs and perennial herbaceous plants will be installed in the planting area, and it will be mulched. A planting plan is currently being developed and will be sent to the Commission for review and approval prior to the start of work.

Thank you for your interest in this Buffer management and enhancement effort. I look forward to working with you on the initial project this fall and the comprehensive effort in the future. If you have any questions, please feel free to call me at (410) 260-3480.

Sincerely yours,



Mary R. Owens, Chief
Program Implementation Division

Cc: Mr. Mark Spencer, DNR
Mr. Daryl Anthony, 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

July 3, 2001

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

RE: Merlin Corporation – Minor Subdivision, #01-43
KC 277-01

Dear Ms. Owings:

Thank you for providing information on the referenced project. I am sorry for the delay in providing comments to you, but I did not receive a subdivision plan with the initial "Critical Area Project Information." I requested that a plan be sent to me for review, and I did not receive it until June 19, 2001. I have reviewed the plan, and I have the following comments:

1. There is no Critical Area boundary shown on the plan. If the scale of the plan does not facilitate the depiction of the Critical Area boundary, it should be shown on the vicinity map.
2. The notes state that there are 125.73 acres in the Critical Area on this property. It appears that four lots have been created; however, they are not shown on the plan. It is not clear if the "Existing Dwelling" shown on the plan is developed on one of the lots or on the parent parcel. In order to accurately track RCA density on large parcels in the Critical Area, all of the lots, dwellings, and sewage reserve areas should be shown on the plan (with the Critical Area boundary) or notes should be provided documenting the subdivision history of the parent parcel since 1985.
3. The plan does not include notes regarding the establishment of the 100-foot Buffer. In accordance with COMAR Section 27.01.09.01.C(6), when agricultural use of the property ceases, and the property is developed, the Buffer shall be established. The 100-foot Buffer is not fully forested, therefore establishing the Buffer means that additional plantings or natural regeneration will be necessary. Appropriate notes should be placed on the plan.

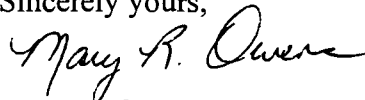
Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Ms. Owings
July 3, 2001
Page 2

4. The plan does not include notes limiting impervious surface area on Lot 4. An appropriate note should be placed on the plan.
5. The plan does not include notes restricting the construction of structures, the removal of natural vegetation or land disturbance within the 100-foot Buffer. An appropriate note should be placed on the plan.
6. The subdivision plan does not include topography or soils information. Topography must be shown for all projects within the Critical Area because development on slopes greater than 15 percent is prohibited in the RCA and LDA, and steep slopes that are contiguous with the Buffer may require expansion of the Buffer. Soils information is necessary to determine if Buffer expansion may be necessary because of hydric or highly erodible soils. This information may have been addressed in an environmental report. The Commission did not receive a copy of the environmental report.
7. The Commission did not receive information regarding impacts of the project to rare, threatened, or endangered species habitats or other designated habitat protection areas. The applicant must request this information in writing from the Heritage Division of the Department of Natural Resources. A copy of their response must be provided to the Commission. If Heritage has previously provided comments on other subdivisions on this property, the comments are valid for three years.
8. Is a community pier proposed for this project? If so, appropriate notes showing the location of the proposed pier and restricting individual private piers should be provided.

Thank you for the opportunity to comment on this project. Please provide a copy of the revised plan to the Commission when these comments have been addressed. If you have any questions, please feel free to call me at (410) 260-3480.

Sincerely yours,



Mary R. Owens, Chief
Program Implementation Division

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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

June 27, 2001

Mr. Steve Dodd
Dorchester County Planning and Zoning Office
P.O. Box 107
Cambridge, Maryland 21613

RE: Community Pier and Interim Subdivisions

Dear Mr. Dodd:

I am writing in response to your letter regarding the right of a waterfront property owner to construct an individual pier in a subdivision in which a community pier has been constructed for the use of residents of the subdivision.

Section 27.01.03.07.A(5) of COMAR states that, "If community piers, slips, or moorings are provided as part of the new development, private piers are not allowed." Your interpretation that because a community pier was provided as part of the subdivision, an individual pier could not be permitted is consistent with COMAR. However, Paragraph (3) of this section states that, "The facilities are associated with a residential development approved by the local jurisdiction for the Critical Area and consistent with all criteria and regulations for the Critical Area." This provision provides a local government with the ability to look at "interim subdivisions" somewhat differently.

It is generally understood that "interim subdivisions" complied with the Critical Area Act and Criteria insofar as possible and that compliance varied depending on where the project was in the process of obtaining final approvals. In many cases, "interim subdivisions" are not considered to be a "residential development approved by the local government for the Critical Area and consistent with all criteria and local regulations for the Critical Area." Had this subdivision been developed in full compliance with the Critical Area Act and Criteria, it is likely that the County would have required notes on the plat regarding the number of slips permitted and clearly stating that individual piers are not permitted. As you stated in your letter, this was not the case.

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

Mr. Dodd
June 28, 2001
Page 2

Based on the flexibility afforded by the referenced provisions in COMAR as they are applied to "interim subdivisions," it appears that the waterfront property owner's pier permit is valid, and he may proceed with the construction of an individual pier on his property.

If you have any questions, please feel free to call me at (410) 260-3480.

Sincerely yours,

A handwritten signature in cursive script that reads "Mary R. Owens".

Mary R. Owens, Chief
Program Implementation Division



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

June 25, 2001

Mr. Mark McMenamain ASLA, RLA
Mahan Rykiel Associates, Inc.
1330 Smith Avenue
Baltimore, Maryland 21209

**RE: Horn Point Laboratories
Forest Mitigation Plan**

Dear Mr. McMenamain:

Thank you for providing revised drawings for the Aquaculture and Restoration Ecology Laboratory at Horn Point. The drawings indicate that .79 acres of forest will be cleared for the proposed construction, and .80 acres of forest will be planted. The reforestation areas are located within the Critical Area near Dupont Cove. I believe that the reforestation plan as proposed will be acceptable to the Critical Area Commission.

I have also reviewed the plant list, and 28 white pines (*Pinus strobus*) are included. This species is not native to the eastern shore of Maryland; therefore, it is recommended that these trees be replaced with species native to Maryland.

Thank you for the opportunity to comment on the mitigation plan, and I look forward to taking this project to the Commission for review and approval when the other design documents are ready for review. If you have any questions, please feel free to call me at (410) 260-3480.

Sincerely yours,

Mary R. Owens, Chief
Program Implementation Division

Cc: Ms. Nancy Jones

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

Mary



Judge John 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

Colonel Charles J. Fiala
Commander and District Engineer
U.S. Army Corps of Engineers
Baltimore District
P.O. Box 1715
Baltimore, Maryland 21203

**RE: Eastern Shore, Maryland and Delaware Water Resources
General Investigation Authority**

Dear Colonel Fiala:

Recently the Chesapeake Bay Critical Area Commission received information on the referenced program from the study team leader, Mr. Phil Hager. It is our understanding that the program provides cost sharing opportunities and technical assistance to agencies conducting water management studies related to water resources improvements. I am writing to express strong interest in participating in the program.

As you may know, the Chesapeake Bay Critical Area Act, passed in 1984 was enacted to address the declining resources of the Chesapeake Bay. The Act is a comprehensive resource protection program for the Bay and its tributaries that affects all land within 1,000 feet of tidal waters and tidal wetlands, and all waters of and lands under the Chesapeake Bay and its tributaries.

The Critical Area Act affects 16 counties, 44 municipalities, and Baltimore City. The Critical Area Commission works with local governments in all of these jurisdictions to implement local land use plans, ordinances, and regulations that advance the following goals of the Critical Area Act:

- 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;

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



Colonel Fiala
June 15, 2001
Page 2

- Conserve fish, wildlife, and plant habitat in the Critical Area; and
- Establish land use policies for development in the Critical Area that accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in the Critical Area can create adverse environmental impacts.

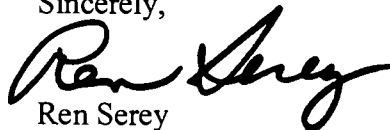
The Commission is interested in participating in the Water Resources Study for the purpose of performing watershed studies in several towns on the eastern shore. The purpose of the watershed studies would be to identify problems associated with a lack of stormwater management or insufficient and outdated best management practices. The studies would highlight opportunities to improve water quality and habitat through the design and construction of environmentally beneficial best management practices, such as wetlands and bioretention areas.

The Commission has a close working relationship with the staff of the towns within the Critical Area, and coordinates with the Department of Planning to provide three Circuit Riders to assist the towns with planning studies and projects. We believe that this would facilitate effective partnerships to accomplish the studies, identify potential projects, and implement the projects.

In summary, the Commission believes that participating in the Water Resources Study will provide much needed technical assistance and cost sharing opportunities to some small towns and that the implementation of the projects identified will substantially advance the goals of the Critical Area Act and the goals of the U.S. Senate Committee on the Environment.

I would like to meet with you or a member of your staff to discuss how we might proceed with this effort. I will contact Mr. Phil Hager next week to schedule a meeting. Thank you in advance for your assistance.

Sincerely,



Ren Serey
Executive Director

cc: Mr. Phil Hager

Mary



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

RE: Critical Area Consistency Report for Pavilion at Toal Park

Dear Ms. Owings:

Thank you for providing notification of certification that the referenced project is consistent with Kent County's Critical Area Program. The Kent County Department of Parks and Recreation proposes to construct a pavilion in the open field area at Toal Park. Approximately 75 percent of the park is in the Critical Area. The construction of the pavilion will not impact the 100-foot Buffer, will not exceed the 15 percent impervious surface limit, nor require the removal of any forest. Commission staff agree with your determination that the project is consistent with the County's Critical Area Program.

The approval of this consistency report will be filed with the Commission. Please inform us of any changes to the project, including plans for a trail system. If you have any questions, you can contact me at (410) 260-3480.

Sincerely yours,

Mary R. Owens, Chief
Program Implementation Division

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

Ray



Judge John 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

Ms. Gail Owings
Department of Planning and Zoning
Kent County Government Center
400 High Street
Chestertown, Maryland 21620

**RE: VAR 01-37, George Hardy (as revised)
KC 271-01**

Dear Ms. Owings:

Thank you for providing revised information on the referenced project. It is my understanding that the applicant is requesting approval of a variance to remove an existing dwelling and construct a new dwelling within the 100-foot Buffer, and that the new construction includes a deck that is located shoreward of the existing dwelling. The applicant's property is an existing grandfathered lot, and only a small portion of the property is outside of the 100-foot Buffer. The property is located in a mapped Buffer Exemption Area; however, a variance is required because the Town's Critical Area Program requires that when a structure within a Buffer Exemption Area is removed or destroyed, it shall be replaced, insofar as possible, no closer than 100 feet from the edge of tidal waters, tidal wetlands, or tributary streams and may not be replaced shoreward of the setback line defined by structures on adjacent properties.

This office has no objection to the granting of the variance for the construction of a replacement dwelling, including the deck, within the 100-foot Buffer because almost the entire property is located within the Buffer. If this variance request is approved, this office recommends that mitigation be provided to offset adverse impacts to habitat and water quality. The Town's Critical Area Program specifies that the extent of the parcel or lot shoreward of the new development be established in natural vegetation **and** natural vegetation of an area twice the extent of the impervious area created in the Buffer be planted in a Buffer Exemption offset area or another location as may be determined by the Town. Although the proposed deck is not totally impervious, the area of the deck should be included in the mitigation calculations.

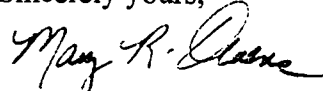
Thank you for the opportunity to comment. Please include this letter as part of the public record for this variance request. Please notify the Critical Area Commission in

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

Ms. Owings
June 13, 2001
Page 2

writing of the Board of Appeals' decision on this request. Please feel free to call me if you have questions or need additional information.

