

Staff Correspondence Volum 1: Chandler

2002

S1832-150-1



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

MEMORANDUM

TO: Chip Price, Program Open Space
From: LeeAnne Chandler
Date: January 4, 2002
RE: Local POS Project# 4070-17-121, Matapeake Terminal Building Renovation, Queen Anne's Co.

This office has received the Clearinghouse review notice for the above referenced project. The notice states that the project involves the renovation and preservation of a historically significant building to be later used as a conference/education facility for use by various groups.

1. The property is within the Critical Area with a designation of Intensely Developed Area (IDA). Development on this property must be consistent with the Queen Anne's County Critical Area Program.
2. The Critical Area Commission must receive certification from Queen Anne's County that the project is consistent with the local Critical Area Program. A full description of the proposed development and a request for local certification must be submitted to the Commission. Because the project is located within an IDA, the primary Critical Area concern is stormwater management. Also, if the existing building is within the 100-foot Buffer, any changes to the footprint may require a variance or a conditional approval from the Commission.
3. If the County provides the necessary information and certification to the Commission regarding consistency with their Critical Area Program and provided that appropriate mitigation and stormwater management is provided, the proposed project would not conflict with our regulations.

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

Cc: Steve Cohoon, Queen Anne's Co. Planning & Zoning
Dick McIntyre, Queen Anne's Co. Parks & Recreation

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

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



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January 4, 2002

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

RE: Variance Case No. 2001-0473-V, Joseph Erickson

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance request. The applicant is requesting a variance to permit accessory structure additions with less Buffer than required. The property has a split designation of LDA and RCA and is currently developed with numerous structures including a house, three sheds, a boathouse and a detached garage. The proposal would double the size of the existing detached garage.

The subject property is over 14 acres in size. Only a small portion of it is outside of any Buffers. With one exception, the existing structures are all in the Buffer. We recommend that the existing non-conforming situation not be made more non-conforming by doubling the size of the garage within 40 feet of the tidal wetlands. The boathouse appears to be within a level, already cleared area. We recommend that an addition to the boathouse be considered rather than the addition to the garage. If any impacts to the Buffer are approved, we recommend mitigation at a 3:1 ratio for all disturbance. This mitigation should occur on site, within the Buffer.

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

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA678-01

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January 4, 2002

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

RE: Variance Case No. 2001-0467-V, Peter Martino

Dear Ms. Plociennik:

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

Provided this lot is properly grandfathered, this office does not oppose the siting of a single-family dwelling on it. However, impacts should be minimized and the variance requested should be the minimum to provide relief. The site plan shows "ruins" in the proposed location of the house. However, it should be noted that for purposes, the property is considered undeveloped. No structures are visible from the road. The "ruins" should not dictate the location of the new house.

As required by the County's Zoning Ordinance (Section 1A-109), the design and location of any new structure on a lot within the BEA must maximize the distance between the shoreline and the structure and constitute the least practicable disturbance of steep slopes and other natural features of a site. Based on the site plan provided, it appears that a dwelling could be placed on this lot without the need for any variances. Indeed, a house similar to the one being constructed next door on Lot 6 (with dimensions of 30 feet by 60 feet) could be constructed without any disturbance to steep slopes or the Buffer. (The applicant in this case also owns the adjacent Lot 6, as well as Lots 7, 8 and 9.) We recommend that the applicant redesign to protect the sensitive features of this site. If any disturbance to Buffers is approved, we recommend mitigation for all disturbance within the Buffer at a 3:1 ratio. Reforestation at the appropriate ratio should be provided for all disturbance outside of the Buffer and expanded Buffer.

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

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA677-01

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January 17, 2002

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

RE: Variance Case No. 2001-0494-V, Elizabeth Denniston

Dear Ms. Plociennik:

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

Based on maps in our office, it appears that the subject property is Buffer Exempt. The addition is proposed on the street-side of the dwelling, intruding no further into the Buffer than the existing dwelling. It does not appear that a Buffer variance is necessary, though mitigation should be required at a 2:1 ratio for new impervious within the Buffer and at a 1:1 ratio for new impervious outside of the Buffer. We have no comment regarding the setback variance.

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

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: AA11-02

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January 22, 2002

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

RE: Variance 2001-0526-V, Bruce & Marion Walker


Dear Ms. Plociennik:

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

This property was the subject of a previous variance request in 2000 (2000-0402-V). According to the decision in that case, a variance of nine feet was granted to permit an 11' x 14' deck on the back of the proposed house. This office does not oppose steps to provide access to grade from the deck, provided that they protrude no further waterward than what was previously approved. Also, we recommend mitigation for the additional area of the steps at a 3:1 ratio.

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

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: AA581-00

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January 23, 2002

VIA FACSIMILE

Ms. Pam Miley
Anne Arundel Planning & Code Enforcement
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

RE: Variance Case #2001-0449-V, Joseph Moss

Dear Ms. Miley:

Thank you for providing information on the above referenced variance request. The applicant is requesting a variance to permit an accessory structure with greater height than allowed and with disturbance to a steep slope buffer. The property is heavily developed with a large house, an extensive driveway and numerous walkways.

We have no comment on the height variance. With regard to the steep slope Buffer variance, it appears that this variance could be avoided by redesigning the proposed garage. First, the garage is larger than many homes (a typical garage is not 1120 square feet in size). Second, it seems that the garage has been sited to maximize the views rather than minimize impacts. A garage could be constructed on the existing driveway, either adjacent to the dwelling or in the parking or turn-around area. Lastly, based on the site plan, it appears that an impervious surface variance may also be necessary. Impervious surfaces have not been properly quantified. This information should be provided prior to any approval for additional construction on this lot. If any additional disturbance is permitted on this lot, mitigation should be provided at a 2:1 ratio for new impervious areas in the Buffer according to the County's Buffer Exemption Area rules.

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

Sincerely,


LeeAnne Chandler
Natural Resources Planner

Cc: AA658-01

Branch Office: 31 Creamery Lane, Easton, MD 21601
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January 23, 2002

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

RE: Variance Case No. 2001-0522-V, Severn River Inn, LLC

Dear Ms. Plociennik:

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

Provided that the location for the proposed septic system is the only viable alternative for septic disposal, this office does not oppose the variance requested. We recommend daily monitoring of the sediment control devices while the system is being installed and until vegetative cover becomes established. Also, as stated in previous comments on this project, redevelopment of this site should result in an overall environmental improvement. Vegetated areas should be maximized. We recommend mitigation for all new disturbance within the Buffer for the septic system at a 3:1 ratio. Mitigation should occur on site to the greatest extent possible.

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

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA500-01

Branch Office: 31 Creamery Lane, Easton, MD 21601
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Judge John C. North, II
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Ren Serey
Executive Director

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January 23, 2002

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

RE: Variance Case No. 2001-0525-V, Steve Washington


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 has a split designation of LDA/RCA and is developed with a recently constructed dwelling with attached garage and driveway.

This office often does not oppose decks of reasonable size provided impacts are minimized and the variance requested the minimum to provide relief. However, we continue to be concerned about the practice of constructing dwellings in the Buffer under approved variances or up to the Buffer limits with sliding glass doors leading nowhere. Applicants then return and ask for a second or sometimes third variance for the same site. In this case, the house is in a neighborhood of mixed house styles and sizes. A smaller dwelling with an attached deck could have been accommodated on this lot with less impact to the Buffer. We recommend denial of the variance requested.

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

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: AA40-02

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Judge John C. North, II
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Executive Director

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1804 West Street, Suite 100, Annapolis, Maryland 21401
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January 30, 2002

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

RE: Ellendale Growth Allocation

Dear Mr. Cohoon:

The Critical Area Commission received the Ellendale Growth Allocation request on January 15, 2002. We are accepting the request as a complete submittal. Chairman North will make a refinement determination within 30 days of the date of this letter. I will notify you subsequent to his decision.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: Amendment file

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

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

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CHESAPEAKE BAY CRITICAL AREA COMMISSION

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February 1, 2002

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

RE: C & T Land, Inc. – Hotel and Restaurant

Dear Mr. Gigliotti:

Thank you for providing information on the above referenced proposal. The applicant proposes to construct a hotel, restaurant and associated parking on a 3.181 acre parcel. The property is designated IDA and is Buffer Exempt. I have reviewed the information provided and also visited the site. Following are preliminary comments on the feasibility of this proposal:

1. Based on the site visit, it appears that the majority of the site is currently being used for boat storage. Also, the bulkhead is in the process of being repaired. There were significant piles of broken up concrete and soils scattered around the edges of the site. The site plan indicates that 0.7 acres of the site is currently covered by impervious surface. The quantity of impervious area should be documented according to current site conditions (i.e., it appears that impervious areas have been removed to repair the bulkhead and the impervious area may need to be re-calculated). Also, it would be helpful if the plan showed the current entrance to the property from Route 18 as well as the existing Boat Repair/Storage office.
2. Stormwater management will be required to be addressed on site. The current layout does not appear to provide a designated area for a stormwater management facility. This should be addressed as early in the site plan process as possible because it may affect the eventual size of the hotel and parking lot. One potential option may be the creation of bioretention "islands" within the parking lot. Also, filter strips along the shoreline may be useful.
3. It is not clear why the building restriction line along the water changes from 50 feet to 15 feet. We recommend a setback of no less than 25 feet along the entirety of the shoreline. The enclosed Buffer Exemption Area policy addresses commercial situations such as this one. The policy calls for a 25-foot "bufferyard" within the setback to provide some water

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Mr. John Gigliotti
February 1, 2002
Page 2

quality benefits in developed situations such as this one. Again, the size of the hotel and layout of the site may be affected.

4. The proposed boardwalk around the site is too wide. What is the purpose of the boardwalk? Will it be connected to adjacent properties? If it is a stand-alone feature and is simply a stabilized surface for boaters to use to approach the restaurant, it should be constructed with minimal width. Adequate area should remain between the boardwalk and the restaurant and hotel to provide for a vegetated bufferyard as described in comment #3 above. Please refer to the enclosed guidance paper on Public Walkways for additional information. Also, we recommend that the walkway be designed to be pervious (boards with spaces in between and gravel beneath.)

Thank you for the opportunity to comment on this proposal. Please feel free to contact me if you have any questions or concerns regarding these comments or the enclosed information. I can be reached at (410) 260-3477.

Sincerely,



LeeAnne Chandler
Natural Resources Planner

Enc.

Cc: QC8-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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February 1, 2002

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

RE: Major Site Plan – File #MASP 04-02-01-022-07(c)
Route 8 Elementary School

Dear Ms. Collison:

Thank you for providing the revised plans for the Route 8 Elementary School. The County Commissioners of Queen Anne's County propose to construct a 68,400 square foot elementary school on a 39.5 acre site that is partially within the Critical Area. The Critical Area designation of 9.295 acres is Resource Conservation Area. The current plans show a soccer/lacrosse field, a parking lot, a baseball field, four tennis courts, and a road within the Critical Area portion of the site. Commission staff has reviewed the information provided and we have the following comments:

1. The site plan, on sheet C-1 under "Determination of Site Capacity," indicates that 9.295 acres are within the Critical Area. The County application form states that 9.46 acres are within the Critical Area. This should be checked and corrected where necessary.
2. The site plan does not give an exact quantity of proposed impervious surfaces within the Critical Area portion of the site (though the application form gives an approximation of +/- 1 acre). Total proposed impervious area within the Critical Area portion of the site should be definitively quantified and should include all eventual improvements. As you are aware, the Critical Area portion of the site is strictly limited to 15% impervious area. Any increase beyond 15% would require a conditional approval from the Critical Area Commission in accordance with the criteria set out in COMAR 27.02.06. Based on rough measurements, it appears that approximately 1.27 acres of impervious coverage are proposed within the Critical Area. If this number is correct, there would be a cushion of only 5,400 square feet.
3. It is our understanding that some of the "alternative" features shown on the site plan within the Critical Area are dependent on the amount of funding received. However, if these features are eventually constructed, is adequate space remaining on the site to

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Ms. Lisa Collison
February 1, 2002
Page 2

provide for stormwater management? Alternatively, are the stormwater facilities being constructed with adequate volume to handle stormwater runoff from these alternative features? This should be addressed.

4. We recommend the use of a variety of strictly native species for use within the Critical Area portion of the site. As a local government project, it should be used as a model for afforestation within the Critical Area. There are closely related native alternatives for the non-native species listed (for example, American sycamore can replace London Plane tree). Also, additional planting detail should be provided for the areas labeled "Critical Area Mitigation."

Thank you for the opportunity to comment. Please contact me if you have any questions or concerns regarding these comments. I can be reached at (410) 260-3477.

Sincerely,



LeeAnne Chandler
Natural Resources Planner

Cc: QC622-01

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION
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January 30, 2002

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

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

Dear Mr. Cohoon:

Thank you for providing the revised plans for the above referenced project. The plans now show the existing trees and indicate those that are to be removed. This office has no further comments at this time.

Thank you for the opportunity to review the revised plans. If there are future revisions which will affect Critical Area resources, please forward the plans to this office for further review.

Sincerely,

A handwritten signature in black ink that reads "LeeAnne Chandler" with a long horizontal flourish extending to the right.

LeeAnne Chandler
Natural Resources Planner

Cc: QC525-01

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401
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February 5, 2002

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

VIA FACSIMILE

RE: Variance Case No. 2001-0467-V, Peter Martino – REVISED PLANS

Dear Ms. Shatt:

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

Provided this lot is properly grandfathered, this office does not oppose the siting of a single-family dwelling on it. While the previous plan showed the proposed dwelling at the existing location of some "ruins," the revised plan shifts the house approximately 10 feet, perhaps due to previous comments on this case. However, the house still impacts steep slopes and, according to the revised site plan which shows the presence of a stream, the 100-foot Buffer to a tributary stream. These impacts are avoidable. The applicant has created the need for the variance through the desired location of the house, not by any necessity.

As required by the County's Zoning Ordinance (Section 1A-109), the design and location of any new structure on a lot within the BEA must maximize the distance between the shoreline and the structure and constitute the least practicable disturbance of steep slopes and other natural features of a site. Based on the site plan provided, it appears that a dwelling could be placed on this lot without the need for any variances. A house similar to the one being constructed next door on Lot 6 (with dimensions of 30 feet by 60 feet) could be constructed without any disturbance to steep slopes or the Buffer. (The applicant in this case also owns the adjacent Lot 6, as well as Lots 7, 8 and 9.) We recommend that the applicant redesign to protect the sensitive features of this site. There are many opportunities to minimize this request. As proposed, we recommend denial of the variance requested. If any disturbance to the Buffer is approved, we recommend mitigation for all disturbance within the Buffer at a 3:1 ratio. Reforestation at the appropriate ratio should be provided for all disturbance outside of the Buffer and expanded Buffer.