Sincerely yours,

A handwritten signature in cursive script that reads "Mary R. Owens".

Mary R. Owens, Chief
Program Implementation Division

Mary



Judge John 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 14, 2001

Mr. Stanley Hearne
Town Commissioners of Charlestown
P.O. Box 154
Charlestown, Maryland 21914

**RE: Critical Area Map Change,
Charlestown Fire Company Land, Parcel 110**

Dear Mr. Hearne:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the referenced Critical Area Map change. On June 6, 2001, the Critical Area Commission concurred with Chairman North's determination that the change to the Town's Critical Area maps be approved as a refinement to the Town's Critical Area Program. The Commission and Chairman North supported the Town Commissioners' determination that a mistake was made in the original mapping and Parcel 110 should have been designated an Intensely Developed Area, not a Limited Development Area.

This map change shall be reflected on the Town's Critical Area Maps within 120 days of the date of this letter. If you have any questions, please feel free to contact me at (410) 260-3480.

Sincerely yours,

A handwritten signature in cursive script that reads "Mary R. Owens".

Mary R. Owens, Chief
Program Implementation Division

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

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 12, 2001

Mr. Steve Dodd
Dorchester County Planning and Zoning Office
County Office Building
P. O. Box 107
Cambridge, MD 21613

**RE: Larry Meredith, VAR 2044,
DC 349-01**

Dear Mr. Dodd:

Thank you for providing information on the referenced project. The applicant is requesting a variance to replace a 100 square foot screen house with a 140 square foot gazebo within the 100-foot Buffer. The 8.74 acre property is an existing grandfathered lot.

This office opposes the variance request because the applicant is proposing to construct a larger structure than the one that currently exists which will increase the impacts to the Buffer. There is ample area outside of the Buffer on this 8.74 acre property where a larger structure could be located. Because there are alternative locations for this structure, it appears that the applicant is unable to meet the unwarranted hardship standard required for the Board of Appeals to grant a variance.

If the applicant is willing to reduce the size of the proposed gazebo to the same size as the existing screen house, there would be no additional impact to the Buffer, and this office would not oppose the variance. Mitigation, in the form of plantings, is recommended to offset any adverse impacts to the Buffer associated with the disturbance caused by the construction.

Thank you for the opportunity to comment on this project. Please include this letter as part of the record for this variance request. Please notify the Commission in writing of the Board's decision on this application. If you have any questions, please contact me at (410) 260-3480.

Sincerely yours,

Mary R. Owens, Chief
Program Implementation Division

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

June 12, 2001

Mr. Steve Dodd
Dorchester County Planning and Zoning Office
County Office Building
P. O. Box 107
Cambridge, MD 21613

**RE: James Franzoni, VAR 2045,
DC 350-01**

Dear Mr. Dodd:

Thank you for providing information on the referenced project. The applicant is requesting a variance to construct a 594 square foot deck attached to an existing dwelling located within the 100-foot Buffer. The applicant's 14.05 acre property is an existing grandfathered lot.

This office does not oppose this variance request because the deck appears to be a reasonable expansion of living space, and the existing dwelling is located almost entirely within the Buffer. It appears that impacts to the Buffer associated with the deck could be minimized somewhat by reducing the size of the deck to no more than 500 square feet, constructing the deck with spaces between the boards and 6" of gravel beneath it, and by providing mitigation, in the form of plantings. These measures will serve to offset any adverse impacts to water quality and habitat associated with the construction.

Thank you for the opportunity to comment on this project. Please include this letter as part of the record for this variance request. Please notify the Commission in writing of the Board's decision on this application. If you have any questions, please contact me at (410) 260-3480.

Sincerely,

A handwritten signature in cursive script that reads "Mary R. Owens".

Mary R. Owens, Chief
Program Implementation Division

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

May - Reader



Judge John 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

Mr. Tony Di Giacomo
Cecil County Planning, Zoning and Parks
129 East Main Street
Elkton, Maryland 21921

RE: Whiteoak Growth Allocation

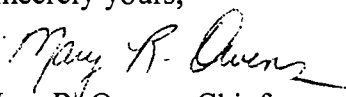
Dear Mr. Di Giacomo:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the referenced growth allocation request to change 5.8 acres of land from Resource Conservation Area to Limited development Area to accommodate the conversion of an existing dwelling to a "privately owned outdoor recreation facility." On June 6, 2001, the Commission concurred with Chairman North's determination that this growth allocation request be approved as a refinement to the County's Critical Area Program. The approval is contingent on the following conditions:

1. The 5.8 acre development envelope shall be reconfigured to include the entire sewage easement area associated with the dwelling in accordance with the Commission's growth allocation policy; and
2. Note 5 on the plat shall be revised as follows, "*All existing forest is assumed to be Forest Interior Dwelling Bird Habitat. All forest clearing shall be conducted in accordance with the Critical Area Commission's publication, A Guide to the Conservation of Forest Interior Dwelling Birds in the Critical Area.*"

Please submit a revised plan showing the reconfigured development envelope and revised plat note. Commission staff will review the plan to ensure consistency with the conditions. This refinement shall be incorporated into the County's program within 120 days of the date of this letter. Please provide a copy of the amended map showing the new Critical Area designation. If you have any questions, please feel free to contact me at (410) 260-3480.

Sincerely yours,


Mary R. Owens, Chief
Program Implementation Division

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

Mary



Judge John 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 5, 2001

Mr. Stanley Hearne
Town Commissioners of Charlestown
P.O. Box 154
Charlestown, Maryland 21914

RE: Critical Area Map Change
Charlestown Fire Company Land, Parcel 110

Dear Mr. Hearne:

Thank you for providing information on the referenced change to the Town's Critical Area Maps. It is my understanding that the Town Commissioners have determined that a mistake was made in the original Critical Area mapping and that Parcel 110 that is mapped LDA should have been mapped IDA. The information you provided in your letter and the information provided by the Town Circuit Rider, Ms. Mary Ann Skilling, has been determined to be a complete submittal. Judge North will make a refinement determination, and this matter will be presented to the Critical Area Commission for concurrence at their meeting on June 6, 2001 in Crownsville. If you have any questions, please feel free to call me at (410) 260-3480.

Sincerely yours,

Mary R. Owens, Chief
Program Implementation Division

Cc: Ms. Mary Ann Skilling

Mary-Reader



Judge John 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 5, 2001

Mr. Tony Di Giacomo
Cecil County Planning, Zoning and Parks
129 East Main Street
Elkton, Maryland 21921

RE: Whiteoak Growth Allocation

Dear Mr. Di Giacomo:

Thank you for providing information about the referenced growth allocation request to use 5.8 acres of growth allocation to change the Critical Area designation from Resource Conservation Area to Limited Development Area. The Critical Area Commission received your letter on June 5, 2001 and is accepting the information and the plans provided previously as a complete submittal. Judge North will make a refinement determination, and the Commission will review the determination on June 6, 2001 in Crownsville. If you have any questions, please feel free to contact me at (410) 260-3480.

Sincerely yours,

A handwritten signature in cursive script that reads "Mary R. Owens".

Mary R. Owens, Chief
Program Implementation Division

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

Judge John 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 1, 2001

Ms. Theresa Dent
Department of Planning and Zoning
P.O. Box 653
Leonardtown, Maryland 20650

RE: Golden Eye Subdivision, Lots 1 - 4

Dear Ms. Dent:

Thank you for providing information on the referenced project. The applicant is seeking approval of a four-lot subdivision of a 2.671 acre property. The property is located completely within the Critical Area and is designated IDA. I have reviewed the information submitted, and I have the following comments:

1. The applicant has not submitted an Environmental Report; therefore, it is difficult to determine if the site was properly evaluated to determine if there are any streams, tidal or non-tidal wetlands on the property. Hydric soils are present on this property, and may indicate the presence of non-tidal wetlands. Tidal and non-tidal wetlands on this property and on adjacent properties may affect the delineation of the 100-foot Buffer and may require expansion of the Buffer. A field investigation must be performed and supporting documentation must be provided.
2. The applicant has not a copy of the correspondence from the Heritage Division of the Department of Natural Resources regarding rare, threatened, and endangered species habitats. This information must be provided.
3. This project involves a new subdivision within the Critical Area on a property designated IDA; therefore, the applicant must comply with the 10% Pollutant Reduction Requirement. General Note 16 states that stormwater management shall be addressed for each lot prior to issuance of a building permit. This is not appropriate for this site because the lots are small, and Lot 4 is already developed and does not have any Best Management Practices. Commission staff can assist the applicant with estimating impervious surface area for the undeveloped lots

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


Ms. Dent
May 31, 2001
Page 2

and identifying appropriate Best Management Practices. Please provide a copy of the 10% Rule calculations.

4. It is my understanding that there is an existing Water Dependent Facility located on Lot 4; however, the Critical Area Notes do not address this development. Please provide a note about the development on Lot 4. This note should clearly state that non-water dependent facilities and structures associated with the operation may not be located within the Buffer without a variance.

Thank you for the opportunity to comment on this project. Please provided the additional information requested and submit a revised subdivision plan. If you have any questions, please feel free to call me at (410) 260-3480.

Sincerely yours,



Mary R. Owens, Chief
Program Implementation Division

cc: Wanda Cole
SM302-01



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

May 21, 2001

Mr. Steve Dodd
Dorchester County Planning and Zoning Office
County Office Building
P.O. Box 107
Cambridge, Maryland 21613

**RE: VAR 2037, Alton Scavo
DC 273-01**

Dear Mr. Dodd:

Thank you for providing information on the referenced variance request. The applicant is requesting approval of a variance to construct a 140-square foot sunroom addition to an existing dwelling located within the 100-foot Buffer. The property is an existing grandfathered lot.

This office has reviewed the site plan showing the proposed location of the addition, and it appears that the addition could be located outside of the Buffer. It is recommended that the applicant consider an alternative design that would permit the sunroom to be located on the eastern end of the dwelling outside of the Buffer. If this location is not feasible, and the Board of Appeals approves the variance request, this office recommends that mitigation be provided to offset any adverse impacts to habitat and water quality. On this site, it would be appropriate to provide planted mitigation at three-to-one for the area of the Buffer disturbed by the construction. It appears that there is ample area on site where the planted mitigation could be located.

Thank you for the opportunity to comment. Please include this letter as part of the public record for this variance request, and notify the Critical Area Commission in writing of the Board of Appeals' decision on this request. If you have questions or need additional information, please feel free to call me at (410) 260-3480.

Sincerely yours,

Mary R. Owens, Chief
Program Implementation Division

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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

May 21, 2001

Mr. Steve Dodd
Dorchester County Planning and Zoning Office
County Office Building
P.O. Box 107
Cambridge, Maryland 21613

**RE: Special Exception 2040, Edwin Lewis
DC 274-01**

Dear Mr. Dodd:

Thank you for providing information on the referenced special exception request. The applicant is requesting approval of two helicopter landing sites located within the Critical Area on the applicant's property in Woolford, Maryland. The proposed helicopter landing sites are for the personal use of the property owner, and this activity is not considered a commercial use. The property is designated RCA.

This office has reviewed the site plan showing the proposed landing sites, and it appears that one of the sites may be located within the 100-foot Buffer of the tidal pond behind the dwelling. New development activities, including parking areas, may not be located within the Buffer; therefore this landing site should be relocated.

This office has no objection to the approval of the special exception request for the helicopter landing sites, provided that both sites are located outside of the Buffer and are clearly marked so that there will be no "accidental" impacts to the Buffer. If the special exception request is approved, this office recommends that appropriate mitigation be provided to offset any adverse impacts to habitat and water quality. Mitigation could include increasing the width of forested buffers around the property or planting vegetation in other areas used by wildlife.

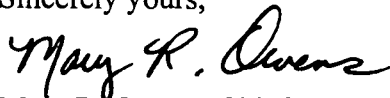
Thank you for the opportunity to comment. Please include this letter as part of the public record for this variance request, and notify the Critical Area Commission in writing of the

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

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

Board of Appeals' decision on this request. If you have questions or need additional information, please feel free to call me at (410) 260-3480.

Sincerely yours,



Mary R. Owens, Chief
Program Implementation Division

Cc: Ms. Marianne Mason

HO-Reader



Judge John 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 18, 2001

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

RE: Buffer Exemption Area Policy Implementation

Dear Mr. Torney:

I am writing to follow up on our meeting last week regarding the implementation of the Critical Area Commission's Policy for Residential Buffer Exemption Areas. Your questions pertained to the appropriate methodology for establishing setbacks within a Buffer Exemption Area when an existing dwelling is proposed to be completely demolished and a new dwelling constructed on the site.

The Policy gives local governments the discretion to establish setbacks based on either the local setback for the zoning district or the location of existing principal structures on adjacent properties. Generally, the Commission recommends that jurisdictions choose either of these options and apply it consistently and uniformly.

If a jurisdiction chooses to establish setbacks based on the location of existing principal structures on adjacent properties, there may be instances when the structures on these properties are located at different distances from the water or wetlands. In these cases, the Commission would recommend that jurisdictions develop a methodology and apply it consistently. The methodology could involve always using the structure furthest from the water to establish the setback, averaging the distances of the two structures to the water, or drawing a setback line across the property, connecting the structures. There may be other methodologies that would also be acceptable; however, the jurisdiction should select a methodology that they believe can be applied consistently and uniformly.

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



Mr. Torney
May 18, 2001
Page 2

In developing a methodology, a jurisdiction needs to be sure that in accordance with the Commission's Policy, structures are located in the Buffer only if there is no feasible alternative and that impacts to the Buffer are minimized.

I hope this information clarifies how the Policy should be applied. If you have any questions, please feel free to give me a call at (410) 260-3480.

Sincerely yours,



Mary R. Owens, Chief
Program Implementation Division

Mary-Reader



Judge John 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 16, 2001

Ms. Gail Owings
Department of Planning and Zoning
Kent County Government Center
400 High Street
Chestertown, Maryland 21620

**RE: VAR 01-37, George Hardy
KC 271-01**

Dear Ms. Owings:

Thank you for providing information on the referenced project. The applicant is requesting approval of a variance to remove an existing dwelling and construct a new dwelling within the 100- foot Buffer. The applicant's property is an existing grandfathered lot, and only a small portion of the property is outside of the 100-foot Buffer. The property is located in a mapped Buffer Exemption Area; however, a variance is required because the Town's Critical Area Program requires that when a structure within a Buffer Exemption Area is removed or destroyed, it shall be replaced, insofar as possible, no closer than 100 feet from the edge of tidal waters, tidal wetlands or tributary streams.

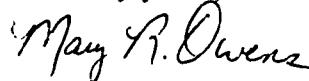
This office has no objection to the granting of the variance for the construction of a replacement dwelling within the 100-foot Buffer because almost the entire property is located within the Buffer. If this variance request is approved, this office recommends that mitigation be provided to offset adverse impacts to habitat and water quality. The Town's Critical Area Program specifies that the extent of the parcel or lot shoreward of the new development be established in natural vegetation; **and** natural vegetation of an area twice the extent of the impervious area created in the Buffer be planted in a Buffer Exemption offset area or another location as may be determined by the Town.

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

Ms. Owings
May 16, 2001
Page 2

Thank you for the opportunity to comment. Please include this letter as part of the public record for this variance request. Please notify the Critical Area Commission in writing of the Board of Appeals' decision on this request. Please feel free to call me if you have questions or need additional information.

Sincerely yours,



Mary R. Owens, Chief
Program Implementation Division



Mary Reader

Judge John 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 14, 2001

Ms. Nancy Jones
University of Maryland
Center for Environmental Science
P.O. Box 775
Cambridge, Maryland 21613-0075

RE: Forest Mitigation for the Aquaculture and Restoration Ecology Laboratory

Dear Ms. Jones:

Thank you for providing information on the proposed forest mitigation for the Aquaculture and Restoration Ecology Laboratory. I am writing to follow up on our telephone conversation on May 11, 2001 and my conversation with Mark McMenammin of Mahan Rykiel about the required reforestation and the proposed reforestation requirements.

It is my understanding that this project involves .79 acres of clearing. It is possible that this number may decrease slightly, but it is recommended that plans be developed based on the larger number. The Critical Area Criteria require that all forests that are allowed to be cleared or developed be replaced on not less than an equal area basis. If more than 30% of the forest cover on a project site is proposed to be cleared, then mitigation is required at three-to-one. For this project, the entire University of Maryland property is considered to be the project site, therefore the area of forest cover on the entire property is used to determine the appropriate mitigation. Based on information provided by the University Of Maryland, there are approximately 500 acres of forest cover on the 856-acre site. The clearing of .79 acres represents less than one percent of the existing forest cover; therefore mitigation is required at one-to-one.

Based on my conversation with Mr. McMenammin, it is my understanding that he believes that the reforestation can be located behind the proposed building and adjacent to Lakes Cove. Because only .79 acres of reforestation is necessary, rather than the 2.37 acres initially calculated, it appears that this area can be used to fulfill the entire reforestation requirement.

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

Ms. Jones
May 14, 2001
Page 2

It is my understanding that Mr. McMenamin will be developing more detailing reforestation plans, and that they will be submitted to the Critical Area Commission staff for review in the next few weeks. The Critical Area Commission will review the final planting plan as part of the overall project when the project is placed on the agenda for approval.

Thank you for the opportunity to provide preliminary comments. If you have any questions, please feel free to contact me at (410) 260-3480.

Sincerely yours,



Mary R. Owens, Chief
Program Implementation Division

Cc: Mr. Mark McMenamin (Mahan Rykiel)



Judge John 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 7, 2001

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

RE: Walkway Improvements in Chesapeake Beach

Dear Mr. Hofmann:

Thank you for providing information on the required mitigation for the referenced project. I have reviewed the proposed mitigation, and I have the following comments:

1. The planting of 50 trees along the bay-front walkway between 10th and 17th street is an acceptable form of mitigation. Native species should be used. In order to obtain a credit of 400 square feet per tree, large, canopy tree species must be used.
2. The planting of 44 trees at the Kellum's Recreational Complex is an acceptable form of mitigation. The London Plane trees should be replaced with American Sycamores, which are a native tree that is very similar to the London Plane tree and generally survives well in Maryland.
3. The plantings that were installed in 1996 at the intersection of Route 260 and Route 261 cannot be used to meet the mitigation requirement for this project. In some cases, mitigation plantings may be "banked" for future construction efforts; however, arrangements for "mitigation banking" need to be made at the time the plantings are installed and appropriate permanent protection measures, such as deed restrictions and/or easements must be placed on the property.
4. It appears that because the existing crepe myrtles cannot be used for mitigation credit, the proposed plantings need to be increased by 3,720 square feet. I would suggest that the Town explore the possibility of some shrub plantings in areas where low growing vegetation would be desirable. I believe that Bayberry,

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

Sweebay Magnolia, and Native or Swamp Azaleas would be appropriate understory plantings along the bay-front walkway or on the Town Hall Property.

Please let me know how you intend to address the additional plantings required and advise me as to when the plantings will be installed. I will need to perform a follow-up inspection, so that I can close out the project file. If you have any questions, please feel free to call me at (410) 260-3480.

Sincerely yours,



Mary R. Owens, Chief
Program Implementation Division

May - leader



Judge John 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 4, 2001

Mr. Steve Dodd
Dorchester County Planning and Zoning Office
County Office Building
P.O. Box 107
Cambridge, Maryland 21613

RE: SUB 967, James and Earl Bradley
DC 200-01

Dear Mr. Dodd:

Thank you for providing information on the referenced project. The applicant is seeking approval of a subdivision to create a single lot of 1.54 acres in size. The property is located within the Critical Area and is designated RCA. I have reviewed the information submitted, and I have the following comments:

1. It is not clear from the information submitted what property is considered to be the parent parcel and whether or not the parent parcel is grandfathered. The notes state that the parent parcel is Parcel 52 on Tax Map 55 and states the area of the site as 159.62 acres. Parcel 52 on Tax Map 55 is 26 acres in size. It is not clear whether this parcel is grandfathered or not. The entire acreage of the parent parcel should be shown on the subdivision plat. If the parent parcel is large, it may be appropriate to show the parent parcel on a location map at a smaller scale, for example 1" = 200'.
2. The applicant has not shown the Critical Area boundary on the subdivision plan or provided information about the acreage of the parent parcel within the Critical Area. This information is needed in order to ensure that the density limits within the Resource Conservation Area (RCA) are addressed. Because Lot 1 is less than 20 acres in size, at a minimum an additional 18.36 acres of the parent parcel (within the Critical Area) will need to be restricted from future development. Appropriate plat notes and deed restrictions will be required.
3. The applicant has not submitted an Environmental Report, therefore, it is difficult to determine if the General Notes are accurate. The General Notes state that there are no steep slopes, perennial streams, or intermittent streams; however, it is not clear how these

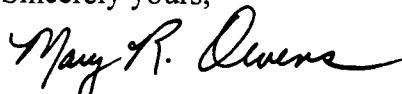
Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

conclusions were drawn. Was a field survey performed? Additional documentation is needed.

4. The applicant has not provided information about the 100-foot Buffer from tidal waters or tidal wetlands. It appears that the parent parcel is contiguous to tidal wetlands; therefore, the 100-foot Buffer must be addressed. If the 100-foot Buffer does not affect Lot 1, it does not need to be shown on the subdivision plan, but the Buffer should be addressed in the Environmental Report.
5. The General Notes state that there are no endangered species located on the property. The applicant must provide documentation from the Heritage Division of the Department of Natural Resources confirming that there are no rare, threatened, or endangered species that will be affected by the proposed subdivision.
6. The General Notes state that the subdivision is exempt from the Dorchester County Stormwater Management Ordinance; however, all projects within the Critical Area must provide **stormwater quality management**. Often this requirement can be addressed through the construction of grassed swales or the installation of trees and shrubs. Please provide information regarding stormwater quality management.
7. The applicant has not provided information about existing forest cover on Lot 1 or on the Residue. If no forest cover exists on Lot 1, then afforestation is required to establish 15 percent of the lot in forest cover. Appropriate plat notes will be required to ensure that the afforested area is permanently maintained.
8. The plat notes do not include information regarding impervious surface limits. Within the RCA, impervious surface area is limited to 15 percent of the parcel or lot. Appropriate notes should be provided.

Thank you for the opportunity to comment on this application. Please provide the additional information requested and submit a revised subdivision plan. If you have any questions, please feel free to call me at (410) 260-3480.

Sincerely yours,



Mary R. Owens, Chief
Program Implementation Division



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

May 1, 2001

Ms. Roxanna Whitt
Department of Planning and Zoning
176 Main Street, Room 300
Prince Frederick, Maryland 20678

RE: VAR 01-2731, Clancy Residence
CA 223-01

Dear Ms. Whitt:

Thank you for providing information on the referenced project. The applicant is requesting a variance to construct an addition to a single family dwelling on slopes that are greater than 15 percent. The dwelling is located on a relatively flat area, and only a portion of the proposed addition, approximately 450 square feet, will affect the steep slope. The property is an existing grandfathered lot and the existing dwelling was constructed prior to the adoption of a local Critical Area Program.

This office does not oppose the variance for the construction of the addition, as it appears that the proposed location was selected in order to work optimally with the existing layout of the house and to minimize disturbance to the steep slopes. The house is located at the top of a slope and is generally surrounded by slopes greater than 15 percent. The slope appears to be relatively stable and is covered with a well-established grass lawn. The applicant does not propose to remove any trees or shrubs.