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

Sincerely,

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

LeeAnne Chandler
Rural Resources Planner

cc: AA677-01

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Ren Serey
Executive Director

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February 8, 2002

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

RE: Variance Case No. 2002-0018-V, Jesse Fussell

Dear Ms. Plociennik:

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

Since there are no impacts to any Habitat Protection Areas and because impervious surfaces are not an issue, this office has no comment on this setback variance. However, because the lot is designated IDA, the 10% pollutant reduction rule 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 the official record for this request. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: AA65-02

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Ren Serey
Executive Director

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February 8, 2002

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

RE: Variance Case No. 2002-0016-V, Robert & Marianne Kee

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit an extension in time for the implementation and completion of a previously approved variance. The property is designated LDA and is currently undeveloped. The previous approval granted a variance to permit a well within the Buffer and two setback variances for construction of a new home.

Provided that all conditions of the previous approval are met, this office has no comment on this variance request.

Thank you for the opportunity to comment. Please include this letter in the file and submit 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: AA612-00

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February 8, 2002

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

RE: Variance Case No. 2002-0012-V, Janet Richardson

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit an extension in time for the implementation and completion of a previously approved variance. The property is designated RCA and is currently developed with a single family dwelling and driveway. The previous approval granted a variance of four feet to the Critical Area Buffer and a variance to disturb steep slopes for reconstruction of the existing home.

Provided that all conditions of the previous approval are met, this office has no comment on this variance request.

Thank you for the opportunity to comment. Please include this letter in the file and submit 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: AA51-01

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, 2002

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

RE: Administrative Subdivision - File #04-02-01-0015-C
Joseph Smelgus/Keith Smelgus

Dear Ms. Hyer-Morgan:

Thank you for providing information on the above referenced subdivision. The applicant proposes to combine three existing lots into one lot. Provided that all requirements for development within the LDA are addressed during development of the lot, this office has no concerns regarding this subdivision.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

Cc: QC75-02

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

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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February 8, 2002

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

RE: Large Lot Minor Subdivision - File #05-99-064-C
Wilfred T. Azar

Dear Ms. Hyer-Morgan:

Thank you for providing information on the above referenced subdivision. The applicant proposes to create one additional lot by subdividing 1.54 acres from his 8.628 acre property.

Previous comments from our office requested additional information on the existing trees on the property. The revised plans show the existing trees and also indicate the required afforestation areas. Provided that development of Lot 15A fully comply with all LDA development standards (including full protection of the 100-foot Buffer), this office has no further comments on this subdivision.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

Cc: QC450-99

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

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

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Ren Serey
Executive Director

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February 11, 2002

Mr. Terry Adams, Town Manager
101 Lawyers Row
P.O. Box 100
Centreville, Maryland 21617

RE: Town of Centreville Comprehensive Review

Dear Mr. Adams:

At its February 6, 2002 meeting, the Chesapeake Bay Critical Area Commission approved the proposed Critical Area Ordinance and new Critical Area map for the Town of Centreville.

In accordance with Town Ordinance No. 0-02-02, the new Critical Area Ordinance became effective upon approval by the Critical Area Commission on February 6, 2002.

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: Mr. Roby Hurley

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

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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February 12, 2002

Mr. Edward A. Tudor, Director
Department of Development Review and Permitting
One West Market Street, Room 1201
Snow Hill, MD 21863

RE: Critical Area Comprehensive Review

Dear Mr. Tudor:

I am writing in regard to the submittal of Bill 01-21, the County's Chesapeake Bay Critical Area Ordinance. The Critical Area Commission received the submittal on January 29, 2002 and has accepted the amendment for processing. The Commission's 90-day review begins as of the date of this letter.

Commission Chairman John C. North, II will appoint a panel to conduct a public hearing on the proposed amendments and make recommendations to the full Commission. The hearing will be held in Worcester County (location, date and time to be determined). I will contact County staff in the near future to make all necessary arrangements. Thank you for your assistance in this endeavor.

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

Cc: Joe Jackson
Sandy Coyman

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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February 14, 2002

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

RE: Variance Case No. 2001-0497-V, Anthony Toskov

Dear Ms. Shatt:

Thank you for providing information on the above referenced variance request. The applicant is requesting a variance to permit an inground pool and masonry terrace with less setbacks and Buffer than required. The property is designated LDA, is Buffer Exempt and is developed with a recently constructed single-family dwelling.

The dwelling on this lot is recently constructed. There was no house on this lot previously. The new home could have been designed differently to accommodate a swimming pool and terrace outside of the Buffer. It appears that the design of the house, an action of the applicant, created the need for a variance. Also, based on a review of available aerial photographs, denial of this variance would not be denial of a right commonly enjoyed but would be a special privilege. The request is also not the minimum to provide relief and therefore is not consistent with the spirit and intent of the Critical Area Program. The terrace is ten feet wide on two sides of the pool. This is excessive given that it is within the Buffer. A small pool with a deck (rather than an impervious terrace) could be located entirely outside of the Buffer. Based on the above factors, this office recommends denial of the variance request.

In addition, there may be a problem with total impervious surface as well. The application states that total lot area is 1.06 acres. However, based on measurements of the lot on the site plan as well as tax records, the actual lot area is approximately 32,000 square feet. (It seems that the applicant has included the square footage of the adjacent lot to reach 1.06 acres. Also see the discrepancy in the property address between the application and the title block on the site plan.) The subject lot is limited to 5445 square feet in accordance with the County ordinance. Only an additional 233 square feet of impervious cover is allowed on this lot. If the adjacent lot can legitimately be included, the existing impervious on that lot plus all the new impervious on the lot with the proposed pool would exceed the 15% limit applied to lots over an acre in size. It appears that an impervious surface variance is also necessary and this office could not support such a variance request. Again, we recommend denial of the variance requested.

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

Ms. Kathy Shatt
February 14, 2002
Page 2

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

Sincerely,



LeeAnne Chandler
Natural Resources Planner

cc: AA13-02

Judge John C. North, II
Chairman



Ren Serey
Executive 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, 2002

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

RE: Variance Case Nos. 2002-0019-V and 2002-0020-V, 3000 Friends Road, LLC

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance requests. The applicant is requesting variances to permit two dwellings with less setbacks and Buffer than required. The lots are designated IDA, are Buffer Exempt and are currently developed with one single-family dwelling straddling the two lots. The existing dwelling is proposed to be removed to allow a house to be built on each of the lots. In order to do this, several yard setback variances are necessary as well as a variance to allow a joint use pier. Also, while the proposed dwellings are sited at the setback line established by the existing dwelling, there is a net increase in impervious surfaces within the Buffer.

This office typically does not comment on yard setback variances, however, these cases are different. In *Friends of Ridge v. BG&E*, 352 Md. 645 (1999), the Court of Appeals stated, "if several contiguous parcels, each of which do not comply with present zoning, are in single ownership and, as combined, the single parcel is usable without violating zoning provisions, one of the separate, nonconforming parcels may not then or *thereafter* be considered nonconforming nor may a variance be granted for that separate parcel." The Court further indicated that one way for a property owner to merge several lots of land is to utilize the contiguous lots in the service of a single structure or project. Lots 12 and 13 were effectively merged by the construction of the dwelling over the lot lines. As a merged parcel, Lots 12 and 13 are conforming with regard to the area requirements in an R-2-Residential District (which is 15,000 square feet when public water or public sewer is available [County Article 28, §2-404(c)]). If Lots 12 and 13 are re-subdivided, both will be nonconforming with regard to lot area. Based on our understanding of the above referenced case, this office recommends denial of the variances requested.

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

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

Ms. Ramona Plociennik
February 15, 2002
Page 2

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

Sincerely,



LeeAnne Chandler
Natural Resources Planner

cc: Marianne D. Mason, Assistant Attorney General
Ren Serey, Executive Director
AA66-02
AA67-02

Judge John C. North, II
Chairman



Ren Serey
Executive 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 19, 2002

Mr. John Gigliotti
Queen Anne's Planning & Zoning
107 N. Liberty Street
Centreville, Maryland 21617

RE: Minor Site Plan #MISP 05-02-02-0001(c)
Sealing Marine Sales

Dear Mr. Gigliotti:

Thank you for providing information on the above referenced minor site plan. The applicant proposes to construct a marine service and sales business on a 5.513 acre parcel. A portion of the property is within the Critical Area designated LDA.

Provided that the landscaping plan meets the minimum 15% afforestation requirement (and is implemented as previously approved) and provided that impervious cover remains below 15%, this office has no Critical Area concerns at this time. It appears that the proposed site plan is consistent with the County's Critical Area Program.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

Cc: QC59-99

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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Fax: (410) 974-5338

February 20, 2002

Mr. Matthew Hedger
Dept. of Planning, Zoning & Community Development
PO Box 870
Salisbury, Maryland 21803-0870

RE: Growth Allocation Request, "Twin Pines Subdivision"

Dear Mr. Hedger:

Thank you for the opportunity to review the concept plan for the above referenced growth allocation request. While I have verbally discussed this project with Mr. Frank McKenzie in your office, I want to follow up with these written comments.

1. In reviewing this request, the beginning point of analysis must be December 1, 1985 in accordance with the County's Zoning Ordinance (§125-34). In 1992, the subject property underwent a resubdivision where a total of three lots were created. At that time, the property contained a total of 40.6 acres within the Critical Area. Under the RCA density limitation, this equates to a limit of two dwelling units within the Critical Area portion of the property. Lots 1 and 2 were designated for development within the Critical Area, while Lot 3 was designated as open space without any development rights remaining.
2. Between 1992 and 2002, it is my understanding that Lot 3 was subsequently subdivided into Lots 3A and 3B. Lot 3B is entirely outside of the Critical Area while Lot 3A contains approximately 25.58 acres within the Critical Area.
3. The property owner is now requesting growth allocation for two lots within the Critical Area portion of Lot 3A. While proposed Lots 4 and 5 include the acreage of the entirety of Lot 3A, the growth allocation request is for only the 2.8 acre development envelope for each lot for a total of 5.6 acres.
4. Due to the previous creation of Lots 1 and 2 (which used the Critical Area density generated by the entire property), any further subdivision will require growth allocation for the new lots as well as for Lots 1 and 2. The Critical Area acreage for Lots 1 and 2 totals 15.02 acres.
5. The Critical Area Commission Policy on growth allocation requires that subdivisions of parcels of land (recorded as of December 1, 1985) shall result in the acreage of the

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Mr. Matt Hedger
February 20, 2002
Page 2

entire parcel counting against the County's growth allocation unless the development envelope concept is used. The Policy further defines what must be included in the development envelope. This includes all individually owned lots, required buffers, impervious surfaces, roads, utilities, stormwater management measures, on-site sewage disposal measures and any additional acreage needed to meet the development requirements within the Critical Area. Only one development envelope can be established for each parcel of land.

6. If a development envelope is proposed in the RCA (for this project it would include Lots 1, 2, 4 and 5) and less than 20 acres remain outside of the envelope, then the entire parcel must be deducted (a total of 40.6 acres). If there is a permanently protected minimum 20-acre residue of RCA remaining outside of the development envelope, then the entire parcel does not have to be deducted.
7. It appears that the layout of Lots 4 and 5 could be redesigned to leave a 20-acre residue so the entire parcel would not have to be deducted. Under the Commission Policy and recent practice, this would mean that the lot areas would be limited to the building envelopes and the remainder of the property would have to be placed under an easement.
8. The envelope for Lots 4 and 5 (and subsequent development of these lots) must be fully consistent with the County's Critical Area requirements for development within the LDA (if growth allocation is awarded). Commission staff recommends a site visit to ensure that all features are shown accurately on the site plan and to confirm that the ditches shown on the plan are not actually streams.

Thank you for the opportunity to provide comments. The Critical Area Commission Policy on Growth Allocation is enclosed for your information. If you have any questions or if it would be helpful to meet in person and discuss this project, please contact me at (410) 260-3477.

Sincerely,



LeeAnne Chandler
Natural Resources Planner

Enc.

Cc: Mr. Frank McKenzie
WI80-02

Judge John C. North, II
Chairman



Ren Serey
Executive 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 20, 2002

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

RE: Variance Case No. 2002-0032-V, Mary Katherine LLC

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance request. The applicant is requesting a variance to permit a dwelling with less setbacks than required. The property is designated IDA and is currently developed with a dwelling, walkways and shed. The existing dwelling is proposed to be razed and a new dwelling built primarily on its existing footprint.

Because there are no impacts to Habitat Protection Areas, this office has no comment on this setback variance. However, because the lot is designated IDA, the 10% pollutant reduction rule 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 request. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

Cc: AA 99-02

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

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION
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(410) 260-3460 Fax: (410) 974-5338

February 20, 2002

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

RE: Variance Case No. 2002-0013-V, Robert Murray

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance request. The applicant is requesting a variance to permit a dwelling addition with less setbacks than required. The property is designated IDA and is currently developed with a two dwellings, driveway and shed. One of the dwellings will be removed if an addition to the other is allowed.

Because there are no impacts to Habitat Protection Areas, this office has no comment on this setback variance. However, because the lot is designated IDA, the 10% pollutant reduction rule 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 request. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

Cc: AA 445-00

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

February 20, 2002

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

RE: Variance Case No. 2002-0029-V, Gordon & Anne Riel

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance request. The applicant is requesting a variance to permit a dwelling addition with less setbacks than required. The property is designated LDA and is currently developed with a dwelling, driveway and shed.

Provided that the enclosure of the front porch and deck do not increase impervious surfaces on the lot, this office has no comment on this setback variance. If any increase is proposed, an impervious surface variance is also necessary because the lot already contains impervious cover in excess of what is permitted.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

Cc: AA 97-02

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

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

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February 20, 2002

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

RE: Major Site Plan - File #MASP 04-02-02-0006
KRM Development Corporation - Park Center Complex

Dear Ms. Krista-Maenhardt:

This office has received information on the above referenced project. Based on a review of the information provided, it appears that this project is not located within the Critical Area and does not require our review. If this conclusion is an error, please contact our office. Thank you.

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

Cc: QC108-02

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Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

February 21, 2002

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

RE: Ellendale Growth Allocation – Revised Plans dated January 28, 2002

Dear Mr. Cohoon:

This office has received the revised Ellendale Growth Allocation plans dated January 28, 2002. Based on our discussion, it is our understanding that the revised plan, which requests 25.73 acres of growth allocation, implements the conditions placed on the project when the County Commissioners granted it conceptual approval. Further, it is our understanding that this is the plan that the County would like presented to the Critical Area Commission for its approval. If this is incorrect, please contact us as soon as possible. Otherwise, you will be contacted when the agenda for the meeting is available.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: Amendment file

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

February 25, 2002

Ms. Suzanne Diffenderfer
Anne Arundel Planning & Zoning
3664 Riva Road, MS 6301
Annapolis, Maryland 21401

RE: Variance Case 2001-0505-V, William Dorr

Dear Ms. Diffenderfer:

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

These comments are based on the most recent plans, provided to this office on February 22, 2002. It is our understanding that this lot was created in 1989. At that time, a number of lots (Lots 9 through 16) and another parcel were combined into two lots and a reserve parcel. Lot 12R was one of the two lots created. The County made Critical Area findings (enclosed) indicating, "The access to Lot 12R should follow the previously cut roadway and hug the chain link fence of the existing dwelling to avoid the large trees." The findings further said that the subdivision would only be consistent with the Critical Area Program as long as all construction is kept off the slopes. Further, all slopes of 15% or greater are to be flagged in the field.

Provided that the County considers Lot 12R as having a grandfathered right to a dwelling, this office does not oppose siting a house on this lot. However, impacts must be minimized and the variance requested must be the minimum to provide relief. As proposed, the request is not minimized and the proposal would have serious environmental impacts. This statement is based on the following factors:

- The house has a footprint of approximately 2800 square feet. A house of this size is not in keeping with the character of the neighborhood. In addition, the house includes a three-car garage. This also is not in keeping with the surrounding homes. A more modestly sized dwelling could be constructed on the lot with minimal impacts to steep slopes.

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

Ms. Suzanne Diffenderfer

February 25, 2002

Page 2

- A “workshop/shed” with a footprint of 961 square feet is also proposed. This is equivalent to some of the footprints of the homes in the area. Again, this is not in keeping with the neighborhood.
- The size of the proposed structures, along with the long driveway, creates a large amount of impervious cover and requires an extensive amount of clearing. The soils on this site are highly erodible. The steep slopes only add to the potential impacts. The limits of disturbance (LOD) are located at the edge of the slope, especially in the vicinity of the proposed house. The LOD is located only six feet from the proposed house. This is impractical due to the size of the house and the amount of cut and fill proposed.
- Over 19,000 square feet of clearing is proposed. Given the erodibility of the soils on the site, clearing should be further minimized. The soil survey for this soil type indicates that most of these soils are wooded and “should remain so.”
- The site plan does not accurately reflect all of environmental features and accompanying buffers. The subdivision plat from 1989 shows a stream running through the entire reserve parcel. The 100-foot Buffer from this stream impacts Lot 12R. Also, as seen on a site visit on Tuesday, February 19, 2002, there is a large non-tidal wetland area (which despite the recent drought contained a considerable amount of water) in the northern corner of the lot at the base of the slope. The proposed stormwater device may impact this wetland area.
- The site contains a mature forest with many large, specimen trees. Impact to the forest has not been minimized.

Based on the above factors, this office cannot support the variances requested. We recommend that the applicant explore alternative designs to minimize impacts to this site. As proposed, it appears that the house has been sited and designed to gain a view of the water rather than to minimize impacts to the site. This is not consistent with the strict Critical Area variance standards. We recommend that the workshop be eliminated and a house in keeping with the neighborhood be sited off of the steep slopes. Also, the applicant should explore the possibility of using a dry well septic system (which usually takes up less space than a drainfield system). The 1989 Critical Area report (enclosed) indicates that the water table is “quite deep” indicating that a dry well system may be feasible. Also, according to previous percolation test results, the septic system proposed is meant for a house no larger than 3500 square feet. The footprint alone exceeds this amount.

As stated previously, this office does not oppose the siting of a house on this lot. However, when this lot was platted, findings were made that said the subdivision would not have adverse impacts on water quality and habitat if construction is kept off the slopes. Even the applicant’s

Ms. Suzanne Diffenderfer
February 25, 2002
Page 3

own consultant based his conclusion of no adverse environmental impacts if construction occurred on top of the steep slopes, not into the steep slopes. As proposed, we recommend that the variance be denied.

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

Sincerely,



LeeAnne Chandler
Natural Resources Planner

Enc.

Cc: AA16-02



ARUNDEL CENTER
P.O. BOX 1831
ANNAPOLIS, MARYLAND 21404

OFFICE OF PLANNING AND ZONING

January 18, 1989

Mr. & Mrs. William Dorr
601 Simms Lane
Crownsville, MD 21032

Dear Mr. & Mrs. Dorr:

Re: MS 88-557, William and Lois Dorr
Lots 9 - 16, Block 211, Plat G,
Herald Harbor, Critical Area Findings

An administrative subdivision application was submitted for the aforementioned property located in the Chesapeake Bay Critical Area. As an additional riparian use is being proposed, this Office determined that a Critical Area study was required. As at least two building lots appeared to exist under the existing plat of Herald Harbor, this Office is using the criteria of Article 28, Section 1A-105(g) of the Anne Arundel County Code for our Critical Area review standards. The State Code requires this Office to determine that the subdivision will not have adverse impacts on water quality and habitat as well as identify habitat affected by the proposed development.

The subdivision application will resubdivide lots 9 - 16, Block 211 and the area designated as Grove Park in Herald Harbor to establish 2 lots and 2 Reserved Parcels. The administrative plat will establish an additional riparian lot thus necessitating a Critical Area review. The property is currently zoned R5 and is proposed to be zoned R1D_{sw}. Public water is available; but, the lots sewerage needs will be served by individual septic systems. The property is impacted by tidal wetlands, non-tidal wetland and steep slopes. The site is predominantly wooded with forested and emergent non-tidal wetlands, upland forest, secondary forest growth and some barren areas. The Critical Area report prepared by McCarthy and Associates identified habitat at the site.

The Reserved Parcels are not subdividable under the Critical Area criteria without numerous variances (steep slopes, nontidal wetland incursions, setbacks to streams, slopes, etc). There is an area on the site which appears to be an unstabilized borrow area. Sufficient topsoil does not exist to promote vegetative growth and there is obvious erosion. It would be arguable that construction would stop an existing erosion problem and that the slopes in that

Mr. & Mrs. William Dorr
January 18, 1989
Page 2

area were created, in part, by the extraction activities. You must consider putting these areas into the Reserve Parcel. This would also allow the wetlands to be crossed at the narrowest point. The stream, we felt, was more aligned with the nontidal wetland than what is shown on the plan along Bargagni Road.

The two proposed lots off Digges Road are combining a number of smaller lots. They can meet most of the criteria and as long as all construction is kept off the slopes for utilities with the houses and the slopes being flagged in the field. The access to Lot 12R should follow the previously cut roadway and hug the chain link fence of the existing dwelling to avoid the large trees. Since these lots are being created as waterfront lots, they must provide a common access from the top of the slope to the water with an easement across the adjusted Reserve Parcel. The lot line between the two lots must be changed to provide this common area.

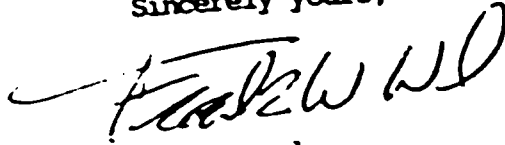
This Office finds that the administrative subdivision plat will not have adverse impacts on habitat and water quality subject to the following conditions:

1. The 15% steep slope area must be shown as a buffer on the record plat.
2. There must be a joint use access easement platted on lots 12R and 9R for access to the water.
3. Non-tidal wetlands and a 25 foot setback from same must be noted on the record plat.
4. Tidal wetlands and a 100 foot setback from same must be noted on the record plat.
5. Lots 9R and 12R may not be further subdivided.
6. Any subdivision of the Reserved Parcel is subject to full compliance with Bill 49-88.
7. The maximum number of slips per lot is one.
8. The maximum amount of impervious coverage for each lot (including parking and driveway area) may not exceed 15% of site and these areas must be noted on plat.
9. The amount of tree clearing allowed for each lot must be noted on plat.
10. The reforestation fee is to be paid by lot owner prior to release of any building or grading permit.

Mr. & Mrs. William Dorr
January 18, 1989
Page 3

Your cooperation in having your surveyor place the proper plat notes on the record plat is appreciated. If you have any questions regarding this matter, please feel free to contact this Office at 280-1467.

Sincerely yours,



Frank Ward
Development Administrator

FW/jls

cc: Tom Osborne
Penny Chalkley
Subdivision File

McCARTHY & ASSOCIATES, INC.

A SUBSIDIARY OF ABATON INDUSTRIES, INC

7833 WALKER DRIVE, SUITE 520 • GREENBELT, MARYLAND 20770 • (301) 220-2100

88 557

CRITICAL AREAS REPORT
FOR THE DORR PROPERTY
ANNE ARUNDEL COUNTY, MARYLAND

AS PREPARED BY
MCCARTHY & ASSOCIATES
JUNE 1988

RECEIVED

NOV 10 1988

Project Location

The property is located on the western shore of the Severn River on Little Round Bay between Digges and Bargagni Roads (Figure 1). The site comprises upland and bottomland forests as well as tidal and non-tidal wetlands.

Surrounding Land Use

This section of Little Round Bay is entirely residential.

Project Description

The applicant proposes subdividing more than 7.24 acres of land into 3 residential lots, each with waterfrontage and an individual pier. See enclosed lot layout and topography.

Site Conditions

The property is in a relatively undisturbed state. Footpaths exist on site and partial clearing has taken place in the past.

Soils

The predominate soil type on the property is Monmouth fine sandy loam (MvE), 15 to 40 percent slopes (Figure 2). The Monmouth series consists of deep, well-drained soils that have an olive-brown surface layer and a thick, olive-brown, moderately fine textured sticky subsoil. The surface layer is olive-brown, fine sandy loam about 9 inches thick. MvE has a high available moisture capacity, moderately slow permeability, and low seepage.

The safe disposal of surface runoff may be a problem on Monmouth soils. Water moves moderately slow through these soils, but internal drainage is thorough, and the water table is quite deep.

This soil is steep and is highly susceptible to erosion. Gullies, some of them very deep, have formed in places. Included with this soil are some areas that have wet spots, and a few areas where the soil is redder than described as typical for the series.

Most areas of this soil are wooded and should remain so. The cleared areas can be replanted in trees.

Vegetation

Vegetative communities on site can be divided into upland and wetland zones. Wetlands are both non-tidal and tidal. The non-tidal wetlands parallel Bargagni Road and surround the streams that flow on the east side of the property. Plants observed within non-tidal wetlands on-site are listed in Table 1. The tidal wetlands form a narrow fringe (5'-10') along the approximate 450' long Little Round Bay shoreline. Plants observed within tidal wetlands are provided in Table 2.

The upland forest community comprises mostly mixed hardwoods of predominately pole-timber size. Sweetgum dominates the lowland forest whereas yellow poplar predominates on the knolls. Canopy and understory species are listed in Table 3.

Submerged Aquatic Vegetation (SAV)

No SAV was observed at the time of our site visit (9 June 1988). No SAV was recorded in the upper Severn River for the years 1984-1986.

Finfish

No extensive list of fishes for Little Round Bay is available. However, a list of fishes recorded from the Severn River has been compiled (see Table 4). The anadromous fishes that reportedly occur in the area are river herring (Alosa pseudoharengus and A. aestivalis) and striped bass (Morone saxatilis) as well as the semi-anadromous white perch (Morone americana) and yellow perch (Perca flavescens).

Alewives and blueback herring are marketed as river herring and are frequently discussed together as such. Schools of river herring enter fresh and brackish water once a year to spawn. Spawning period is from March through July. Alewives spawn in large rivers, small streams, and ponds, including beach barrier ponds. Spawning substrates include gravel, sand, detritus, and submerged vegetation with sluggish water flows and water depths of 15cm - 3m. Blueback herring spawn in swift-flowing, deeper stretches of rivers and streams with associated hard substrate and in slower-flowing tributaries and flooded low-lying areas adjacent to main streams with soft substrates and detritus.

Adult striped bass are typically an inshore schooling species, usually found where at least some current is running over bottoms of rock, boulders, gravel, sand, and detritus. In the Chesapeake Bay region, the striped bass is anadromous and spawning migrations begin as early as March with peak spawning activity at the end of April or early May. Larval nursery areas are the same as the spawning areas. Larvae are found in both fresh and brackish waters often in association with larvae of Morone americana.

White perch are ubiquitous in estuaries and freshwater ecosystems, living in waters ranging in salinity from zero to full-strength seawater. This species is essentially estuarine and exhibits semi-anadromous migrations. Because white perch tolerate a wide range of salinities, they become easily acclimated in freshwater ponds and other impoundments. White perch prefer areas with level bottoms composed of compact silt, mud, sand, or clay. They spawn in shallow water, with no preference for bottom type. White perch do not depend on vegetation, rocks, debris, or manmade structures for shelter as they are commonly found in open water.

In the Chesapeake Bay region, yellow perch are found in brackish water (< 13 ppt) at river mouths. Yellow perch require freshwater for spawning and begin their spawning migrations from the river mouth into tributaries in late February and early March. Yellow perch are frequently associated with shoreline areas where moderate amounts of vegetation (e.g. pondweed, Potamogeton) provide food, cover, and spawning habitat. Yellow perch adults can be found in moderate currents but prefer sluggish currents or slack water habitat, particularly during spawning. Habitat requirements of juvenile yellow perch are similar to those of adults.

Shellfish

There are no clam or oyster beds in the immediate vicinity of the proposed project (Figure 3). To the south, extending from Saltworks Creek to Luce Creek, lies N.O.B. 4-5. Blue crabs would be expected to be found throughout the subestuary if submerged vascular plant beds were present.

Natural Heritage Areas

No rare, threatened, or endangered species are documented from the property according to the Anne Arundel County Office of Planning and Zoning. The closest Natural Heritage Area is Round Bay Bog located on the western shore of Maderes Creek.

Projected Impacts

Each of the proposed piers will impact 20-40 square feet of tidal wetland plant species. The height of the pier should be sufficient to allow the underlying plants to receive sufficient sunlight to carry out their photosynthetic requirements. If the height of the pier equals its width (as the Army Corps of Engineers recommends), then the pier impacts will be minimized. The placement of the pier pilings will result in a temporary increase in turbidity, but no long-term negative impacts will result. No dredging is anticipated as sufficient deepwater is within a short distance from shore.

A joint-use catwalk is proposed as access to the piers from the residences. The catwalk will be placed outside of the wetlands wherever possible, and, thus, negative impacts to wetlands will be minimal.

The applicant is proposing to build two residences, each at the top of the bank of a contiguous slope. Most of the slope surface is vegetated, however, a few "bald" spots were observed. If the unvegetated portions are planted with small shrubs and bushes, then erosion should be minimized.

In addition, a third lot is proposed using the outparcel with street access to Bargagni Road. 1989 percolation testing will determine if the lot will percolate and be suitable for a septic system. This lot will also have waterfrontage but must pass through adjacent lots with a pedestrian ingress/egress easement to avoid the wetlands. A pier is also proposed for this lot.

Conclusions

The environmental concerns of the proposed project are threefold. Firstly, two piers are proposed initially and a third is sought if an additional lot becomes a reality. The expected environmental impacts of these piers are addressed in the previous section with the conclusion that with proper design and construction, no long-term detriments to the environment will result. Secondly, due to the need for access to the piers, a joint-use catwalk is proposed. This catwalk will be constructed outside of the wetlands wherever feasible, thus, intrusions into wetlands will be minimal. Thirdly, the proposed construction on the top of steep slopes should not have any adverse environmental impacts as long as the slopes are vegetated and properly stabilized.

In conclusion, we find no significant nor long-term negative environmental impacts associated with the proposed project. The applicant is sensitive to the environmental concerns inherent to the project and has been very willing to alter his plans in order to minimize environmental impacts.