If the Board of Appeals approves the variance, the applicant should be required to provide mitigation at three-to-one for the area of steep slopes disturbed by the construction. It appears that there is ample area on site where the planted mitigation could be located. The mitigation would help to stabilize the steep slopes and provide some stormwater quality benefits.

Thank you for the opportunity to comment. Please include this letter as part of the public record for this variance request. Please notify the Critical Area Commission in writing of the Board of Appeals' decision on this request. Please feel free to call me if you have questions or need additional information.

Sincerely yours,

Mary R. Owens, Chief
Program Implementation Division

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

MU-Reader



Judge John 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 30, 2001

Ms. Olivia Vidotto
Calvert County Department
of Planning and Zoning
176 Main Street, Room 300
Prince Frederick, Maryland 20678

**RE: SUB 01-13-44, Virginia Von Zielinski
CA 225-01**

Dear Ms. Vidotto:

Thank you for providing information on the referenced project. The applicant is requesting approval to subdivide around existing conditions and create two residential lots. The property is designated IDA (Intensely Developed Area) and is not adjacent to tidal waters, tidal wetlands, or tributary streams. It is my understanding that no additional development is proposed at this time.

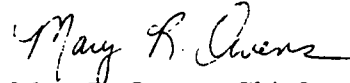
It is not clear if both Lot 1 and the Residue are located within the Critical Area. If both properties are located within the Critical Area, Note 4 should be amended. If both properties are not located within the Critical Area, the Critical Area boundary should be shown on the subdivision plan.

The notes on the plat state that Lot 1 is exempt from stormwater management per Section 3.3.A(3) of the Calvert County Stormwater Management Ordinance. This note should be amended to address the stormwater management requirements for new development within the IDA. For all new development or redevelopment on both Lot 1 and the Residue, stormwater management will be required to reduce pollutant loadings by 10% ("10% Rule") over pre-development conditions. All future development or redevelopment on both lots will be required to comply with the "10% Rule."

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

Thank you for the opportunity to comment on this project. Please provide a copy of the revised plan to this office. If you have any questions, please feel free to call me at (410) 260-3480.

Sincerely yours,

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

Mary R. Owens, Chief
Program Implementation Division



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

April 30, 2001

Mr. Keith Ullrich
Collinson Oliff and Associates, Inc.
P.O. Box 2209
Prince Frederick, Maryland 20678

RE: Kellams Recreational Complex

Dear Mr. Ullrich:

Thank you for providing information on the referenced project. It is my understanding that the Town of Chesapeake Beach is proposing to modify and upgrade the Kellam's Recreational Complex, and the project involves the reconfiguration of existing playing fields and parking areas. It appears that there will be an increase in impervious surface area associated with the new parking areas on the site; however, the actual square footage of the increase was not provided. It appears that some trees and shrubs will be removed and that new trees and shrubs, in excess of those removed will be planted. In order to complete our review of the project, the following information is needed:

1. Although not clearly shown on the site plan, a portion of this project site appears to be located in an area designated as RCA (Resource Conservation Area) on the Town's Critical Area map. The Town's engineer, Mr. John Hofmann, has discussed this area with Commission staff and whether it is possible that a mistake was made in the original mapping. It is Commission staff's understanding that the Town is pursuing the research and documentation necessary to amend the maps based on a finding of mistake. At this time, the Commission has not received a formal request for a map amendment. In order for this project to proceed as proposed, the Commission must approve a map amendment to change the designation of the portion of the property that is designated RCA.

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

2. The information submitted regarding stormwater management does not include calculations demonstrating compliance with the 10% pollutant reduction requirement. Please provide the appropriate worksheets for the "10% Rule."

Thank you for the opportunity to comment on this project. Please provide the additional information requested. If you have any questions, please feel free to call me at (410) 260-3480.

Sincerely yours,



Mary R. Owens, Chief
Program Implementation Division

Cc: Mr. John Hofmann

MO-Reader



Judge John 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 30, 2001

Ms. Roxanna Whitt
Calvert County Department
of Planning and Zoning
176 Main Street, Room 300
Prince Frederick, Maryland 20678

**RE: VAR 01-2724, Markakis
CA 220-01**

Dear Ms. Whitt:

Thank you for providing information on the referenced project. The applicant is requesting a variance to demolish an existing single-family dwelling and construct a larger dwelling within the same location. The property is an existing grandfathered lot.

This office does not oppose the variance for the new dwelling provided that all efforts have been made to minimize impacts to steep slopes. If possible, the southeastern wing of the house should be reduced in size or reconfigured to reduce impacts to the slope. Every effort should be made to limit forest clearing to only the area required for the proposed construction.

The applicant should be required to provide mitigation at three-to-one for the area of steep slopes disturbed by the construction. It appears that there is ample area on site where the planted mitigation could be located. The mitigation would help to stabilize the steep slopes and provide some stormwater quality benefits.

Thank you for the opportunity to comment. Please include this letter as part of the public record for this variance request. Please notify the Critical Area Commission in writing of the Board of Appeals' decision on this request. Please feel free to call me if you have questions or need additional information.

Sincerely yours,

A handwritten signature in cursive script that reads "Mary R. Owens".

Mary R. Owens, Chief
Program Implementation Division

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

Judge John 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 13, 2001

Mr. Sean Callahan
Lane Engineering, Inc.
15 Washington Street
Cambridge, Maryland 21613

RE: Mr. Kirtland and Dorchester County Property

Dear Mr. Callahan:

I am writing to follow up on your letter dated March 14, 2001 to Mr. Bill Kirtland. I believe that some of the information that you provided to Mr. Kirtland requires clarification. I did not receive a copy of the e-mail from Mr. Kirtland to you dated March 12, 2001, so my comments are directed towards your letter.

1. I am not clear about Mr. Kirtland's question regarding the time frame for an easement; however, it is important to note that development on both of the illegally subdivided lots should be restricted until this matter is resolved. It is also important to note that because this proposal involves a subdivision within the RCA, the County is required to submit it to the Critical Area Commission for review and comment. I agree with your response that generally easements are permanent. Should the property receive growth allocation, which you state is unlikely (because the County does not allow growth allocation to be used for residential development in agricultural areas), it is possible that an easement may no longer be required.
2. I agree with you that an easement could possibly be shifted or transferred; however, when easements are platted for density purposes, this is often extremely difficult to accomplish. Usually it is difficult to find even one contiguous property that is designated RCA, is greater than 20 acres in size, and is owned by someone who would be willing to sell an easement to allow development on an adjacent property. A qualifying property would need to satisfy all of these elements.
3. I agree with you that the easement for the "1.6 acre density parcel" would have to be fixed, and it would need to be described by bearing and distance and recorded.

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



Mr. Callahan
April 13, 2001
Page 2

4. I agree that it might be possible to move a 1.6-acre easement within a larger property after the easement were recorded; however, the new location would need to be approved and recorded in a manner similar to the original easement and would need to satisfy the elements outlined in #2, above. It is important to be aware that as surrounding land uses change, this might not be possible.
5. I agree that the easement needs to be recorded in the Land Records and referenced to the deeds of both the grantor and the grantee.
6. I agree that compensation for an easement is at the discretion of the owners involved.
7. I have no comment regarding the value of the easement relative to land values or the needs of a party seeking an easement.
8. In the final paragraph of your letter, you recommend that Mr. Kirtland pursue an easement on a property that is currently zoned RR/LDA. Although this zoning designation in and of itself does not preclude the granting of an easement, the use of this property would not resolve the RCA density issue on Mr. Kirtland's property. When an area of land is restricted from future development by an easement in order to meet the RCA density requirements, it must be designated as RCA.
9. In your letter to Mr. Kirtland dated February 26, 2001, you stated that it would not be necessary for the "1.6-acre density parcel" to be physically adjacent to the 18.4 acre lot. I have researched this matter further with the Commission's Executive Director, Ren Serey. Within the Critical Area, parcels recorded to meet density requirements must be contiguous to the lot that is less than 20 acres. In addition, if the property that is selling the easement is developed (with a single family dwelling) or proposed for development, it would have to include a minimum of 21.6 acres in the RCA in order to maintain the one-per-20 acre density. I apologize for any confusion on this issue.
10. I have discussed some of the specific problems surrounding Mr. Kirtland's subdivision with Ren Serey and Regina Esslinger, the chief of Project Evaluation, and we believe that it may be possible to do some form of an intrafamily transfer subdivision that would allow the subsequent transfer of the parent parcel. Depending on which parcel was determined to be the parent parcel, this might allow the sale of a lot to Mr. Buczek. Commission staff would need to meet with County staff and the Mr. Kirtland to determine the feasibility of this option.

Mr. Callahan
April 13, 2001
Page 3

Thank you for allowing me to provide clarification of the concepts described in your letters to Mr. Kirtland. If you have any questions, please feel free to contact me at (410) 260-3480.

Sincerely yours,

A handwritten signature in cursive script that reads "Mary R. Owens".

Mary R. Owens, Chief
Program Implementation Division

Cc: Mr. Steve Dodd, Dorchester County
Mr. Bill Kirtland

Judge John 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 13, 2001

Mr. Steve Dodd
Dorchester County Planning and Zoning Office
County Office Building
P.O. Box 107
Cambridge, Maryland 21613

**RE: VAR 1986, Bestpitch, LLC
DC 454-00**

Dear Mr. Dodd:

Thank you for providing information on the referenced project. The applicant is requesting approval of a variance to construct an addition to an existing dwelling within the 100-foot Buffer. The applicant's property is an existing grandfathered lot.

This office has no objection to the granting of the variance for the construction of a 781 square foot addition within the 100-foot Buffer because it appears to be a reasonable expansion of living space. If this variance request is approved, this office recommends that appropriate mitigation be provided to offset adverse impacts to habitat and water quality.

Thank you for the opportunity to comment. Please include this letter as part of the public record for this variance request. Please notify the Critical Area Commission in writing of the Board of Appeals' decision on this request. Please feel free to call me if you have questions or need additional information.

Sincerely yours,

A handwritten signature in cursive script that reads "Mary R. Owens".

Mary R. Owens, Chief
Program Implementation Division

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

Judge John 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 11, 2001

Mr. Steve Dodd
Dorchester County Planning & Zoning Office
P.O. Box 107
Cambridge, Maryland 21613

**RE: Earl Robinson Variance
DC 303-00**

Dear Mr. Dodd:

Thank you for providing updated information on the referenced project. It is my understanding that following the Board of Appeals conditional approval of the variance request dated June 26, 2000, that the Robinsons sold the property to Mr. and Mrs. Giesler. The new owners propose to amend the size and location of the proposed dwelling as reflected on the site plan that was submitted with your letter dated March 21, 2001.

I have reviewed the revised site plan and Commission staff's previous comments on the variance request. This office opposes the revisions to the site plan because it appears that impacts to the Buffer have been increased. As you are aware, many factors were considered when the original variance application was submitted, and Commission staff negotiated with the applicants' attorney to determine a location and footprint for the dwelling that minimized impacts to the Buffer. The final site plan involved approximately 450 square feet of development within the Buffer. The site plan submitted by Mr. and Mrs. Giesler involves approximately 1,000 square feet of development within the Buffer.

I have prepared a sketch using the revised footprint for the house showing how Buffer impacts could be minimized. See Enclosure (1). I believe this design, though different from the one that was originally approved by the Board of Appeals, is reasonable and generally in keeping with the concept of the original approval.

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

Mr. Dodd
April 11, 2001
Page 2

I am available to meet with you and Mr. and Mrs. Giesler to discuss the sketch in more detail should they desire to do so. Please feel free to contact me at (410) 260-3480.