Judge John C. North, II
Chairman



Ren Serey
Executive 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 25, 2002

Mr. Frank McKenzie
Dept. of Planning, Zoning & Community Development
PO Box 870
Salisbury, Maryland 21803-0870

RE: Richardson Property - Growth Allocation Issues

Dear Mr. McKenzie:

This letter is meant to clarify the growth allocation issues of the Richardson property, the subject of last week's Planning Commission meeting. In 1992, the subject property underwent a subdivision where a total of three lots were created. Under the RCA density limitation, the property was entitled to a limit of two dwelling units within the Critical Area portion of the property. Lots 1 and 2 were designated for development within the Critical Area, while Lot 3 was designated as open space without any development rights remaining. Growth allocation would be necessary to have any development occur on Lot 3A.

According to the Critical Area table on the 1992 subdivision plat, the parent parcel had 40.6 acres of RCA. Based on our recent discussion, there may be slightly more. Provided that 40 contiguous acres of RCA remain (including the RCA on Lots 1 and 2), a small portion of Lot 3A may be given growth allocation to change the designation to LDA. (This scenario is different from the recent "Twin Pines" growth allocation because that request would have resulted in less than 40 acres of RCA remaining. That meant that the area of Lots 1 and 2 would also have to be deducted.) If, for example, 0.5 acres of growth allocation were granted on Lot 3A, in the vicinity of the Critical Area boundary, the new LDA area could be used for a septic area for a house sited outside of the Critical Area. This office could support a growth allocation request to change a small area to LDA provided that any development within the LDA area was consistent with the County's LDA development regulations (impervious surface limit, afforestation, etc.) and 40 contiguous acres of RCA remained. Since it is important that the RCA lands are in a contiguous block, the applicant should carefully consider the proposed location of the LDA lands. For a number of reasons, we recommend that the applicant avoid creating an LDA island with a pipe stem in the middle of the RCA/open space.

I hope this information is useful. Please contact me if there are any further questions regarding this issue. I can be reached at (410) 260-3477.

Sincerely,


LeeAnne Chandler

Natural Resources Planner

Cc: WI80-02

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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February 26, 2002

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

RE: File #03-01-10-0011-C, C. Temple Rhodes Subdivision – REVISION #1

Dear Ms. Hyer-Morgan:

Thank you for providing the revised information on the above referenced subdivision. The applicant proposes to subdivide his property into three lots. The property has a total of 94.267 acres within the Critical Area that are designated RCA. It appears that the site has an extensive shoreline, fringing tidal wetlands, a pond, and several streams. According to the site plan, the property is in agricultural use and only Lot 2 is currently proposed for development. After reviewing the revised plan and response letter with regard to our previous comments, this office has no further Critical Area concerns at this time. It appears that the proposed subdivision is consistent with the County's Critical Area Program.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

Cc: QC592-01

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

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February 26, 2002

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

RE: Gibson's Grant/White's Heritage Ptsp. – Growth Allocation Petition
File #GA 04-02-02-0007(c)

Dear Ms. Hyer-Morgan:

This office has received the growth allocation petition and supporting documentation for the Gibson's Grant project. The applicant is requesting 12.41 acres of growth allocation to change the Critical Area designation from Resource Conservation Area (RCA) to Intensely Developed Area (IDA) on a portion of parcel 45 on tax map 57. In addition, the applicant is requesting that 70.815 acres of LDA (consisting of previously designated growth allocation) be redesignated IDA. The proposed use of the property is a traditional neighborhood development containing 750 dwelling units in various forms.

The growth allocation plans are nearly identical to Revision #2 received in December. Please refer back to that letter for detailed comments on the plan. Many of those comments have not been addressed. With regard to the Growth Allocation petition, Commission staff submits the following comments:

1. While it may not affect the growth allocation deduction, the issue of the starting point for the 300-foot setback remains. The application and your staff report state that a "full 300-foot setback is provided along Macum Creek." However, there is no logical reason to start the 300-foot setback at the existing LDA line. County staff may recall that the Program Subcommittee (on August 1, 2001) was supportive of using the existing bulkhead as a starting point for the 300-foot setback. Also, regardless of where the 300-foot setback begins, a portion of the setback along the north shore of the cove of Macum Creek is only 200-feet wide.
2. Preliminary 10% pollutant reduction calculations must be provided. While the site plan shows the proposed locations of stormwater facilities, additional information is necessary to ensure that adequate treatment will occur on site and that there is sufficient area to accommodate all proposed BMPs.

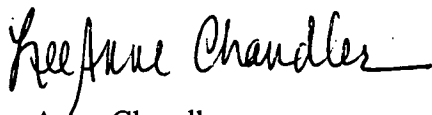
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Ms. Sue Ann Hyer-Morgan
February 26, 2002
Page 2

3. The County must provide documentation of how the adjacency guidelines for growth allocation contained in the Criteria (COMAR 27.01.02.06) have been addressed.

Thank you for the opportunity to comment on the Growth Allocation petition. If you have any questions concerning these comments or would like to discuss these issues further, please call me at (410) 260-3477.

Sincerely,



LeeAnne Chandler
Natural Resources Planner

cc: QC595-00

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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February 26, 2002

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

RE: Administrative Subdivision (Relocation of lot line) - Patricia M. Stabler Property
#07-02-02-0002-C

Dear Ms. Hyer-Morgan:

Thank you for providing information on the above referenced administrative subdivision. The applicant proposes to convey a 40-foot wide strip of land to a neighbor to provide a new access point to an existing property. The neighbor, in turn, is relinquishing his rights to the existing right-of-way across the applicant's property. It does not appear that the relocation of the lot line will cause any non-conformities. We have no Critical Area concerns regarding this subdivision.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

Cc: QC103-02

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

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Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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February 27, 2002

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

RE: Variance Case No. 2002-0055-V, Audrey & Richard Hogart

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance request. The applicant is requesting a variance to permit a deck addition with less setbacks and Buffer than required. The property is designated IDA and is currently being developed with a new dwelling and parking pad.

This office often does not oppose attached decks of reasonable size provided impacts are minimized. It is not clear why the deck was not shown and approved in the previous variance request (especially because one was clearly planned). The house could have been placed closer to the street to allow more of a Buffer between the deck and the wetlands. If the deck is approved, we recommend that the footers be hand dug. Also, additional mitigation should be provided at a 3:1 ratio for disturbance within the Buffer.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: AA132-02

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Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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February 27, 2002

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

RE: Variance Case No. 2002-0031-V, Elvin & Marion Spruill

Dear Ms. Plociennik:

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

Provided this lot is properly grandfathered, this office does not oppose the siting of a single family dwelling on it. However, impacts should be minimized and the variance requested should be the minimum to provide relief. Based on the information provided, it appears that a variance would be necessary for any development activity on this lot. The proposed dwelling is reasonable in size. If a deck will be desired in the future, it should be included in the current request. The non-tidal wetlands on this site are within the expanded Buffer to adjacent tidal wetlands. Therefore, we recommend mitigation for all disturbance at a 3:1 ratio. Also, future property owners should be made aware of the restrictions on any further development on this lot. A conservation easement over the remaining non-tidal wetlands is appropriate.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: AA98-02

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



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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February 27, 2002

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

RE: Variance Case No. 2002-0033-V, Michael Higham


Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance request. The applicant is requesting a variance to permit a commercial structure and associated facilities with less Buffer than required and with disturbance to steep slopes. The property has a split designation of LDA and RCA and it is currently developed with an existing commercial structure and associated parking.

Based on the information provided, the proposal will not increase impervious cover and will provide stormwater management where none exists today. It seems that impervious cover within the expanded Buffer will actually decrease with redevelopment. We therefore do not oppose the variance for disturbance within the expanded Buffer. The proposed disturbance to steep slopes within the Buffer and in the RCA seems unavoidable due to the existing topography. Typically, this office cannot support disturbance within the RCA to support development outside of the RCA. In this case, since it is a redevelopment project, rather than new development, an exception may be warranted. Care should be taken to ensure the slopes and floodplain are protected from erosion. Also, the 13,000 square feet of clearing should be mitigated at a 1:1 ratio.

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

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: AA100-02

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



Ren Serey
Executive Director

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

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February 27, 2002

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

RE: Variance Case No. 2002-0050-V, Timothy Hulsey

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance request. The applicant is requesting a variance to permit a dwelling addition with less setbacks and Buffer than required and with disturbance to steep slopes. The property is designated LDA and is currently developed with a dwelling, deck, and small driveway.

This office often does not oppose additions of reasonable size provided that impacts are minimized. The proposed small (54 square feet) addition appears minimal in size. The application was not clear as to the method of digging the footers. If possible, we recommend that the footers be installed by hand (if the addition is elevated at all). If any woody vegetation is removed in the course of construction, we recommend that it be replaced in kind.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: AA129-02

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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February 27, 2002

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

RE: Variance Case No. 2002-0047-V, William Blanchet

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance request. The applicant is requesting a variance to permit dwelling additions with less setbacks and Buffer than required and with disturbance to steep slopes. The property is designated RCA and is currently developed with a dwelling, driveway and two unidentified structures.

This office does not oppose redevelopment of this lot. However, impacts must be minimized and the variance requested should be the minimum to provide relief. While the proposed house is not located closer to the water than the existing dwelling, there is an increase in impervious cover within the expanded Buffer. The increase could be minimized by shifting the proposed garage entirely outside of the expanded Buffer. Also, the proposed stormwater device must be shown on the variance plan. It is considered a structure and requires a variance to be located in the expanded Buffer. The site plan should also be revised to include a proposed limit of disturbance. It is not clear why a variance to disturb steep slopes is being requested. We recommend that stormwater management also be provided to treat the runoff from the extensive driveway (especially because it is proposed to be paved). If the variance is approved, we recommend mitigation at a 3:1 ratio for all disturbance within the Buffer or expanded Buffer. Also, reforestation at a 1:1 ratio should be provided for any clearing outside of the Buffer.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: AA127-02

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Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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February 27, 2002

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

RE: Variance Case No. 2002-0051-V, Timothy & Lynne Campbell

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance request. 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 dwelling and driveway.

This office often does not oppose attached decks of reasonable size provided that impacts, both from construction and long-term, are minimized. Given the existing location of the dwelling, it does not appear possible to construct a deck without a variance. However, the request would be minimized if, for the two sets of steps, the materials were changed from impervious stone to a pervious deck material. The two-level deck with the first floor screened in would increase impervious by 170 square feet. This seems a reasonable expansion of living space. The change in material may also allow the footers to be hand-dug rather than having to install a concrete foundation. If approved, we recommend that all disturbance within the Buffer be mitigated at a 3:1 ratio in the form of Buffer plantings. Based on the tree line as it appears on the site plan, it seems there may be an area between the dwelling and the water that could be planted.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: AA130-02

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

Judge John C. North, II
Chairman



Ren Serey
Executive 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, 2002

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

RE: Variance Case No. 2002-0052-V, Kathleen Songey & Thomas Stone

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance request. The applicant is requesting a variance to permit a dwelling addition with less setbacks and Buffer than required. The property is designated LDA and is currently developed with a dwelling, deck, patio, garage and driveway.

This office often does not oppose additions of reasonable size provided that impacts are minimized. Given the excessive impervious cover already existing on this lot, we would be opposed to any increase. However, because the applicant proposes to decrease overall impervious cover, we do not oppose the variance requested. We recommend that, if approved, a condition be included that would require the existing impervious areas to be removed prior to approval of any building permit for the additions. Further, these areas should be established in vegetation (but not just grass) to ensure perviousness. (This office has been made aware of enforcement problems whereby the promised impervious removal never occurs.) Also, we recommend that one of the areas of impervious removal be made into a rain garden or other stormwater facility to help treat runoff from all of the existing impervious areas.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: AA131-02

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

Judge John C. North, II
Chairman



Ren Serey
Executive 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, 2002

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

RE: Variance Case No. 2002-0049-V, Brandon Belote

Dear Ms. Plociennik:

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

Provided that there is no increase in impervious cover, this office has no comment on this setback variance. Any woody vegetation removed in the course of construction should be replaced in kind.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: AA128-02

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

Judge John C. North, II
Chairman



Ren Serey
Executive 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, 2002

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

RE: Major Site Plan: Stepping Stone Day Care Facility
#MASP 04-02-02-0005

Dear Mr. Cohoon:

This office has received information on the above referenced site plan. Based on a review of the information provided, it appears that we were provided a copy of the application as a courtesy, since the site is outside of the Critical Area. We have no comments on this application.

Sincerely,

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

LeeArne Chandler
Natural Resources Planner

Cc: QC106-02

Branch Office: 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 1, 2002

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

RE: Ellendale Growth Allocation

Dear Mr. ^{Steve}Cohoon:

Chairman North has determined that the Ellendale Growth Allocation request may be handled as a refinement to the County's Program. The Commission will discuss the request for concurrence with the Chairman's determination at the March 6, 2002 Commission meeting in Crownsville.

The decision to handle this project as a refinement rather than an amendment was made after we received the proposed text amendments to change the County's Growth Allocation process. It was made in good faith that the text amendments will continue through the County's legislative process. There is the possibility that Commission members may vote to override the Chairman's determination and insist that this project be handled as an amendment. A public hearing would then have to be scheduled and the vote delayed until the next Commission meeting.

The Program Subcommittee will begin its meeting at 11:00 am. Your presence would be much appreciated. If you have any questions or concerns regarding this matter, please do not hesitate to contact me at (410) 260-3477.

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: Amendment file

Branch Office: 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 7, 2002

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

RE: Variance Case No. 2001-0519-V, Beverly Mueller

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance request. The applicant is requesting a variance to exceed impervious cover in the Critical Area. The property is designated LDA and is currently developed with a townhome and driveway.

The subject property is located in Section two of the Woods Landing townhome community. This community received final subdivision approval in 1996, eight years after the County approved its Critical Area Program. Despite recommendations of County and Critical Area Commission staff, the subdivision was approved with 14.97% impervious coverage overall. This percentage of impervious cover does not allow for extra impervious cover on each individual lot. In fact, total impervious allowed for each lot was specified as follows: 748 square feet for the townhouse; 24 square feet for the concrete front stoop; 12 square feet for a concrete slab right outside the back door; 27 square feet for the private sidewalk; and approximately 220 square feet for a driveway. Stormwater management was engineered according to the impervious surfaces as approved on the plat. Additional impervious cover is not consistent with the approved subdivision plat or the County's Critical Area Program.

The application states that the additional impervious cover is necessary to construct a walkway besides the driveway to the front door and a patio outside the back door. The application further states that the front walkway is meant to accommodate the family's handicap needs. In the 2000 legislative session, the Maryland General Assembly amended the Chesapeake Bay Critical Area Protection Act, requiring local Critical Area programs to include, "Provisions for reasonable accommodations in policies and procedures when the accommodations are necessary to avoid discrimination on the basis of physical disability, including provisions that authorize a local jurisdiction to require removal of a structure that was installed or built to accommodate a

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

Ms. Ramona Plociennik
March 7, 2002
Page 2

physical disability and require restoration when the accommodation permitted by this paragraph is no longer necessary." The law became effective July 1, 2000. To date, Anne Arundel County has not met this requirement of the State law. Therefore, consideration of this application should depend on the County amending its local ordinance.

The proposed walkway is six to nine feet wide and runs from the street to the home. According to the Americans with Disabilities Act Standards for Accessible Design (enforced by the U.S. Department of Justice), the minimum clearance width for a sidewalk is 36 inches (3 feet). The proposed sidewalk is up to triple the minimum width. We recommend that the applicant redesign the allowable impervious coverage (27 square feet is allowed according to the plat) to provide accommodation for the family's handicap needs.

With regard to the patio, a small stoop (12 square feet) is provided for each unit in the subdivision plat. While it would be convenient to have a full patio outside the back door, we cannot support the variance for the additional impervious cover. There is no indication that the patio is requested to accommodate a physical disability. Absent such an indication, perhaps a stepping stone walkway could be installed to provide access from the sliding door to the steps. The remainder should be pervious.

Enclosed with this letter are photocopies (from our microfiche files) of several parts of the plat that are referenced above. In addition, for your information, there is a photocopy of a page from *Designing Sidewalks and Trails for Access, Part I of II: Review of Existing Guidelines and Practices* (published by the U.S. Department of Transportation, Federal Highway Administration, Publication No.: FHWA-HEP-99-006) which provides information on official accessibility guidelines for sidewalks.

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

Sincerely,



LeeAnne Chandler
Natural Resources Planner

Enc.

cc: Stephen LeGendre, Administrative Hearing Officer
Marianne D. Mason, Esq.
Penny Chalkley
AA38-02

CRITICAL AREA ANALYSIS

LDA: LIMITED DEVELOPMENT AREA

- 1. Total site area: 31.16 Ac. (1,357,330 ϕ)
- 2. Total woodlands located on site: 30.00 Ac. (1,306,800 ϕ)
- 3. Woodlands area to be cleared: 8.43 Ac. (367,024 ϕ) (28.1%)
- 4. Impervious area:

Townhouses (114 units x 748 ϕ)	-----	85,272 ϕ
Concrete stoops (114 units x 24 ϕ)	-----	2,736 ϕ
Concrete slabs (114 units x 12 ϕ)	-----	1,368 ϕ
Private sidewalk (114 units x 27 ϕ)	-----	3,078 ϕ
Driveways	-----	25,810 ϕ
Parking courts	-----	71,870 ϕ
Private sidewalk (along Pintall Lane)	-----	1,360 ϕ
Public roads	-----	10,638 ϕ
Public sidewalks	-----	1,120 ϕ
		Total = 203,252 (4.67 Ac.) (14.97%)

5. The reforestation required by the developer shall be mitigated on a 1 1/2 to 1 basis in the form of off-site plantings in the critical area or payment of fee-in-lieu of plantings prior to grading approval.

6. The buffer was established by using four methods
- 1. 100' setback from tidal wetlands
 - 2. 50' setback from steep slopes
 - 3. Highly erodible soils greater than 5%
 - 4. 4' for each degree of slope.

For H

50-18027A (1/16")
 Tensile Strength
 Tensile Modulus
 Elong. Rate
 Filtering Efficiency
 50-18027B (1/16")
 20-18027C (1/16")
 0.3 gpl 15% nitrate conc. 1.5
 75% efficiency

TEST: MEAT 309
 TEST: MEAT 309
 TEST: MEAT 322
 TEST: MEAT 322

Where ends of geotextile fabric come together they shall be overlapped
 and stapled to prevent bottoming out.
 All fabric ends shall be stapled after each roll is unrolled and maintained until
 raised back or when sediment accumulation reaches 50% of the fabric height.

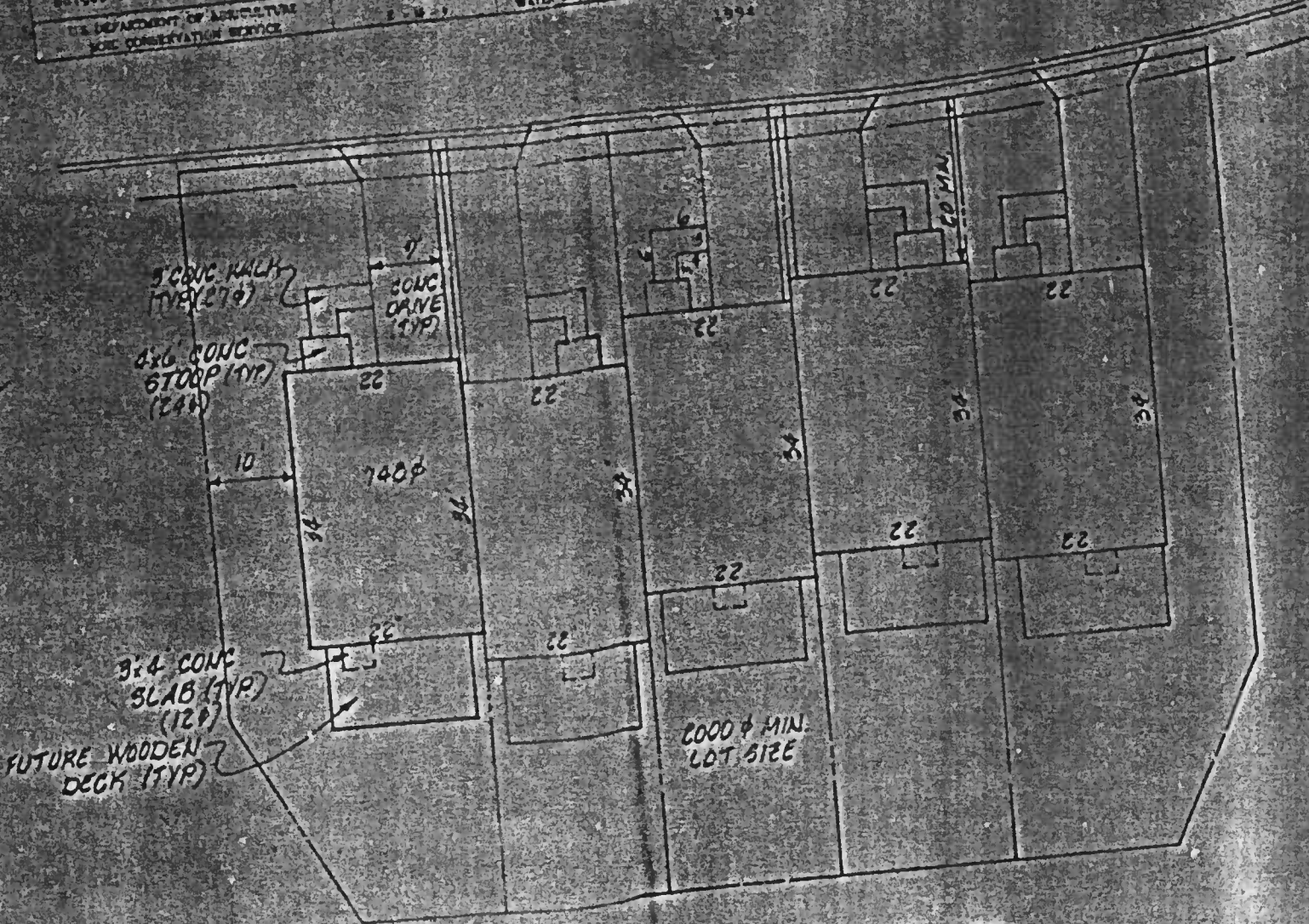
U.S. DEPARTMENT OF AGRICULTURE
 SOIL CONSERVATION SERVICE
 U.S. DEPARTMENT OF ENVIRONMENT
 WATER MANAGEMENT ADMINISTRATION
 PAGE 2 OF 2
 1994

ON

adequate to contain
 I certify that this
 and workable plan
 prepared in accordance
 Conservation District Plan
 and Specifications for
 erosion and sediment

Date: 4/1/94

inc



CRITICAL LDA LIMITS

- Total site area
- Total woodlot
- Woodlands
- Impervious cover

- The reform on a 1/1 critical grading
- The buff 1' 100' 2.50' 3. High 4. 4'c

OWNER - DEVELOPER
 WARD ST. JOHN
 2005 LANDING NO. 2 JOINT VENTURE
 20 EXECUTIVE DRIVE
 BALTIMORE, MD. 21228
 PHONE: (410) 553-0070

TYPICAL ROW TOWNHOMES
 SCALE: 1" = 20'

BAY

Common Area "A"	14.40
Open Space "A"	0.95 Ac.
Open Space "B"	0.19 Ac.
Open Space "C"	0.21 Ac.
Open Space "D"	3.19 Ac.
Open Space "E"	
Total Open Space	19.00 Ac.
Total Area	31.16 Ac.

RECEIVED

MAY 8 1996

CHESAPEAKE BAY
CRITICAL AREA COMMISSION

PLAT ONE OF FOUR
WOODS LANDING

SECTION TWO
CLUSTER TOWNHOUSE LOTS

County Health Department
(Systems)

4/22/96

Date

SUBDIVISION NO. 73-519

PROJECT NO. 95-221

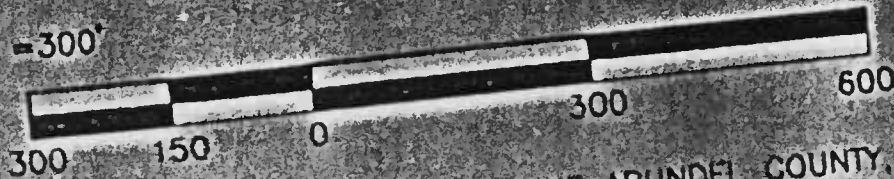
TAX MAP 40

BLOCK 18

PARCEL 163

SCALE: 1" = 300'

NOVEMBER 1995



Enforcement Date

ANNE ARUNDEL COUNTY, MD 21401

PAGE

PLAT NO.

THIRD DISTRICT

NOTICE TO TITLE EXAMINERS

- 1. The plat has been approved for recording and shall become part of the public records...
2. A map or sketch of any site...
3. A building permit other than a simple permit may not be issued for any construction in this development...

DEDICATION BY OWNERS

Woods Landing No. 2 Joint Venture, a Maryland Partnership, as owner of the property shown and described herein, hereby dedicates this plat of subdivision, establishes the subdivision building restriction lines and dedications shown hereon...

OWNER/DEVELOPER CERTIFICATION

I, the undersigned, do hereby certify that the plat and contract documents attached hereto are true and correct copies of the original documents as recorded in the Public Service Commission of Maryland...

TEMPORARY CONSTRUCTION EASEMENT

A temporary easement is hereby granted to the owner of the property shown and described herein for the purpose of constructing and maintaining the proposed improvements...

SURVEYOR'S CERTIFICATE

I hereby certify that the plat shows the true and correct location of the property shown and described herein, and that it is a subdivision of part of the lands owned by Woods Landing No. 2 Joint Venture...

The requirements of Section 3-108 of the Real Property Article, Annotated Code of Maryland, 1988 replacement volume, are hereby acknowledged to be in full force and effect in the making of this plat...

ANAREX, INC. ENGINEERS SURVEYORS EXPEDITORS PLANNERS 303 HAZLEWOOD BLVD. SUITE 114 MILFORD, MD 21110-2008 PHONE: (410) 387-9400

PRIVATE STORMWATER MANAGEMENT WORK

The subdivision shown contains management facilities for stormwater runoff from the proposed development. The facilities are designed to meet the requirements of the Stormwater Management Code...

ALLOCATION NOTE

This subdivision plat is subject to the requirements of Article 27, Title 3 of the Anne Arundel County Code as it relates to the allocation of water and sewer capacity...

COASTAL FLOOD PLAIN AND HIGH HAZARD

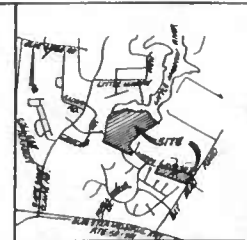
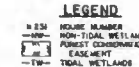
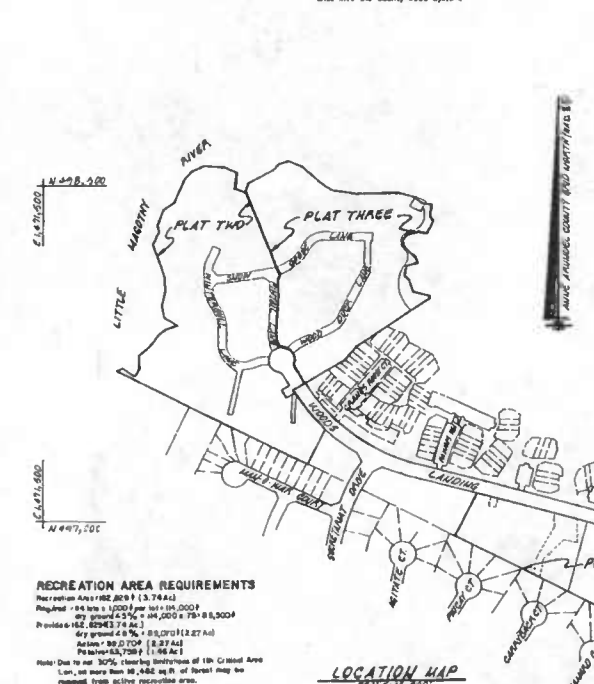
Wood Duck Lane, Suite 200, Annapolis, MD 21403-1006 is a coastal high hazard area as established by the Federal Emergency Management Agency (FEMA)...

DEVELOPMENT PLAN STATEMENT

Development of this subdivision shall be undertaken only in accordance with the approved final development plan on the site...

PRIVATE ROAD STATEMENT FOR PARKING COURTS

Wood Duck Lane, Suite 200, Annapolis, MD 21403-1006 is a private road as defined in the Anne Arundel County Code...



SCALE: 1" = 2,000' AGC MAP: 16 CNO: H-13

GENERAL NOTES

- 1. To meet the Flood Hazard Ordinance restrictions on construction, the applicant shall provide a Flood Hazard Ordinance compliance plan...
2. The existing 10' wide x 12' deep parking courts shall be maintained...
3. Anne Arundel County Ordinance 20-10...
4. Dead End Road 110/200...
5. F.E.M.A. Map: 24000-0202C sheet 8-07...
6. Clearing shall be completed and undertaken only for those areas indicated on the Final Development Plan...
7. There shall be no disturbance of wetlands, riparian areas or other features except as shown on the Final Development Plan...
8. A Landscape/Erosion Control Plan is required prior to issuance of building permits for the subdivision...
9. The minimum required parking requirements are 2 spaces per lot...
10. Due to the requirements of 2' offset parking spaces, all lot garages may not be attached or connected to the lot...
11. There shall be no cutting, trimming or clearing of vegetation within the limits of the Forest Conservation Easement...
12. All structures in this subdivision shall be equipped with automatic fire suppression systems...
13. The Forest Conservation Easement shall be maintained in accordance with the terms and conditions of the recorded deed...
14. The final plat shall be subject to the approval of the Department of Planning and Code Enforcement...
15. The final plat shall be subject to the approval of the Department of Planning and Code Enforcement...
16. The final plat shall be subject to the approval of the Department of Planning and Code Enforcement...
17. The final plat shall be subject to the approval of the Department of Planning and Code Enforcement...
18. The final plat shall be subject to the approval of the Department of Planning and Code Enforcement...
19. The final plat shall be subject to the approval of the Department of Planning and Code Enforcement...
20. The final plat shall be subject to the approval of the Department of Planning and Code Enforcement...