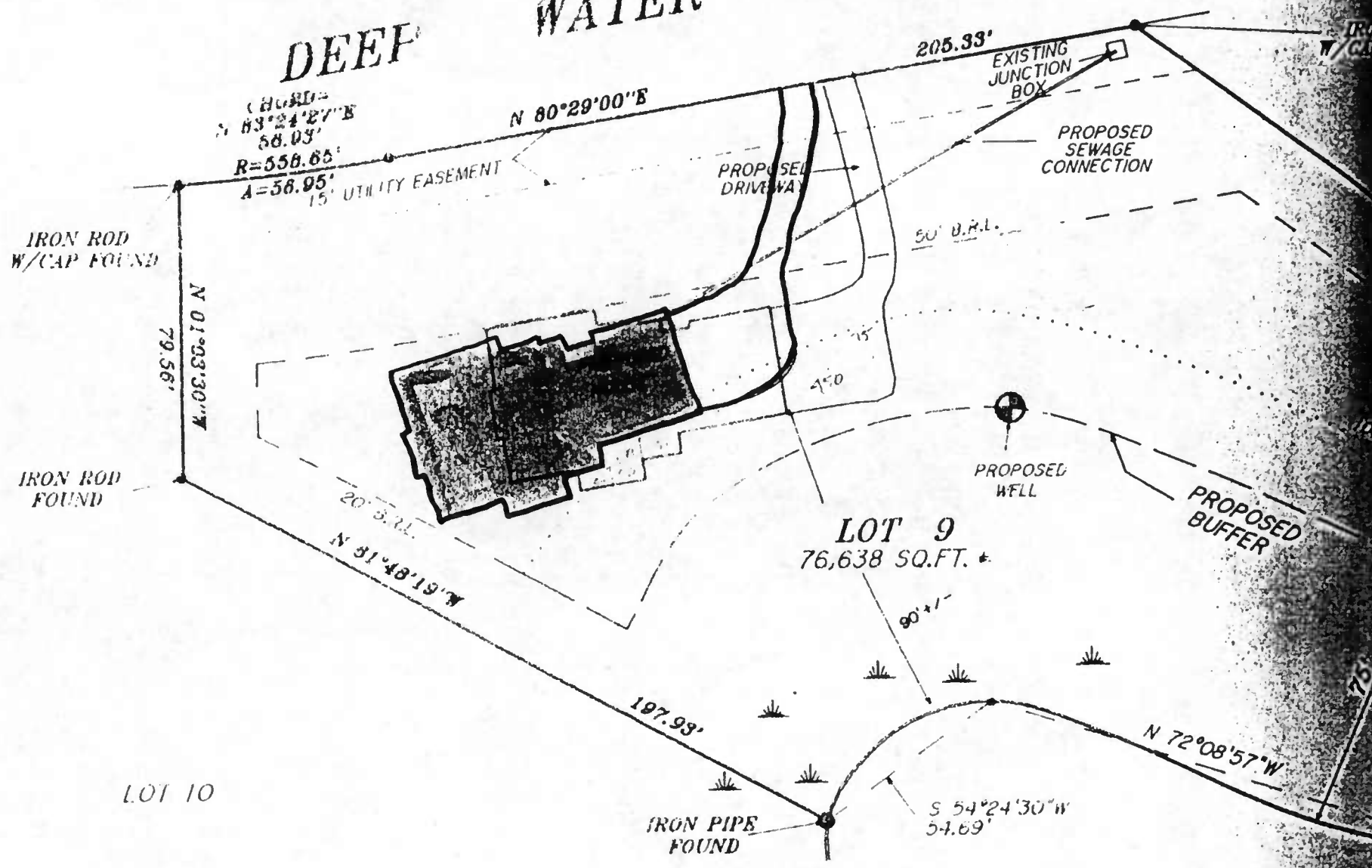
Sincerely yours,



Mary R. Owens, Chief
Program Implementation Division

Cc: Mr. Robert Geisler

DEEP WATER ROAD



May Reade



Judge John 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

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

RE: Perviousness of Uni-Eco-Stone

Dear Mr. Torney:

Thank you for providing information on the paving material that is being proposed for various residential projects in the City of Annapolis. I have reviewed the manufacturer's literature and some previous correspondence from Commission staff regarding the imperviousness of this material. It is my understanding that the Uni-Eco-Stone material is proposed for residential driveways associated with single family detached dwellings, and that it will be installed with the base and sub-base courses as shown in the attached detail. I would consider this material 60 percent impervious and 40 percent pervious, based on the apertures in the paving material and the void ratio of the base and sub-base. Any deviation in the installation, from the manufacturer's recommendations, could change the imperviousness of the material and should not be permitted.

The applicants proposing to use this material should be advised that if they desire to pave their driveways at a later a date, a variance may be required.

I hope you find this information helpful in working with applicants to meet the impervious surface limits in the City's Critical Area Program. If you have any questions, please feel free to call me at (410) 260-3480.

Sincerely yours,

Mary R. Owens, Chief
Program Implementation Division

Cc: Regina Esslinger
Dawnn McCleary

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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

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

March 8, 2001

Mr. Stuart Robinson
A. Morton Thomas and Associates, Inc.
12750 Twinbrook Parkway
Rockville, Maryland 20852-1700

RE: St. Mary's College Water Quality Comprehensive Plan

Dear Mr. Robinson:

The purpose of this letter is to follow up on our conversation last week about the delineation of the Buffer as an element of the St. Mary's College Water Quality Comprehensive Plan. I have enclosed copies of the 1972 State Tidal Wetlands Maps which appear to be fairly consistent with the information that you have assembled thus far. There are some areas where Buffer expansion will be required because of contiguous steep slopes, and I have enclosed marked up drawings where I believe that some additional analysis may be required.

As we discussed at the last meeting, there are several streams on the property that have not been shown on the plans. The stream feeding St. John's Pond extends up to, and possibly beyond, Mattapany Road. There is a small stream that feeds into this system that runs very close to the St. John's Archaeological Site, and this has not been shown on the plans. Because of the proposed development in this area, the delineation of the Buffer may affect the location of proposed Best Management Practices for stormwater. The plans show a stream network associated with Fisherman's Creek that appears to pretty well match what is shown on the National Wetlands Inventory Maps. I am not very familiar with that system, so some additional map research or field work may be necessary. Since there are no Best Management Practices proposed in this area, perhaps the plans could simply state that when projects are proposed in the area, additional survey information will be needed to determine the location of tributary streams and refine the delineation of the Buffer.

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

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

Thank you for the opportunity to comment on this project. If you have any questions or would like to review the State Tidal Wetlands Maps, please feel free to call me at (410) 260-3480.

Sincerely yours,

A handwritten signature in cursive script that reads "Mary R. Owens".

Mary R. Owens, Chief
Program Implementation Division



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

February 27, 2001

Mr. Jonathon Doherty
Program Manager
Chesapeake Bay Gateways Network
National Park Service
410 Severn Avenue, Suite 109
Annapolis, Maryland 21403

RE: 2001 Gateways Grant Project
St. Mary's River Buffer Management Plan and Maryland Dove Access

Dear Mr. Doherty:

I am writing to express my support of the proposed project and the Commission's request for grant funds. The shoreline of Historic St. Mary's City is a very significant part of the visitor's experience in Historic St. Mary's City. Restoration of the riparian buffer in this area will greatly improve the water quality and habitat function of this shoreline area, while enhancing the beauty and restoring the historic character of the site.

The development of a comprehensive Buffer Management Plan will provide the topographical and biological information necessary to safely and effectively eradicate invasive species, stabilize a steep and highly erodible slope, and restore natural vegetation on the site.

The Critical Area Commission is looking forward to working with Historic St. Mary's City on this important project. If you have any questions, please feel free to give me a call at (410) 260-3460.

Sincerely yours,

Mary R. Owens, Chief
Program Implementation Division

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



Mary Reader

Judge John 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

February 13, 2001

Ms. Janet Gleisner
Harford County Department of Planning and Zoning
220 South Main Street
Bel Air, Maryland 21014-3865

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

Dear ^{Janet} Ms. Gleisner:

I am writing to follow up on our recent conversation regarding the referenced bills representing proposed changes to Harford County's Critical Area Program resulting from the third comprehensive review. As we discussed, there are a few minor changes that staff believe should be addressed as part of the comprehensive review process. Commission staff are proposing that the Critical Area Commission Panel evaluate these changes as possible conditions of approval. The issues that need to be addressed are as follows:

1. Section 267-41.1.F(3)(a)(2) requires the reduction of pollutant loadings by 10 percent over pre-development levels ("10% Rule") in Intensely Developed Areas only when the impervious area is increased by greater than 250 square feet. The Commission's guidance on the "10% Rule" requires compliance when a development project disturbs greater than 250 square feet.

Suggested Change: Revise paragraph (2) as follows:

- (b) *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.*
2. Section 267-41.1.F(3)(a)(2)(d) exempts the construction of accessory structures which cover less than 250 square feet from mitigative planting requirements. This section should be clarified to exempt only those projects that disturb less than 250 square feet.

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

Suggested Change: Revise paragraph (d) as follows:

(b) Construction of accessory structures which ~~disturb cover~~ less than 250 square feet are exempt from mitigative planting requirements.

3. Section 267-41.1.F(3)(c) does not address nonresidential uses that are similar in nature to residential uses and may be permitted in the RCA. Section 267-41.1.F(3)(c) also does not address institutional uses, which are generally not compatible with the RCA designation. The Commission has requested that during the comprehensive review process, local jurisdictions identify nonresidential and quasi-institutional uses that may be permitted in the RCA, or specify that any zoning authorization issued for one of these uses in the Critical Area will be submitted to the Critical Area Commission for review and comment.

Suggested change: Add the following language to Section 267-41.1.F(3)(c)(2):

(b) New industrial, institutional, and commercial development shall be prohibited.

Suggested change: Add the following language to Section 267-41.1.F(3)(c):

In addition to the uses specified above, certain nonresidential uses may be permitted in Resource Conservation Areas if it is determined by Harford County that the proposed use is one of the following:

- (a) A home occupation as an accessory use on a residential property and as provided for in the County's zoning ordinance;*
- (b) A golf course, excluding main buildings and/or structures such as the clubhouse, pro-shop, parking lot, etc.;*
- (c) A cemetery that is an accessory use to an existing, grandfathered church;*
- (d) A bed and breakfast facility located in an existing, grandfathered, residential structure and where meals are prepared only for guests staying at the facility;*
- (e) A gun club or skeet shooting range or similar use, excluding main buildings and/or structures, such as a clubhouse, snack bar, etc.;*
- (f) A day care facility in a dwelling where the operators live on the premises and there are no more than eight children;*
- (g) A group home or assisted living facility with no more than eight residents;*

(h) Other uses determined by the County and the Critical Area Commission to be similar to those listed above.

4. Section 267-41.1.F(3)(d)(1) states that clearing of forested areas greater than 5,000 square feet anywhere within the Critical Area, prior to the issuance of a grading permit, or the clearing of areas exceeding the maximum area allowed shall constitute a violation. This section appears to limit violations to those activities that involve more than 5,000 square feet. This is not consistent with the Critical Area Criteria.

Suggested Change: Revise paragraph (1) as follows:

(b) 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.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.

5. Section 267-41.F(6)(a) does not include provisions prohibiting new or expanded development activities within the Buffer in the RCA. Community piers and other noncommercial boat docking and storage facilities, public beaches and public water-oriented recreation or education areas, and fisheries activities may be permitted in the Buffer in RCA subject to the standards set forth in the Criteria.

Suggested change: 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.

Suggested change: Revise paragraph 267-41.F(6)(d)(1)(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:

Suggested change: Revise paragraph 267-41.F(6)(d)(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 following conditions are met:

Suggested change: Add the following language to paragraph 267-41.F(6)(d)(3):

Commercial water-dependent fisheries activities and shore based facilities necessary for aquaculture operations may be located in the Buffer in IDA, LDA, and RCA.