ZONING/SETBACKS

R-3 FRONT = 20' REAR = 20' SIDE = 7' MIN. TO R. (END LOTS) MINIMUM DISTANCE BETWEEN BUILDINGS SIDE TO SIDE = 3' BACK TO BACK = 4' G.S. = 10'

OVERALL AREA TABULATIONS

Table with 2 columns: Description and Area. Includes Right Of Way (Public), 116 Cluster Lot Area, Recreable Area, Open Space, Open Space 2, Open Space 3, Open Space 4, Open Space 5, Open Space 6, Open Space 7, Open Space 8, Open Space 9, Open Space 10, Total Open Space, and Total Area.

RECREATION AREA REQUIREMENTS

Recreation Area: 482,809 sq. ft. (3.7442) Required: 14.14 acres (1,000,000 sq. ft.) 67% provided (3,124,000 sq. ft.) 22% provided (482,809 sq. ft.) 67% provided (3,124,000 sq. ft.) 22% provided (482,809 sq. ft.)

CRITICAL AREA ANALYSIS

LDA LIMITED DEVELOPMENT AREA

- 1. Total site area: 31.84 ac (1,367,330 sq. ft.)
2. Total wooded area: 12.00 ac (520,000 sq. ft.)
3. Wooded area to be preserved: 8.43 ac (367,024 sq. ft.)
4. Wooded area to be preserved: 8.43 ac (367,024 sq. ft.)
5. Wooded area to be preserved: 8.43 ac (367,024 sq. ft.)
6. Wooded area to be preserved: 8.43 ac (367,024 sq. ft.)
7. Wooded area to be preserved: 8.43 ac (367,024 sq. ft.)
8. Wooded area to be preserved: 8.43 ac (367,024 sq. ft.)
9. Wooded area to be preserved: 8.43 ac (367,024 sq. ft.)
10. Wooded area to be preserved: 8.43 ac (367,024 sq. ft.)

Water-Bulk is placed on water retention area with less than 75% closed area approved by the Department of Planning and Code Enforcement 8/11/96.

The requirements of the Anne Arundel County Health Department have been met in property site plan (Public System) 4/22/96 5179a

RECORDED IN PLAT BOOK PAGE PLAT NO.

PLAT ONE OF FOUR WOODS LANDING SECTION TWO CLUSTER TOWNHOUSE LOTS

SUBDIVISION NO. 73-319 PROJECT NO. 95-221 TAX MAP 40 BLOCK 19 PARCEL 153 SCALE: 1" = 300' NOVEMBER 1995

THIRD DISTRICT ANNE ARUNDEL COUNTY, MD 21040

Table 4-2.1:
Federal Accessibility Guidelines for Accessible Routes

Source	Maximum Allowable Running Grade without Handrails %	Maximum Grade with Handrails and Level Landings % m	Maximum Allowable Running Cross-Slope %	Minimum Clearance Width m	Maximum Allowable Vertical Change in Level mm	Minimum Allowable Vertical Clearance (Overhead) m
ADA Standards for Accessible Design ¹ (US DOJ, 1991)	5.0 ²	8.33 ² 9.1	2.0	0.915 ³	6 ⁴	2.030
UFAS (US DoD, et al., 1984)	5.0 ²	8.33 ² 9.1	2.0	0.915 ³	6 ⁴	2.030

¹ The ADA Standards for Accessible Design are identical in content to ADAAG Sections 1–10. However, the Design Standards are enforceable by the U.S. Department of Justice.

² The ADA Standards for Accessible Design require people to use the least slope possible on accessible routes.

³ Minimum clearance width may be reduced to 0.815 m (32 in) at an obstruction for a maximum length of 0.610 m (24 in).

⁴ Changes in level between 6 mm (.25 in) and 13 mm (.5 in) are permitted if beveled with a maximum slope of 50 percent.

Table 4-2.2:
ADAAG-Proposed Section 14 (1994) Accessibility Guidelines for Public Rights-of-Way

Source	Maximum Allowable Running Grade %	Maximum Grade for a Specified Distance (Run) % m	Maximum Allowable Running Cross-Slope %	Minimum Clearance Width m	Maximum Allowable Vertical Change in Level mm	Minimum Allowable Vertical Clearance (Overhead) m
ADAAG-proposed Section 14 (1994) (U.S. Access Board, 1994b)	n/a ¹	n/a n/a	2.0	0.915	6 ²	2.030

¹ Sidewalk slopes may be consistent with the slope of the adjacent roadway.

² Changes in level between 6 mm (.25 in) and 13 mm (.5 in) are permitted if beveled with a maximum slope of 50 percent.

Table 4-2.3:

State Guidelines for Sidewalks

Source	Maximum Allowable Running Grade	Maximum Grade for a Specified Distance (Run)		Maximum Allowable Running Cross-Slope	Minimum Clearance Width	Maximum Allowable Vertical Change in Level	Minimum Allowable Vertical Clearance (Overhead)
	%	%	m	%	m	mm	m
FL Ped. Planning and Dgn. Guidelines (University of NC Hwy. Safety Research Ctr., 1996)	5.0	n/a ¹	n/a ¹	2.0	1.220	n/a	n/a
Oregon Pedestrian Design Guidelines	5.0	8.33	9.1	2.0	1.0	n/a	2.1
Architectural Barriers Act (Texas Department of Licensing and Regulation, 1997)	5.0	8.33	9.1	2.0	0.915	6 ²	2.030

¹ Florida directs people to the ADA for maximum grade requirements.

² Changes in level between 6 mm (.25 in) and 13 mm (.5 in) are permitted if beveled with a maximum slope of 50 percent.

Table 4-2.4:

Additional Recommendations for Sidewalks

Source	Maximum Allowable Running Grade without Handrails	Maximum Grade with Handrails and Level Landings	Maximum Allowable Running Cross-Slope	Minimum Clearance Width	Maximum Allowable Vertical Change in Level	Minimum Allowable Vertical Clearance (Overhead)	
	%	%	m	%	m	mm	m
Accessibility for Elderly and Handicapped Peds. (Earnhart and Simon, 1987)	5.0	8.33	9.1	2.0	0.915	6 ¹	2.030
ANSI A117.1-1980 (ANSI, 1980)	5.0	8.33	9.1	2.0	0.915	6 ¹	2.030
ANSI A117.1-1992 (Council of American Building Officials, 1992)	5.0	8.33	9.1	2.1	0.915	6 ¹	2.030
Dgn. and Safety of Ped. Facilities (ITE Tech. Council Comm. SA-5, 1998)	8.0	8.0	9.1	2.1	0.915	n/a	n/a

¹ Changes in level between 6 mm (.25 in) and 13 mm (.5 in) are permitted if beveled with a maximum slope of 50 percent.

Judge John C. North, II
Chairman



Ren Serey
Executive 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 7, 2002

Mr. Steve Cohoon
Department of Planning and Zoning
160 Coursevall Drive
Centreville, Maryland 21617

RE: Ellendale Growth Allocation

Dear Mr. Cohoon:

At its meeting of March 6, 2002, the Chesapeake Bay Critical Area Commission concurred with the Chairman's determination that the above referenced request for growth allocation qualifies as a refinement to the Queen Anne's County Critical Area Program. Chairman North has approved this refinement to the County's Program with one condition. The condition is that the Buffer Management Plan shall be reviewed and approved by Commission staff. The Critical Area designation of a portion of Parcel 20 of Tax Map 56 (as shown on the Critical Area Growth Allocation Plan received by this office on February 21, 2002) shall be changed from Resource Conservation (RCA) to Intensely Developed Area (IDA). A total of 25.73 acres of growth allocation will be deducted from the County's reserve.

Pursuant to Natural Resources Article 8-1809(o)(2), Annotated Code of Maryland, as amended, the County should make the necessary change to the County's Critical Area map within 120 days of receipt of this letter. A copy of the revised map should be sent to our office when it is available. If you have any questions regarding this matter, please contact me at (410) 260-3477.

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: Amendment file

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

Judge John C. North, II
Chairman



Ren Serey
Executive 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, 2002

Ms. Tanya Krista-Maenhardt
Queen Anne's County Planning & Zoning
160 Coursevall Drive
Centreville, Maryland 21617

RE: Critical Area Map Amendment #02-02-0011© - Downey/Corson
New Buffer Exemption Area designation

Dear Ms. Krista-Maenhardt:

Thank you for providing information on the above referenced map amendment. Commission staff has reviewed the information provided as well as the BEA section in the County's Critical Area Program. The applicants are requesting the addition of a new Buffer Exemption Area along the southern boundary of a canal that is located on the northwestern side of Kent Narrows. We have the following comments:

1. The County's Critical Area Program (page 44) states that applicants for BEA designation must demonstrate that the pattern of residential, industrial, commercial or recreational development present as of December 1, 1985 prevents the Buffer from fulfilling its functions. The petition for the BEA designation does not include any evidence in regard to the development within the Buffer existing as of 1985. The ownership, current zoning and Critical Area designation are irrelevant as to a BEA designation. Exhibit number 4, the site plan from McCrone, just shows the proposed BEA and does not reflect the condition (structures, vegetation, etc.) of the Buffer as of 1985.
2. From the information provided, it is not clear that all canals shown on the maps were automatically designated IDA and made Buffer Exempt. In fact, the subject canal was specifically designated as a strip of LDA between areas of IDA and RCA.
3. As presented, the petition stating, "the original buffer area designation is not reflective of the pattern of the residential, industrial, commercial or recreational development present as of December 1, 1985, which prevents the Buffer from fulfilling its intended purpose," is not sufficient for findings to be made by the Planning Commission. Dated aerial photographs or dated site plans of the properties

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Ms. Tanya Krista-Maenhardt
March 14, 2002
Page 2

(showing the condition of the Buffer) should be provided in order for findings to be made as required.

4. Enclosed for your information are the Buffer Exemption Area Policies adopted by the Critical Area Commission. Referring to page 5 in the Residential policy and page 7 for the Commercial/Multi-family policy, the County should submit written findings and supporting reasons which demonstrate the degree to which a proposed BEA does not perform each of its listed functions. These findings are necessary to support the map amendment. They were made necessary through a decision of the Calvert County Circuit Court (Civil Action No. 4-C-98-540) that found that the Town of Chesapeake Beach, in designating a BEA, did not address each of the "policies" regarding the Buffer (COMAR 27.01.09.01(B)).

Thank you for the opportunity to review this map amendment. We recommend that the applicant revise the petition to include the necessary evidence as outlined above. If you have any questions or concerns regarding our comments, please contact me at (410) 260-3477.

Sincerely,



LeeAnne Chandler
Natural Resources Planner

Enc.

Cc: Amendment file

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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March 14, 2002

Ms. Sue Ann Hyer-Morgan
Queen Anne's County Planning & Zoning
160 Coursevall Drive
Centreville, Maryland 21617

RE: Text Amendment #02-01© - To provide for by-right, compact, mixed use residential & commercial development within Urban Commercial and Town Center Zoning

Dear Ms. Hyer-Morgan:

Thank you for providing information on the above referenced text amendment. Commission staff has reviewed the information provided as well as the existing language in the County's Zoning Ordinance. Provided that projects classified as "Commercial-Residential Mixed-Use Housing" are fully consistent with the County's Critical Area Program for each of the three land-use designations, it appears that this text amendment would be consistent with the County's Critical Area Program. Please note however (just in case there are any Urban Commercial or Town Center zoning in the RCA) that new commercial uses are not permitted in the RCA without growth allocation.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

Cc: Text amendment file

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March 15, 2002

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

RE: Variance Case No. 2002-0052-V, Kathleen Songey & Thomas Stone

Dear Ms. Diffenderfer:

Thank you for providing information on the above referenced variance request. The applicant is requesting a variance to permit a dwelling addition with less setbacks and Buffer than required. The property is designated LDA and is currently developed with a dwelling, deck, patio, garage and driveway.

This office often does not oppose additions of reasonable size provided that impacts are minimized. Given the excessive impervious cover already existing on this lot, we would be opposed to any increase. However, because the applicant proposes to decrease overall impervious cover, we do not oppose the variance requested. We recommend that, if approved, a condition be included that would ensure the impervious areas to be removed be established in vegetation (but not just grass) to ensure perviousness. Also, we recommend that one of the areas of impervious removal be made into a rain garden or other stormwater facility to help treat runoff from all of the existing impervious areas.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: AA131-02

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March 15, 2002

Ms. Lisa Collison
Queen Anne's Planning & Zoning
160 Coursevall Drive
Centreville, MD 21617

RE: Major Site Plan #MASP 05-02-02-0009©
Offshore Performance, LLC

Dear Ms. Collison:

Thank you for providing information on the above referenced site plan. The applicant is proposing to construct an 8000 square foot boat repair building with outdoor boat storage. The site is 1.04 acres in size, designated IDA and Buffer Exempt. It currently contains an empty residential dwelling.

Commission staff has reviewed the information provided and we have the following comments:

1. First, while the site is designated as Buffer Exempt, a shore buffer reduction to zero feet is not consistent with the County's Critical Area Program and ordinance. Buffer exemption status is meant to provide flexibility by using alternative measures to protect water quality and habitat but with the requirement of a minimum 50-foot Buffer. Development of this site for a commercial use could still occur with a 50-foot Buffer in place.
2. This office is not aware of any shore buffer reductions to zero feet anywhere in the County. (Disturbance within the minimum Buffer in a BEA requires a variance.)
3. The proposed stormwater management does not meet the 10% pollutant reduction rule. It is not clear what "credits" are provided such that it meets the new County regulations either.
4. Commission staff recommends that the applicant re-design the proposed development to meet the requirements of the County's Critical Area Program.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

Cc: QC82-02

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Ren Serey
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March 18, 2002

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

RE: Variance Case No. 2001-0484-V, Martin Poretsky

Dear Ms. Miley:

Thank you for providing information on the above referenced variance request. The applicant is requesting a variance to permit a dwelling with less setbacks and Buffer than required and with disturbance to the steep slope buffer. The property is designated RCA and is currently developed with a single-family dwelling. The site is not Buffer Exempt. Under current Buffer Exemption Area policies, the property would not qualify for Buffer Exemption due to its size and a lack of a pattern of development in the area. The site is subject to the minimum 100 foot Buffer requirement.

This office does not oppose redevelopment of this lot. Impacts should be minimized and the variance requested should be the minimum to provide relief. The applicant and his engineer met with Commission staff to discuss this project. After the meeting, the engineer provided a revised site plan, comparing impervious areas to be removed from the Buffer as compared to impervious areas to be placed in the Buffer. Based on the information provided, it appears that there will be a net decrease in impervious areas in the Buffer. It appears that the house design is partially the reason a Buffer variance is needed, though we do recognize that the Buffer impacts the property from three directions. If the house were made longer and narrower, impacts would be further reduced. If the variance is approved, we recommend mitigation at a 3:1 ratio for all disturbance within the Buffer and at a 1:1 ratio for all trees removed outside of the Buffer. The Buffer, particularly the areas where impervious coverage is removed, should be a priority location for plantings.

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

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: Steve Johnson, RWJ
AA56-02

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March 19, 2002

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

**RE: Safeway Food Store - Concept Plan
CP 04-0012-0016(c) - Revision #2**

Dear Ms. Hyer-Morgan:

Thank you for providing Revision #2 of the concept plan for the above referenced project. The applicant is proposing to construct a food store, retail space, a gas station and a connection to an adjacent shopping center. The site is designated IDA and is currently an agricultural field with a small residential structure.

Because the site is designated IDA, the Critical Area issue of concern is the 10% pollutant reduction requirement. With the understanding that the 10% pollutant reduction rule will be addressed during site plan review, this office does not oppose concept plan approval. Please note that widening Piney Creek Road or enlarging the intersection will also require stormwater management. If the 10% rule is adequately addressed for all improvements associated with this project, it appears that the proposal would be consistent with the County's Critical Area Program.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: QC662-00

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March 19, 2002

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

RE: Major Site Plan – File #MASP 04-02-01-0007(c) (Revision #1)
Route 8 Elementary School

Dear Ms. Collison:

Thank you for providing the revised plans for the Route 8 Elementary School. The County Commissioners of Queen Anne's County propose to construct a 68,400 square foot elementary school on a 39.5 acre site that is partially within the Critical Area. The Critical Area designation of 9.295 acres is Resource Conservation Area. The current plans show a soccer/lacrosse field, a parking lot, a baseball field, four tennis courts, and a road within the Critical Area portion of the site. According to McCrone, proposed impervious cover in the Critical Area totals 1.39 acres or 15%. We request that a plat note be added to the plans that clearly states the prohibition on additional impervious cover. Also, we continue to recommend only native species for planting within the Critical Area portion of the site of the site. Please provide an updated landscaping plan to this office for review when it is available.

Thank you for the opportunity to comment. Please contact me if you have any questions or concerns regarding these comments. I can be reached at (410) 260-3477.

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

Cc: QC622-01

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Ren Serey
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March 22, 2002

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

RE: Reclassification 2002-0008-C, Glorius Shenton

Dear Ms. Diffenderfer:

Thank you for providing information on the above referenced reclassification request. The applicant is requesting that a 0.77 acre parcel be reclassified from RCA to IDA. The parcel is currently wooded and the proposed use is a boat repair yard.

The information provided does not clearly indicate if the applicant is requesting reclassification via growth allocation or through correction of a mapping mistake. This should be clarified. If it is a request for growth allocation, the proper means of review and approval is set out in §1A-108 of the County Zoning Ordinance. If the applicant is asserting that a mapping mistake occurred when this property was designated RCA, additional information as to the condition of the property in 1985 should be provided. Also, please note that the non-tidal wetlands map included in the Critical Area report references an incorrect location of the site. Instead, it should reference an area to the west of the eastern branch of Parish Creek. So located, the National Wetlands Inventory (NWI) map shows a palustrine forested wetland on the property. Anne Arundel County relied heavily on the NWI maps in mapping its Critical Area. It is my understanding that undeveloped non-tidal wetlands within the Critical Area were usually designated RCA. Regardless of which means of reclassification the applicant is seeking, the map amendment must be submitted to the Critical Area Commission for review and approval.

Thank you for the opportunity to review this application. Please forward additional information in support of this application when provided by the applicant. If you have any questions or concerns, please contact me at (410) 260-3477.

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: AA61-02

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March 22, 2002

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

RE: Variance 2001-0415-V, William Becker – ADDITIONAL COMMENTS

Dear Ms. Diffenderfer:

This office previously submitted comments on the above referenced variance application. Since that time, we have been made aware that some unauthorized activities occurred on the subject property in the recent past. Specifically, it is our understanding that illegal clearing has occurred in addition to the filling of tidal wetlands and unauthorized placement of rip-rap. County and State enforcement personnel are investigating.

We recommend that the variance request be put on hold until such time that the violations are rectified. We are especially concerned about the placement of the dwelling so close to the shoreline. Prior to the disturbance to the fringing tidal wetlands, it appears that the shoreline was actually landward of where it is depicted on the site plan. We recommend that the tidal wetlands be restored to their previous condition before consideration of this variance request. Mitigation should be provided for the illegal clearing as well. Also, please note, the Critical Area report is not accurate with regard to the forest and vegetation. It states that the area for the septic easement on Parcel 1 is not forested. A site visit revealed that the proposed area for the septic easement is heavily wooded.

Please include this letter along with our previous letter in your file and submit them as part of the record for this request. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: AA598-01

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March 18, 2002

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

RE: Variance Case Nos. 2001-0533-V and 2001-0534-V, Dreamcraft Homes, Inc.

Dear Ms. Diffenderfer:

Thank you for providing information on the above referenced variance requests. The applicant is requesting variances to permit two dwellings and associated facilities with less setbacks and Buffer than required. The properties involved are designated LDA and were created via a subdivision in October 2001. The subdivision consolidated five existing lots into four lots. However, prior to subdivision, the property contained one single-family dwelling sited across three of the existing lots.

This office has concerns regarding the subdivision that occurred in October (copy of plat enclosed). First, in accordance with COMAR 27.03.01.03, the administrative subdivision was required to be sent to the Commission for review and comment. However, this office never received any information. Second, if we had received the subdivision, questions regarding the existing dwelling and the "Doctrine of Merger" would have been raised. The existing house was built across previous lot numbers 26, 27 and 28. In *Friends of Ridge v. BG&E*, 352 Md. 645 (1999), the Court of Appeals stated, "if several contiguous parcels, each of which do not comply with present zoning, are in single ownership and, as combined, the single parcel is usable without violating zoning provisions, one of the separate, nonconforming parcels may not then or *thereafter* be considered nonconforming nor may a variance be granted for that separate parcel." The Court further indicated that one way for a property owner to merge several lots of land is to utilize the contiguous lots in the service of a single structure or project. As re-subdivided lots, both Lots 1 and 2 require variances in order to be developed. This raises significant concerns regarding the legality of the subdivision.

Notwithstanding the above, Lot 1 (Case 2001-0533-V) is proposed to be developed with a house measuring 38' by 42' to 50' (including a two-car garage). The site plan also shows a

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Ms. Suzanne Diffenderfer
March 18, 2002
Page 2

driveway with a label of 10 feet wide minimum, however, it appears that the driveway will be 25 feet wide. This should be clarified. In addition, the site plan does not show any deck on the back of the dwelling. All proposed development should be shown with this variance request. A future request for a deck should be discouraged. Impacts could be further minimized by redesigning the dwelling (perhaps making it "stepped" like the house proposed on Lot 2) or by reducing its footprint. The neighborhood is a mix of various size and style dwellings. If a variance is granted, we recommend mitigation at a 3:1 ratio for disturbance in the expanded Buffer.

With regard to Lot 2 (Variance Case 2001-0534-V), we have similar comments with regard to the width of the driveway and the absence of a deck on the back of the dwelling. If a variance is granted, we recommend mitigation at a 3:1 ratio for disturbance in the expanded Buffer. Areas where impervious surfaces are removed should be a priority for plantings to ensure perviousness.

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

Sincerely,



LeeAnne Chandler
Natural Resources Planner

cc: Marianne D. Mason, Assistant Attorney General
Ren Serey, Executive Director
AA44-02
AA45-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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March 22, 2002

Mr. Jay Leshinskie
Anne Arundel Permit Application Center
3664 Riva Road
Annapolis, MD 21401

RE: Stream Determination on the Gillis Property

Dear Mr. Leshinskie:

This letter is meant to document the findings of Commission staff in regards to the drainage area on the Gillis property at 1011 Windjammer Court, Churchton, Maryland. Claudia Jones, Critical Area Science Advisor, and I visited the site on March 19, 2002. Based on the site visit, as well as a review of the Anne Arundel County Soil Survey and a review of data available from the Maryland Department of Natural Resources, it is our determination that this drainage area should not be classified as an intermittent or perennial stream. At the most, it is a drainage ditch functioning as an ephemeral stream, carrying water only after rainfall. As you know, the State and County regulations require 100-foot Buffers on all intermittent and perennial streams. However, a 100-foot Buffer is not required for ephemeral streams.

I hope this information is useful to you in your permit review. If you have any questions or concerns, please contact me at (410) 260-3477.

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: Michael and Anne Gillis

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Ren Serey
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March 22, 2002

Mr. Jay Leshinskie
Anne Arundel Permit Application Center
3664 Riva Road
Annapolis, MD 21401

RE: Stream Determination on the Gillis Property

Dear Mr. Leshinskie:

This letter is meant to document the findings of Commission staff in regards to the drainage area on the Gillis property at 1011 Windjammer Court, Churchton, Maryland. Claudia Jones, Critical Area Science Advisor, and I visited the site on March 19, 2002. Based on the site visit, as well as a review of the Anne Arundel County Soil Survey and a review of data available from the Maryland Department of Natural Resources, it is our determination that this drainage area should not be classified as an intermittent or perennial stream. At the most, it is a drainage ditch functioning as an ephemeral stream, carrying water only after rainfall. As you know, the State and County regulations require 100-foot Buffers on all intermittent and perennial streams. However, a 100-foot Buffer is not required for ephemeral streams.

I hope this information is useful to you in your permit review. If you have any questions or concerns, please contact me at (410) 260-3477.

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: Michael and Anne Gillis

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March 26, 2002

Ms. Lisa Collison
Queen Anne's Planning & Zoning
160 Coursevall Drive
Centreville, Maryland 21617

**RE: Chino Farms – Submittals 1-6 and 8
Miscellaneous Administrative and Sliding Scale Subdivisions**

Dear Ms. Collison:

Thank you for providing information on the above referenced subdivisions. Commission staff has met with the McCrone, Inc. representative to get an understanding of the overall project. We also reviewed the site plans and other information provided. Below, please find our comments for each Critical Area submittal. General comments can be found at the end of this letter.

Submittal 1 – Administrative Subdivision #07-02-03-0003-C

This subdivision moves a non-Critical Area lot from one location to another. The Critical Area portions of the subject properties are not affected by this proposal. We have no comments on this submittal.

Submittal 2 – Administrative Subdivision #07-02-03-0004-C

This subdivision rearranges lot lines between three existing parcels resulting in three parcels with various acreages within the Critical Area. These three reconfigured parcels are proposed to be further subdivided in accordance with Submittals 3, 4 and 5. We have no comments on this submittal.

Submittal 3 – Sliding Scale Subdivision #07-02-03-0005-C

This subdivision combines five lots (one of which was reconfigured in Submittal 2) into one 435.5 acre parcel with 346.8 acres in the Critical Area. This combined parcel is then proposed to be subdivided into three residential lots and a large lot (residue) to be used for agricultural purposes only. Sheet 3 of 4 shows the combined parcel and the boundaries of the proposed lots. It includes the entirety of "Foreman Branch" which

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appear as private tidal wetlands. While it likely will not affect the subdivision, information regarding acreages of tidal and non-tidal wetlands should be provided to document the density on the upland (non-wetland) portion of the Critical Area. With regard to the new residential lots, one is established around an existing dwelling and two are new. Please note, on sheet 4 of 4, according to the legend, existing contours should be shown as well as non-tidal wetland lines. These do not show up on the site plan (it appears that there are some lines representing the non-tidal buffer so it may be that the pens on the plotter ran out of ink). Based on the site plan as submitted, it appears that new lots N-7 and N-8 can be developed with little impact to Critical Area resources. Finally, with regard to the parent tract, the report states that there are no impervious surfaces on the remainder. However, the site plan shows an existing dwelling, farm structures and a farm lane on the western side of Foreman Branch. This should be clarified. RCA density should be verified.

Submittal 4 – Sliding Scale Subdivision #07-02-03-0006-C

This subdivision takes the second of the three parcels reconfigured in Submittal 2 and creates three residential lots with a remainder parent tract. One new lot is established around an existing dwelling. As in Submittal 3, there are some unidentified lines on sheet 3 of 3 (for example, a dashed line crosses the middle of Lot N-2). It appears that they may be contours but the site plan should be checked. With regard to the new lots N-2 and N-3, it appears that they can be developed with minimal impact to Critical Area resources. The proposed density within the Critical Area portion of this parcel is consistent with the County's RCA regulations.

Submittal 5 – Sliding Scale Subdivision #07-02-03-0013-C

This subdivision takes the last of the three parcels reconfigured in Submittal 2 and creates three residential lots with a remainder parent tract. One of the new lots is outside of the Critical Area. It appears that development of the new lots will have minimal impact to Critical Area resources, although it appears that development of Lot N-4 may require some clearing. Again, there are unidentified lines on Sheet 3 of 3. The proposed density within the Critical Area portion of this parcel is consistent with the County's RCA regulations.

Submittal 6 – Administrative/Sliding Scale Subdivision #07-02-03-0014-C

The administrative subdivision of this submittal moves lot lines between two existing parcels, transferring 6.3 acres from Parcel 54 to Parcel 53. Parcel 54 has an existing dwelling on it and it currently contains 20.19 acres of RCA. With the transfer, Parcel 54 would only have 14.755 acres of RCA, making it non-conforming with regard to Critical Area density. This is not consistent with the County's Critical Area Program.

Ms. Lisa Collison
March 26, 2002
Page 3

Notwithstanding this issue, the sliding scale subdivision then proposed on Parcel 53 creates two new lots, one for residential purposes and one for conveyance to the County. It appears that Lot N-6 could be developed with a dwelling with minimal impacts. Any County project proposed on Lot N-5 would have to be consistent with the County's Critical Area Program. Residential density within the Critical Area portion of this parcel is consistent with the County's RCA regulations.

Submittal 8 - Administrative/Sliding Scale Subdivision #07-02-03-0018-C

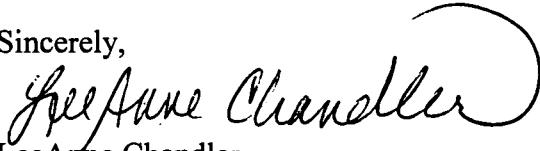
The administrative subdivision of this submittal combines three parcels into two by removing two property lines. Then the sliding scale subdivision creates four new residential lots of which two are in the Critical Area. It appears that Lot N-9 can be developed without impacts to Critical Area resources. However, there may be a question with Lot N-10. Specifically, the tributary stream that feeds into Foreman Branch requires a minimum 100-foot Buffer up to the Critical Area Boundary. The Buffer should be expanded to include the adjacent non-tidal wetlands. The site plan should be revised to show the appropriate Buffer and to determine whether Lot N-10 will be impacted. Also, the site plan shows some topography but it is difficult to read. This should be corrected to ensure there are no slopes of 15% or greater. The proposed residential density within the Critical Area portion of the property is consistent with the County's RCA regulations.