6. Section 267-41.F(6)(b) only addresses expansion activities that increase the total impervious surface by more than 5,000 square feet. It appears that projects that involve less than 5,000 square feet of new impervious surface would not be required to address the conditions in the Criteria for the protection of habitat and water quality.

Suggested change: Revise paragraph 267-41.F(6)(b) as follows:

(b) *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. Expansion ...*

7. Section 267-41.G(3)(b) does not reflect the language in the Criteria.

Suggested change: Revise paragraph 267-41.G(3)(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 ...*

8. Section 267-41.H does not clearly indicate that the Board of Appeals shall issue written findings demonstrating that denial of the requested approval would result in an unwarranted hardship to the applicant.

Suggested change: Add the following language as the first condition for the granting of variances in Section 267-41.H:

(c) ***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;***

9. Section 267-41.M does not include the provisions of the Critical Area Commission's growth allocation policy pertaining to existing grandfathered uses that are less than 20 acres.

Suggested change: Add the following language to Section 267-41.M(1)(b)(1):

- (1) *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 local Program approval.*

10. Section 267-41.F(6) does not address structures on piers.

Suggested change: Add the following language to Section 267-41.1.F(6):

Structures on Piers.

- (a) *“Pier” means any pier, wharf, dock, walkway, bulkhead, breakwater, piles or other similar structure. “Pier” does not include any structure on pilings or stilts that was originally constructed beyond the landward boundaries of State or private wetlands.*
- (b) *Except as provided in paragraphs (1), (2), and (3) below, the County may not issue a building permit for any project involving the construction of a dwelling unit or other non-water-dependent structure on a pier located on State or private tidal wetlands within the Critical Area.*
- (1) *The County may issue a building permit for a project involving the construction of a dwelling unit or other non-water-dependent- structure on a pier located on State or private wetlands within the Critical Area that was issued a permit by the Department of Natural Resources on or before January 1, 1989.*
- (2) *The County may issue a building permit for a project involving the construction of a dwelling unit or other non-water-dependent- structure on a pier located on State or private wetlands within the Critical Area if the following conditions exist:*
- A. *The project is constructed on a pier that existed as of December 1, 1985 that can be verified by a Department of Natural Resources (or Maryland Department of the Environment) aerial photograph dated 1985, accompanied by a map of the area;*
- B. *The project does not require an expansion of the pier greater*

than 25% of the area of piers or dry docks removed on the same property; however, additional expansion may be allowed in the amount of 10% of the water coverage eliminated by removing complete piers from the same or other properties. If the horizontal surface of a pier to be removed is not intact, but pilings identify its previous size, then that area may be used in determining the additional expansion permitted. The project expansion based on water coverage eliminated can be considered only if all nonfunctional piers on the property are removed except for the project pier. The total expansion may not exceed 35% of the original size of the piers and dry docks removed;

- C. The project is approved by the County Office of Planning, Permits, and Inspections;*
- D. The project is located in an Intensely Developed Area (IDA) as designated in programs approved by the Critical Area Commission.*

(3) The County may issue a building permit for the repair of an existing dwelling unit or other non-water-dependent- structure on a pier located on State or private wetlands within the Critical Area.

(2) If a structure that is not water-dependent is to be permitted by the County under the exceptions included in this Section, an applicant is required to demonstrate that the project will meet the following environmental objectives using the standards established under the County's Critical Area Program:

- A. The construction and operation of the project will not have a long term adverse effect on the water quality of the adjacent body of water;*
- B. The quality of stormwater runoff from the project will be improved; and*
- C. Sewer lines or other utility lines extended for the pier will not affect the water quality of adjoining waters.*

identified and large forested areas are described as being 100 acres or greater. Forest Interior Dwelling Birds have been found in smaller forests, and the Criteria uses 100 acres as an example, not as a minimum tract size.

Suggested change: 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;*

12. On Page 2-1 of the Critical Area Management Program, Habitat Protection Areas are identified and large forested areas are described as being 100 acres or greater. Forest Interior Dwelling Birds have been found in smaller forests, and the Criteria uses 100 acres as an example, not as a minimum tract size.

Suggested change: 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;*

13. On Page 2-4 of the Critical Area Management Program, there are provisions for regulating land use within RCA. The provisions do not address new institutional uses.

Suggested change: Revise the language as follows:

➤ *Prohibit new industrial, **institutional**, and commercial uses in RCA; and*

14. On Page 2-18 of the Critical Area Management Program, there are provisions for guiding growth allocation decisions. This section is confusing because it appears to contain conflicting provisions pertaining to locating new IDAs and LDAs at least 300 feet beyond the landward edge of tidal waters and tidal wetlands. The County Subdivision Regulations state that new IDAs and LDAs shall be located at least 300 feet from tidal water or tidal wetlands. See Section 267-41.M(1)(b)(2) of the County Code.

Suggested change: Revise the language as follows:

➤ *New IDAs and LDAs ~~should~~ shall be located at least 300 feet beyond the landward edge of tidal wetlands or tidal water. The 300-foot wide area between*

Ms. Gleisner
February 13, 2001
Page 8

the tidal water and the new development shall be established as Critical Area Buffer.

15. On Page 2-20 of the Critical Area Management Program, there are provisions for generally requiring strict compliance with the guidelines for growth allocation in the Criteria. This language seems confusing.

Suggested change: 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.*

Thank you for the opportunity to provide clarification on the Commission staff comments on the Bill 00-53, Bill 00-54, and Bill 00-55. I have provided rather detailed suggested changes in order to make it easier for you to incorporate them into the legislation should they be approved by the Commission as conditions of their approval. If you would prefer to address the comments in a different way, we can discuss alternative language. If you have any questions, please give me a call at (410) 260-3480.

Sincerely yours,



Mary R. Owens, Chief
Program Implementation Division

cc: Dawnn McCleary

Mary-Reader



Judge John 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

January 16, 2001

The Honorable Michael W. Fluharty
Town of Federalsburg
P.O. Box 471
Federalsburg, Maryland 21632

RE: Town of Federalsburg Comprehensive Review

Dear Mayor Fluharty:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the Town's revised Critical Area Ordinance, revised Critical Area Map, and designated Buffer Exemption Area which includes all of the changes pursuant to the Town's four year comprehensive review. On January 3, 2000 the Commission voted to approve these amendments to the Town's Critical Area Program. These amendments shall be incorporated into the Town's Program within 120 days of the date of this letter.

I want to thank you, the Council, and the Town staff, especially Ms. Peg Green, for all of your cooperation and assistance in accomplishing this review. I look forward to working with you on future efforts in the Critical Area. If you have any questions, please feel free to call me at (410) 260-3480.

Sincerely yours,

Mary R. Owens, Chief
Program Implementation Division

cc: Mr. Roby Hurley, Department of Planning

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

Staff Correspondence: Widmayer

7001

SI832-149-7

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

September 26, 2001

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

RE: Variance 2001-0345-V, Daniel Smith

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

If possible, we recommend moving the proposed driveway and septic system in portions of the property that are less steep so that disturbance to the steepest slopes will be minimized. Otherwise, provided this lot is properly grandfathered, this office does not object to granting the requested variance.

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

Sincerely,

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

Amber Widmayer
Natural Resources Planner Assistant

AW/jjd

cc: AA523-01

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

September 26, 2001

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

RE: Variance 2001-0332-V, Anthony Parada

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 as a single family detached dwelling.

Development or redevelopment on properties designated IDA must address the 10% pollutant reduction requirements. Because of the limited area of this residential property, this requirement can be met by planting the appropriate amount of vegetation. Otherwise, this office does not object to granting the requested variance.

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

Sincerely,

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

Amber Widmayer
Natural Resources Planner Assistant

AW/jjd

cc: AA518-01

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

September 26, 2001

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

RE: Variance 2001-0341-V, Roger Winstanley

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 and Buffer than required. The property is designated IDA and is currently developed with a single family detached dwelling.

It appears that at least a portion of the proposed addition will be located in the 100-foot Buffer. If this is the case, 2:1 mitigation must be provided for any areas that are disturbed within the Buffer. Also, as the proposed addition is in an area that is designated IDA, the applicant must address the 10% pollutant reduction calculation requirements. Due the limited space available on site, this requirement can be met by planting the appropriate amount of vegetation.

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,

Amber Widmayer
Natural Resources Planner Assistant

AW/jjd

cc: AA 520-01

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

September 26, 2001

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

RE: Variance 2001-0342-V, Beatrice Glace

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 as IDA and is currently developed with a single family detached dwelling.

As the location for the proposed deck is both a Buffer Exempt Area and within the 100-foot Buffer, 2:1 mitigation must be provided for disturbance to the 100-foot Buffer. If possible, it is preferable to build the proposed deck to the side of the existing house in such a way that structures do not encroach further into the Buffer. However, if this is not feasible, this office does not object to granting the requested variance.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Amber Widmayer".

Amber Widmayer
Natural Resources Planner Assistant

AW/jjd

cc: AA521-01

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

September 26, 2001

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

RE: Variance 2001-0343-V, Behrouz Rakani

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 and accessory structure with less setbacks than required. The property is designated IDA and is developed with a single family detached dwelling.

Because the property is designated IDA, it is necessary that the applicant address the 10% pollutant reduction calculation requirement. As space is limited on the property, it is possible to accomplish this by planting the appropriate amount of vegetation on site rather than building a best management practice facility to remove pollutants. Provided the 10% calculations are addressed, this office does not object to granting this variance.

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

Sincerely,

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

Amber Widmayer
Natural Resources Planner Assistant

AW/jjd

cc: AA522-01

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

September 12, 2001

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

RE: Variance 2001-0308-V, Stephen Verges

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. The construction of a single-family dwelling and driveway is proposed on the currently undeveloped and wooded grandfathered property.

The proposed forest clearing totals 46% of the site; therefore, 3:1 mitigation must be provided.

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

Sincerely,

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

Amber Widmayer
Natural Resources Planner Assistant

AW/jjd

cc: AA493-01

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

September 12, 2001

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

RE: Variance 2001-0313-V, Thomas Gay

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 RCA and is currently developed with a single-family dwelling and garage.

Although the site plan does not show the 100-foot Buffer, it appears that the proposed construction will occur entirely within this area over an existing brick patio. This office does not oppose the variance.

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

Sincerely,

Amber Widmayer
Natural Resources Planner Assistant

AW/jjd

cc: AA498-01

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

September 12, 2001

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

RE: Variance 2001-0320-V, Clifford Solomon

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit an accessory structure with less setbacks than required. The property is designated LDA and is currently being developed with single-family dwelling and garage.

This office does not object to granting the requested variance. Because the new garage will be constructed on the footprint of the existing garage, proposed impervious surfaces on the site are still under the allowable limits. It appears that the proposed location for the new garage is outside of the 100-foot Buffer. If this is incorrect, the area disturbed within the Buffer must be mitigated for at the 3:1 rate.

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,

Amber Widmayer
Natural Resources Planner Assistant

AW/jjd

cc: AA499-01

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

September 12, 2001

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

RE: Variance 2001-0314-V, Dante Hines

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a deck in the Buffer. The property is designated as LDA and is currently developed with a single family attached dwelling.

This office does not oppose the construction of the proposed deck provided it is constructed in a way that maximizes its permeability. This consists of leaving spaces between the floorboards, covering the surface underneath the deck with gravel, and planting native vegetation around the perimeter of this area to capture any remaining runoff. Also, though the site plan does not show the 100-foot Buffer, the proposed construction appears to be entirely within the Buffer. Mitigation for disturbance to this area must be provided at the rate of 3:1.

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 in this case.

Sincerely,

Amber Widmayer
Natural Resources Planner Assistant

AW/jjd

cc: AA496-01

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 10, 2001

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

RE: Variance 2001-0260-V, Michael Rauh

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to allow a dwelling addition and related facilities with less setbacks and Buffer than required. The property is LDA and is currently developed with a single-family dwelling.

Provided the impacts to the Buffer are mitigated for at the appropriate rate, this office does not object to the approval of the variance.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Amber Widmayer".

Amber Widmayer
Natural Resources Planner Assistant

AW/jjd

cc: AA 400-01

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

Ms. Ramona Plociennik
Office of Planning & Zoning
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2001-0300-V, Newell & Falls

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit an accessory structure with less setbacks and buffer than required. The property is designated LDA and is currently developed with a single-family dwelling. The proposed accessory structure is a shed to replace a slightly smaller existing shed.

Provided the new shed will not involve the clearing of vegetation or disturbance in the 100-foot Buffer, this office has no objection to the granting of the requested variance.

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

Sincerely,

Amber Widmayer
Natural Resources Planner Assistant

AW/jjd

cc: AA465-01

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

Ms. Ramona Plociennik
Office of Planning & Zoning
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2001-0294-V, Michael Miller

Dear Ms. Plociennik:

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

This office does not oppose the granting of this variance. However, the calculations of forest disturbance as listed on the plan need to be clarified. Specifically, what is meant by off-site woodland disturbance? If the final percentage of forest disturbance on the site is greater than 30, mitigation must be provided at the 3:1 rate. Also, the applicant will need to contact Judy Cole of the Nontidal Wetlands division of MDE for a permit to disturb the wetlands.

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,

Amber Widmayer
Natural Resources Planner Assistant

AW/jjd

cc: AA462-01

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

Ms. Ramona Plociennik
Office of Planning & Zoning
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2001-0291-V, Fred Range

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 than required and with disturbance to steep slopes. The property is designated RCA and is currently undeveloped and wooded.

This office does not oppose this variance request but recommends minimizing the extent of the proposed forest clearing where possible. Clearing of more than 30% of the forest on-site will require mitigation at the rate of 3:1. Also, according to the plans, no Buffer impacts will result from the proposed development. If this is incorrect, these impacts will also need to be addressed.

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

Sincerely,

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

Amber Widmayer
Natural Resources Planner Assistant

AW/jjd

cc: AA461-01

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

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

RE: Variance 2001-0283-V, James Cooper

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 and Buffer than required. The property is designated IDA and is currently developed with a single-family dwelling.

This office does not object to this variance being approved. However, 3:1 mitigation must be provided for disturbance to the Buffer, and 10% calculations should be addressed through the use of plantings. The plantings should be located on-site and within the Buffer if possible.

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

Sincerely,

Amber Widmayer
Natural Resources Planner Assistant

AW/jjd

cc: AA 460-01

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

Ms. Ramona Plociennik
Office of Planning & Zoning
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2001-0305-V, Frank Vollmerhausen

Dear Ms. Plociennik

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit an addition to a dwelling with less setbacks than required. The property is designated LDA and is currently developed with a single-family dwelling.

This office has no objection to this variance request. Because the second story addition proposed involves construction over an existing portion of the dwelling, no new disturbance in the Buffer will be created.

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

Sincerely,

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

Amber Widmayer
Natural Resources Planner Assistant

AW/jjd

cc: AA467-01

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 6, 2001

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

RE: Variance 2001-0274-V, Donald Pyle

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit disturbance for a dwelling and driveway with less Buffer than required. The property is designated LDA and is currently developed with a single-family house and pool. The proposed development will involve the removal of the existing house and replacing it with a new house and pool.

This office does not oppose the variance; however, in the areas where the requested 10-foot standard limit of disturbance will encroach into the extended Buffer, this office recommends providing 3:1 mitigation for the disturbance created by the development activities. Also, mitigation at the rate of 1:1 must be provided for the vegetation disturbed on the property that is outside of the extended Buffer.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Amber Widmayer".

Amber Widmayer
Natural Resources Planner Assistant

AW/jjd

cc: AA443-01

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 6, 2001

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

RE: Variance 2001-0271-V, Malcolm Mewha

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a deck addition with less setbacks than required. The property is designated LDA and is currently developed with a single-family dwelling and driveway.

Provided that the deck is constructed in such a way that it may be counted as pervious surface, this office has no objections to the granting of this variance. The deck will be considered pervious if it is constructed with spaces between the boards, with six inches of gravel on the ground under the deck, and with plantings surrounding the perimeter to minimize run off.

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,

Amber Widmayer
Natural Resources Planner Assistant

AW/jjd

cc: AA 442-01

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 6, 2001

Ms. Karen Houtman
Dorchester County Planning & Zoning Office
County Office Building
P O Box 107
Cambridge, Maryland 21613

**RE: CBCAC Approval of Dorchester County Refinement-
Resolution Pertaining to Growth Allocation Allotments to Municipalities**

Dear Ms. Houtman,

At its meeting on August 1, 2001, the Chesapeake Bay Critical Area Commission concurred with the Chairman's determination that the County's resolution pertaining to growth allocation allotments to municipalities is a refinement to the local Critical Area Program. The refinement to create and distribute growth allocation allotments to municipalities has been approved.

As requested by the County, the Commission considered a clarification of the resolution that 150 acres will be reserved to convert existing LDA to IDA or RCA to LDA and IDA for non-residential uses.

Thank you for all of your work on this refinement. Please send any program revisions to this office when they are available. If you have any questions, please feel free to call me at (410) 260-3482.

Sincerely,

A handwritten signature in black ink, appearing to read "Amber Widmayer".

Amber Widmayer
Natural Resources Planner Assistant

AW/jjd

cc: Mr. Steve Dodd
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

August 6, 2001

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

RE: Variance 2001-0276-V, Annapolis Specialty Homes

Dear Mr. Dooley:

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

As the property is designated IDA, it is necessary that the 10% pollutant reduction calculations be addressed. This can be accomplished by planting on site at the appropriate rate, preferably using native vegetation located within the Buffer. Where the Buffer is disturbed by development activities, it is necessary to provide mitigation at a rate of 3:1.

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 black ink, appearing to read "Amber Widmayer".

Amber Widmayer
Natural Resources Planner Assistant

AW/jjd

cc: AA445-01

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 9, 2001

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

Re: 2001-1011, Charlestown Fire Hall

Dear Ms. Skilling:

Thank you for providing information on the new Charlestown Fire House.

The revised 10% calculations are correct. Therefore, our office has no objection to the granting of the building permit for this project.

Please feel free to call me at (410) 260-3479 if you have any questions.

Sincerely,

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

Amber Widmayer
Natural Resources Planner Assistant

AW/jjd

cc: CL 360-01

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 10, 2001

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

RE: Variance 2001-0260-V, Michael Rauh

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to allow a dwelling addition and related facilities with less setbacks and Buffer than required. The property is LDA and is currently developed with a single-family dwelling.

Provided the impacts to the Buffer are mitigated for at the appropriate rate, this office does not object to the approval of the variance.

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

Sincerely,

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

Amber Widmayer
Natural Resources Planner Assistant

AW/jjd

cc: AA 400-01

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 10, 2001

Mr. Kevin Dooley
Anne Arundel County Office of Planning & Zoning
2664 Riva Road, MS 6301
Annapolis, MD 24101

RE: Variance 2001-0224-V
Neil Van Malderghem

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application, which is a request for a variance to permit an addition to an accessory structure with less setbacks than required. The property is LDA and is currently developed with a single-family dwelling.

Because the total impervious surfaces proposed for this site do not exceed the limits, this office has no objection to the approval of the requested variance.

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

Sincerely,

Amber Widmayer
Natural Resources Planner Assistant

AW/jjd

cc: AA 16-00

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

July 10, 2001

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

RE: Variance 2001-0266-V, Apfel & Hadley

Dear Mr. Dooley,

Thank you for providing information on the referenced variance application, which is a request for a variance to permit a dwelling and associated facilities with disturbance to steep slopes and with less setbacks and Buffer than required. The property is LDA and is currently developed with a single family dwelling to be replaced by the proposed dwelling. The proposed dwelling will be in the same location as the existing dwelling.

In order to minimize the impact to the steep slopes this office recommends that the footers for the deck be dug by hand. The trees and shrubs removed for the construction must be replaced at the rate of 1:1.

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,

Amber Widmayer
Natural Resources Planner Assistant

AW/jjd

cc: AA402-01

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 9, 2001

Ms. Theresa Dent
Department of Planning and Zoning
P.O. Box 653
Leonardtown, Maryland 20650

Re: Brenda L. Lyon, SUB #01-100-021
SM 391-01

Dear Ms. Dent:

Thank you for providing information on the referenced project, which is a request for a one lot subdivision through an intrafamily transfer.

I have had a chance to review the project the following information should be included before for this subdivision is approved. A letter from the Heritage and Biodiversity division of DNR must be obtained in order to identify any protected or sensitive lands or habitat within the proposed lot. Secondly, because this is an intrafamily transfer, there should be a note as to the relationship between the property owner and the recipient of the new lot to ensure that it meets the intrafamily provisions. Lastly, it is necessary to include the total acreage of the parent parcel that is within the critical area. This information will verify that the total amount of land in the critical area being subdivided qualifies for the intrafamily transfer and is within the required 7-60 acre range.

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 subdivision. Please forward any revised plans you receive and we will provide additional comments.

Sincerely,

Amber Widmayer
Natural Resources Planner Assistant
AW/jjd
cc: SM 391-01

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 5, 2001

Ms. Theresa Dent
Department of Planning and Zoning
P O Box 653
Leonardtown, MD 20650

Re: Patuxent River View, SUB #01-130-080,
SM 392-01

Dear Ms. Dent:

Thank you for providing information on the above referenced project, which is an application for a subdivision to create five new lots from four existing lots. The existing properties are LDA and are developed with five dwellings, which will be replaced by five townhouses in new locations.

This office recommends pushing back the dwelling construction behind the 100-foot Buffer so as to minimize the variance request and disturbance to the Buffer. The construction of driveways in the Buffer will require a variance, and it should be demonstrated that their proposed location is the only feasible access point to the townhomes. Additionally, while there is no vegetation shown on the plan, if clearing does occur, mitigation at a 3:1 rate will be required for any vegetation cleared within the Buffer. The total forest cover on the site will need to total 15%. If this subdivision is approved, we also recommend including a plat note that the property is LDA. Existing and proposed impervious surface totals must also be included and must not total more than 15%.

Thank you for the opportunity to provide comments on this project. Please include this letter in your file and submit it as part of the record for this subdivision. Also, please forward any revised plans you receive and we will provide additional comments.

Sincerely,

Amber Widmayer
Natural Resources Planner Assistant
AW/jjd

cc: SM 392-01

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 5, 2001

Mr. Elvin D. Thomas
Administrator
Dorchester County Highway Department
5435 Handley Road
Cambridge, Maryland 21613

RE: DC 249-01, Hurst Creek Dredging

Dear Mr. Thomas:

Thank you for providing information on the above referenced project, which is a request for conditional approval. I have reviewed the information you sent. I am requesting that you elaborate on certain parts of your plans so that your conditional approval request will fully address all of the relevant requirements of the Critical Area Act and Criteria. Listed below are some specific questions that need to be answered in order to provide that level of detail:

1. List the reasons this project could not be implemented outside of the 100-foot Buffer.
2. List the reasons that completion of this project will not be possible without receiving conditional approval to disturb the Buffer. Describe any alternatives that were considered and explain why they were rejected.
3. Who will benefit from the improved boating access? Approximately how many boaters will benefit from the dredging? Of those boaters, what is the breakdown of how many are recreational boaters, commercial fisherman, crabbers, etc.?
4. Other than improving boating access, what benefits will your project provide to the public, the Chesapeake Bay, and the Critical Area Program?

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

Mr. Thomas
July 5, 2001
Page Two

5. With the exception of the location of the spoil site being within the Buffer, how is your project attempting to be as consistent as possible with meeting the goals outlined in the Dorchester County Critical Area program?
6. What measures does your project include for mitigating the disturbance of the Buffer? Will the impacts from disturbance to the Buffer be permanent? Why or why not?

Please respond to the above questions so that your request can be scheduled as an item on a future Commission meeting agenda. Feel free to contact me at (410) 260-3482 if you have any questions regarding the information above.

Sincerely,



Amber Widmayer
Natural Resources Planner Assistant

AW/jjd

cc: Mr. Dan Rider
Ms. Karen Houtman

Judge John 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 27, 2001

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

RE: Variance 2001-0229-V, Carole McNew

Dear Mr. Dooley,

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

This office does not oppose the approval of the requested variance. Provided the proposed construction will not involve the clearing of any vegetation, there are no Critical Area issues needing to be addressed.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Amber Widmayer".

Amber Widmayer
Natural Resources Planner Assistant

AW/jjd

cc: AA379-01

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 27, 2001

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

RE: Variance 2001-0233-V, Andrew Wendell

Dear Mr. Dooley,

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

As the proposed dwelling and associated facilities will create disturbance within the 100-foot Buffer, this office recommends mitigation in the form of plantings at a rate of 3:1. It is preferable that these plantings be located on-site using native species, but may be located off-site if necessary. Also, we recommend the use of Best Management Practices on the site to be consistent with the 10% Rule for development within IDA. However, if space does not allow, the owner may use plantings as a substitute for the BMP. One item of concern is that there is a discrepancy between the description of the property as currently undeveloped and the drainage map, which shows an existing structure. If this variance is approved, we ask that this be clarified.

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

Sincerely,

Amber Widmayer
Natural Resources Planner Assistant

AW/jjdc: AA382-01

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 27, 2001

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

RE: Variance 2001-0237-V, Lynn Kirby

Dear Mr. Dooley,

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

This office does not oppose the approval of the requested variance. Provided the proposed construction will not involve the clearing of any vegetation, there are no Critical Area issues needing to be addressed.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Amber Widmayer".

Amber Widmayer
Natural Resources Planner Assistant

AW/jjd

cc: AA385-01

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 27, 2001

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

RE: Variance 2001-0235-V, Richard Burnette

Dear Mr. Dooley:

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

This office does not oppose the approval of the requested variance. Provided the proposed construction will not involve the clearing of any vegetation, there are no Critical Area issues needing to be addressed.

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

Sincerely,

Amber Widmayer
Natural Resources Planner Assistant

AW/jjd

cc: AA384-01

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 26, 2001

Ms. Sue Veith
Department of Planning and Zoning
22740 Washington Street, P.O. Box 653
Leonardtown, MD 20650

Dear Ms. Veith:

I am a summer intern for the Chesapeake Bay Critical Area Commission through University of Maryland's Urban Studies and Planning graduate program. As an ongoing summer project I will be producing an informative publication about growth allocation. This paper will serve as an educational tool for citizens and will additionally provide guidance to counties and municipalities on the best methods for utilizing their limited supply of growth allocation.

The strength of the publication will come from local planning agencies' expertise as demonstrated through the efficiency and innovative techniques utilized in their existing programs. It has come to my attention that your county's planning program is utilizing such innovative techniques and I am interested in highlighting examples of your projects in the publication. In order to effectively portray this success, I would like to interview you to learn more about what has worked well in your experiences with growth allocation.

I will be conducting these interviews within the next month, as my internship will only last through the middle of August. The interview should take between 30-45 minutes and can be held either in our Annapolis office or in your offices. Please let me know within the next week if this is possible for you and what date and time will be most convenient. You can contact me directly at (410) 260-3482, or via Ren Serey at (410) 260-3462.

Sincerely,

Amber Widmayer
Natural Resources Planner Assistant
AW/jjd

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

June 26, 2001

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

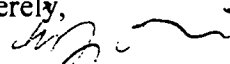
Dear Mr. Kaii-Ziegler:

I am a summer intern for the Chesapeake Bay Critical Area Commission through University of Maryland's Urban Studies and Planning graduate program. As an ongoing summer project I will be producing an informative publication about growth allocation. This paper will serve as an educational tool for citizens and will additionally provide guidance to counties and municipalities on the best methods for utilizing their limited supply of growth allocation.

The strength of the publication will come from local planning agencies' expertise as demonstrated through the efficiency and innovative techniques utilized in their existing programs. It has come to my attention that your county's planning program is utilizing such innovative techniques and I am interested in highlighting examples of your projects in the publication. In order to effectively portray this success, I would like to interview you to learn more about what has worked well in your experiences with growth allocation.

I will be conducting these interviews within the next month, as my internship will only last through the middle of August. The interview should take between 30-45 minutes and can be held either in our Annapolis office or in your offices. Please let me know within the next week if this is possible for you and what date and time will be most convenient. You can contact me directly at (410) 260-3482, or via Ren Serey at (410) 260-3462.

Sincerely,


Amber Widmayer
Natural Resources Planner Assistant
AW/jjd

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

June 26, 2001

Dr. David Brownlee
Calvert County Department of Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

Dear Dr. Brownlee:

I am a summer intern for the Chesapeake Bay Critical Area Commission through University of Maryland's Urban Studies and Planning graduate program. As an ongoing summer project I will be producing an informative publication about growth allocation. This paper will serve as an educational tool for citizens and will additionally provide guidance to counties and municipalities on the best methods for utilizing their limited supply of growth allocation.

The strength of the publication will come from local planning agencies' expertise as demonstrated through the efficiency and innovative techniques utilized in their existing programs. It has come to my attention that your county's planning program is utilizing such innovative techniques and I am interested in highlighting examples of your projects in the publication. In order to effectively portray this success, I would like to interview you to learn more about what has worked well in your experiences with growth allocation.

I will be conducting these interviews within the next month, as my internship will only last through the middle of August. The interview should take between 30-45 minutes and can be held either in our Annapolis office or in your offices. Please let me know within the next week if this is possible for you and what date and time will be most convenient. You can contact me directly at (410) 260-3482, or via Ren Serey at (410) 260-3462.

Sincerely,

Amber Widmayer
Natural Resources Planner Assistant
AW/jjd

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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

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

June 26, 2001

Mr. Daniel Cowee
Office of Planning and Zoning
Courthouse
11 North Washington Street
Easton, MD 21601-3178


Dear Mr. Cowee:

I am a summer intern for the Chesapeake Bay Critical Area Commission through University of Maryland's Urban Studies and Planning graduate program. As an ongoing summer project I will be producing an informative publication about growth allocation. This paper will serve as an educational tool for citizens and will additionally provide guidance to counties and municipalities on the best methods for utilizing their limited supply of growth allocation.

The strength of the publication will come from local planning agencies' expertise as demonstrated through the efficiency and innovative techniques utilized in their existing programs. It has come to my attention that your county's planning program is utilizing such innovative techniques and I am interested in highlighting examples of your projects in the publication. In order to effectively portray this success, I would like to interview you to learn more about what has worked well in your experiences with growth allocation.

I will be conducting these interviews within the next month, as my internship will only last through the middle of August. The interview should take between 30-45 minutes and can be held either in our Annapolis office or in your offices. Please let me know within the next week if this is possible for you and what date and time will be most convenient. You can contact me directly at (410) 260-3482, or via Ren Serey at (410) 260-3462.

Sincerely,


Amber Widmayer
Natural Resources Planner Assistant
AW/jjd

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

June 26, 2001

Mr. Tom Lawton
Department of Technical and Community Services
11916 Somerset Avenue, Room 102
Princess Anne, MD 21853

Dear Mr. Lawton:

I am a summer intern for the Chesapeake Bay Critical Area Commission through University of Maryland's Urban Studies and Planning graduate program. As an ongoing summer project I will be producing an informative publication about growth allocation. This paper will serve as an educational tool for citizens and will additionally provide guidance to counties and municipalities on the best methods for utilizing their limited supply of growth allocation.

The strength of the publication will come from local planning agencies' expertise as demonstrated through the efficiency and innovative techniques utilized in their existing programs. It has come to my attention that your county's planning program is utilizing such innovative techniques and I am interested in highlighting examples of your projects in the publication. In order to effectively portray this success, I would like to interview you to learn more about what has worked well in your experiences with growth allocation.

I will be conducting these interviews within the next month, as my internship will only last through the middle of August. The interview should take between 30-45 minutes and can be held either in our Annapolis office or in your offices. Please let me know within the next week if this is possible for you and what date and time will be most convenient. You can contact me directly at (410) 260-3482, or via Ren Serey at (410) 260-3462.

Sincerely,

A handwritten signature in black ink, appearing to read "Amber Widmayer".

Amber Widmayer
Natural Resources Planner Assistant
AW/jjd

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

June 26, 2001

Ms. Gail Webb Owings
Kent County Department of Planning and Zoning
Kent County Government Center
400 High Street
Chestertown, MD 21620

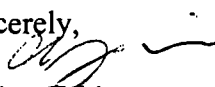
Dear Ms. Webb Owings:

I am a summer intern for the Chesapeake Bay Critical Area Commission through University of Maryland's Urban Studies and Planning graduate program. As an ongoing summer project I will be producing an informative publication about growth allocation. This paper will serve as an educational tool for citizens and will additionally provide guidance to counties and municipalities on the best methods for utilizing their limited supply of growth allocation.

The strength of the publication will come from local planning agencies' expertise as demonstrated through the efficiency and innovative techniques utilized in their existing programs. It has come to my attention that your county's planning program is utilizing such innovative techniques and I am interested in highlighting examples of your projects in the publication. In order to effectively portray this success, I would like to interview you to learn more about what has worked well in your experiences with growth allocation.

I will be conducting these interviews within the next month, as my internship will only last through the middle of August. The interview should take between 30-45 minutes and can be held either in our Annapolis office or in your offices. Please let me know within the next week if this is possible for you and what date and time will be most convenient. You can contact me directly at (410) 260-3482, or via Ren Serey at (410) 260-3462.

Sincerely,


Amber Widmayer
Natural Resources Planner Assistant
AW/jjd

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

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

June 19, 2001

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

RE: Variance 2001-0222-V, Jennifer Dorian

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 buffer than required. The property is designated LDA and is currently developed as an attached dwelling in a row of six houses.

The office recommends approval of this variance request, provided the applicant constructs the deck in a way that minimizes impacts to the Buffer. This consists of constructing the deck with spaces between the boards to maintain perviousness, as well as placing gravel under the deck with plants surrounding the perimeter of the ground under the deck to minimize run off. If this variance is approved, we recommend providing onsite mitigation at a rate of 3:1 to account for the area of disturbance within the buffer.

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

Sincerely,

Amber Widmayer
Natural Resources Planner Assistant

AW/jjd

cc: AA367-01

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 19, 2001

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

RE: Variance 2001-0223-V, Lula G. Scott Community Center

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a principal structure, accessory structure and parking with less setbacks than required. The property is designated both LDA and RDA. This will involve the addition of a play lot, the removal of some existing paving, and the modification and repaving of the existing parking lot.

While the office does not oppose the approval of this variance request, the required 25 foot Buffer surrounding the non-tidal wetlands shown on the landscaping plan is not included. If it were present, it appears that the northern edge of the proposed storage shed will be located just within the 25 foot Buffer. To ensure that the storage shed does not infringe on the non-tidal wetlands Buffer, the office recommends that the storage shed be moved slightly away from the Buffer, to the extent possible.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as a 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 black ink, appearing to read "Amber Widmayer".

Amber Widmayer
Natural Resources Planner Assistant

AW/jjd

cc: AA368-01

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