General Comments

The applicant has requested that the 15% afforestation requirement for each lot be waived because there is 28% forest within the Critical Area overall. This office does not oppose considering all the Critical Area submittals together for forest calculations purposes. However, while the subdivision does not propose any clearing, actual development of each lot may involve clearing. If any clearing does occur, reforestation should occur at a minimum one to one ratio.

Thank you for the opportunity to comment. It appears that only minor corrections of the site plans are necessary except for the problem of creating a non-conforming lot in Submittal 6 and the lack of a Buffer for the tributary stream in Submittal 8. If you have any questions or concerns regarding these comments, please contact me at (410) 260-3477.

Sincerely,


LeeAnne Chandler
Natural Resources Planner

Cc: Jack Kirby, McCrone, Inc.
QC158-02

Judge John C. North, II
Chairman



Ren Serey
Executive 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 27, 2002

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

RE: Concept Plan, File # CP 04-01-08-0001(c) - REVISION #2
Downey Land Development, LLC

Dear Ms. Krista-Maenhardt:

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

1. Please provide the 10% calculations for the IDA portion of the property as early as possible in the review process. Site design should ensure that stormwater can be addressed on site.
2. The community pier shows 10 proposed slips. An additional 2700 linear feet of shoreline will have to be added to Lot 2 to generate this number of slips. Also, it may be useful to contact MDE and the Corps in this early stage to determine the feasibility of such a pier in this location. Recent aerial photographs show substantial shoaling in this area.
3. The revised site plan depends upon approval of a new Buffer Exemption Area along the southern edge of the canal and then up the western edge to the LDA/IDA line. Numerous approvals are needed before it can be considered Buffer Exempt. In addition, if the BEA map request is approved, it will only apply to the southern edge of the canal and up the western edge to the LDA/IDA line. From that point on, a 100-foot Buffer would be required from the landward boundary of tidal wetlands. The stormwater management area is proposed within the 100-foot Buffer. No disturbance is permitted within the 100-foot Buffer. Also, the site plan should be revised to remove the 50-foot wide shore buffer line on the northern side of the canal. As stated above, a minimum 100-foot Buffer is required from the landward boundary of tidal wetlands.

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Ms. Tanya Krista-Maenhardt
March 27, 2002
Page 2

4. Please provide information on afforestation areas. Also, please note that the submerged lands subtracted from the total LDA/RCA acreage are private tidal wetlands and legally no different than the other tidal wetlands. If the submerged lands are subtracted from the total for afforestation purposes, they should also be subtracted for determining site capacity and in other calculations.

5. The parking calculations are based on 14 units instead of 15. This should be revised.

Thank you for the opportunity to comment on this revision to concept plan. When additional or revised information becomes available, please forward it to this office for further review. If you have any question or concerns regarding these comments, please contact me at (410) 260-3477.

Sincerely,



LeeAnne Chandler
Natural Resources Planner

Cc: QC 453-01

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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March 27, 2002

Mr. Jordan Loran
Maryland Dept of Natural Resources
Engineering & Construction, D-3
580 Taylor Avenue
Annapolis, Maryland 21401

RE: Mattapeake Harbor Dredging Project

Dear Mr. Loran:

Kevin Shearon of McCrone, Inc. recently contacted the Critical Area Commission in regards to the proposed dredging project at Mattapeake Harbor. He sent us a copy of the contract drawings and inquired about the Commission approval process. After reviewing the plans and discussing the project with Mr. Shearon, Commission staff has determined that while it is a State project (categorized as such because it is on State-owned lands), it is a maintenance project and will not require formal Commission approval. The fact that the proposed privately-owned disposal site was previously used for the same purpose was also considered.

If there are any changes to the project as currently proposed or if you have any questions regarding this determination, please contact me at (410) 260-3477.

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

Cc: Kevin Shearon, McCrone, Inc.

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Ren Serey
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March 28, 2002

Mr. Frank Ward
Permit Application Center
3664 Riva Road, MS
Annapolis, Maryland 21401

RE: Morrissette Property at 720 South River Landing, Edgewater

Dear Mr. Ward:

I am writing to inquire about the development activities at 720 South River Landing in Edgewater. This office commented on a variance request for this property in January 2001. Since that time, we have been contacted numerous times by concerned individuals regarding development of the property. These individuals understood that the property was permitted to be developed in accordance with the variance granted by the Administrative Hearing Officer. The concerns came in part from unauthorized activities that occurred at 750 South River Landing, another property owned by the same people. While perhaps a separate issue, these unauthorized activities included construction of patios (in violation of the 40% impervious limit set by a 1993 variance decision) and construction of stone walls and steps within community property, wholly within the Buffer (also in violation of the variance decision). Commission staff contacted the County enforcement office and inquired about these violations. We were told that despite the specific conditions of the variance decision, permits were not needed for those activities and essentially, because some time had passed, there would not be any reparation. However, after we expressed concern about the upcoming development of 720 South River Landing, the inspector reassured us that they would be especially diligent in their subsequent inspections.

Notwithstanding these issues, the property owners applied for grading permits for 720 South River Landing. County staff told us that they had to resubmit their plans two additional times due to discrepancies between their plans and the conditions placed on the variance approval. Most recently, we were contacted again in response to the start of construction. We received plans that indicated there were problems with the building permit related to the fill and grading around the dwelling. In addition, footers were being dug beyond the approved footprint of the dwelling (and into the radius of a neighbor's well). This also is in violation of a specific condition placed on a variance.

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Mr. Frank Ward
March 28, 2002
Page 2

This office is extremely concerned about this situation. We are particularly concerned about the enforcement of conditions placed on variances by the Administrative Hearing Officer. These conditions are often the only means of ensuring that the granting of a variance is consistent with the spirit and intent of the Critical Area Program. We would appreciate your assistance in clarifying what has occurred on this site and how these problems are being addressed.

Thank you for your attention to this matter. I may be reached at (410) 260-3460 if you would like to discuss these matters further.

Sincerely,



LeeAnne Chandler
Natural Resources Planner

Cc: Stephen M. LeGendre, Esq.
Michael Farren, Esq.
Mr. Leonard Muller
Marianne Mason, Esq., Assistant Attorney General
Mr. Ren Serey, Executive Director

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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March 28, 2002

Mr. Steve Cohoon
Queen Anne's Planning & Zoning
160 Coursevall Drive
Centreville, Maryland 21617

**RE: Major Subdivision #04-02-03-0002(c) - preliminary
Four Seasons at Kent Island**

Dear Mr. Cohoon:

This office has received the preliminary subdivision plans for the Four Seasons Project. We also received a copy of the stormwater management calculations for each drainage area. Commission staff has reviewed the information provided and we have the following comments:

1. The 10% pollutant reduction calculations must be provided for each drainage area. In addition, please provide plans for all of the stormwater facilities within the Critical Area portion of the site. These are needed to review for compliance with several conditions placed on the growth allocation approval by the Critical Area Commission.
2. A number of the sheets of the plat contain areas designated as forest protection areas, many of which are within the 300-foot Buffer. The shaded areas on the plans however, often are not 300-feet wide (see, for example, Sheet 5 or 13) and it is not clear where the starting point for the "forest protection areas" is located. It appears that it may be at a certain elevation or perhaps the edge of non-tidal wetlands. This should be explained.
3. A site plan showing lots as well as the stormwater facilities would be helpful in our review.

If more detailed information is available on the community pier, the County park, or the bridge crossing Cox Creek, please provide it to this office for review. Also, please note, the Buffer Management Plan for this project must be approved by the Critical Area Commission prior to recordation of any lots or approval of any permits.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

Cc: Joseph A. Stevens, Esq.

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Executive Director

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MEMORANDUM

To: Ray Dintaman, Director, Environmental Review

From: LeeAnne Chandler 

Date: April 2, 2002

RE: ERU File #02-MIS-110, Proposed Natural Gas Pipeline through Dorchester, Wicomico and Worcester Counties

Commission staff has reviewed the information provided on the above referenced project. Due to the project's scope, it is likely that it will be reviewed as a State project and will require approval of the Critical Area Commission. The pipeline impacts the Chesapeake Bay Critical Area in Dorchester and Wicomico Counties and impacts the Atlantic Coastal Bays Critical Area (provided that pending legislation is approved) in Worcester County. Attached is a checklist of information that will be required for Commission review and approval.

The Critical Area Commission will be most concerned about impacts to Habitat Protection Areas including the 100-foot Buffer (measured from the landward boundary of tidal waters, tidal wetlands and tributary streams), habitats of threatened and endangered species, plant and wildlife habitats (including large forested areas that support forest interior dwelling birds) and anadromous fish propagation waters. They will also be interested in the amount of proposed clearing within the Critical Area. Mitigation will be required on a minimum one to one ratio. Those instances where the pipeline follows an existing road will likely be under less scrutiny than other areas, provided that disturbance is kept to a minimum.

As plans move forward and more specific information is required, Commission staff is available to provide information and answer questions as needed. If you have any questions at this time, please contact me at (410) 260-3477.

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Ren Serey
Executive Director

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April 2, 2002

Ms. Gail Blazer
Ocean City Public Works/Engineering
P.O. Box 158
Ocean City, Maryland 21843

RE: Buffer Management Ideas

Dear Ms. Blazer:

As we discussed last week, I have reviewed the information that I had immediately on hand regarding the Buffer. Enclosed with this letter are those documents I thought would be useful, given the existing urban setting of much of the shoreline area. Specifically, please find a copy of the Critical Area Commission's Buffer Exemption Area (BEA) policies, a document called "Riparian Buffer Strategies for Urban Stream Protection," a journal article on "coastal vegetated buffer programs," and an excerpt from the Rhode Island Coastal Resources Management Program. The Commission's BEA policies may be the most helpful. Ordinance language for implementation of these policies is also available upon request.

I will be away from the office from April 4th to the 16th. Once I return, I will gather additional information on Buffer management programs from other Critical Area jurisdictions. If you have any questions in the interim (especially in regard to the BEA policies), please contact Mary Owens of our staff at (410) 260-3480. You may also contact me at (410) 260-3477 after the 16th.

Sincerely,


LeeAnne Chandler
Natural Resources Planner

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April 2, 2002

Mr. John Gigliotti
Department of Planning & Zoning
160 Coursevall Drive.
Centreville, Maryland 21617

RE: Minor Subdivision, File # 04-02-04-0003-C, John and Marjorie Sasse

Dear Mr. Gigliotti:

Thank you for providing information on the above referenced minor subdivision. The applicant proposes to subdivide a 5.26 acre parcel into two lots. The property is designated LDA and is currently developed with one existing dwelling. The parcel is not waterfront and there do not appear to be any other Habitat Protection Areas on site.

Provided that 15% afforestation is provided at the time of development and that impervious areas remain below 15% of the total area, it appears that the proposed subdivision is consistent with the County's Critical Area Program.

Thank you for the opportunity to comment. Please feel free to contact me if you have any questions.

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: QC195-02

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April 3, 2002

Mr. Dick McIntyre
Queen Anne's County Parks & Recreation
P.O. Box 37
Centreville, Maryland 21617

RE: Cross Island Trail Connection

Dear Mr. McIntyre:

At its meeting of April 3, 2002, the Chesapeake Bay Critical Area Commission approved the County's request for conditional approval to exceed the impervious surface limits on the library property related to the proposed connection to the Cross Island Trail. The Commission approved the request for conditional approval based on the extent to which the project is in compliance with the Critical Area Program; the adequacy of the mitigation measures proposed and the extent to which the project (including any mitigation measures), provides substantial public benefits to the Critical Area Program.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

Cc: Lisa Collison, Planning & Zoning
QC 616-99

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Ren Serey
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April 3, 2002

Mr. Dick McIntyre
Queen Anne's County Parks & Recreation
P.O. Box 37
Centreville, Maryland 21617

RE: Thompson Creek Landing Improvements

Dear Mr. McIntyre:

At its meeting of April 3, 2002, the Chesapeake Bay Critical Area Commission approved the County's request for conditional approval to exceed the impervious surface limits and impact the 50-foot Buffer in relation to the proposed improvements at Thompson Creek Landing. The Commission approved the request for conditional approval based on the extent to which the project is in compliance with the Critical Area Program; the adequacy of the mitigation measures proposed and the extent to which the project (including any mitigation measures), provides substantial public benefits to the Critical Area Program.

If you have any questions or if there are changes to the project that affect Critical Area resources, please contact me at (410) 260-3477.

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

Cc: Lisa Collison, Planning & Zoning
QC 147-02

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Executive Director

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April 4, 2002

Mr. Roby Hurley
Maryland Department of Planning
201 Baptist Street, Suite 24
Salisbury, Maryland 21801-4974

RE: Centreville Wastewater Treatment Plant

Dear Mr. Hurley:

Thank you for providing the consistency report for the above referenced project. Commission staff has reviewed the information provided by URS Corporation including the 10% calculations and the site plan. We agree with Queen Anne's County Public Works in regard to those aspects of the wastewater treatment plant that may be considered pervious. This is especially due to the fact that Phosphorus will be removed via treatment in the plant. It does not appear that there are any other Critical Area issues of concern. We concur with the Town's finding of consistency with the local Critical Area Program.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

LAC/jjd

cc: Mr. Chris Rogers, URS Corp.
CV428-01

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

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Ren Serey
Executive Director

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April 18, 2002

Mr. John Gigliotti
Department of Planning & Zoning
160 Coursevall Drive
Centreville, Maryland 21617

RE: Minor Site Plan # 05-01-09-0013-C (Lindsay E. Dixon) – Revision #1

Dear Mr. Gigliotti:

Thank you for providing the revised information on the above referenced minor site plan. The applicant proposes to construct a 4,000 square foot office building and associated parking. The property is designated IDA and is currently developed with a single-family dwelling.

With regard to the site plan and supporting documentation, the 10% pollutant reduction requirement is the primary concern. The 10% pollutant reduction calculations were provided. However, in Step 4 (calculation of the removal requirement), there is a minor error. After using two decimal places throughout, only one decimal place is used in quantifying the removal requirement. The removal requirement is actually 0.25 lbs. of Phosphorus rather than 0.2. The load removed by the proposed facility is slightly less than that actually required. Some possible solutions include utilizing a porous paver system for the sidewalks (which would provide some pervious credit depending upon the manufacturer); designing the sidewalks and ramps as a "boardwalk" that would be partially pervious; or reducing impervious cover in some other way. Other alternatives may be to provide some credit for the proposed site landscaping, provided that native species are used.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: QC536-01

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Ren Serey
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April 18, 2002

Ms. Lisa Collison
Department of Planning & Zoning
160 Coursevall Dr.
Centreville, Maryland 21617

RE: Administrative Subdivision #05-02-04-0010-C, Cypress Creek Builders

Dear Ms. Collison:

Thank you for providing information on the above referenced administrative subdivision. The applicant proposes to combine four lots into one for the purpose of constructing a single-family residence. The properties are designated LDA and are currently undeveloped.

Provided that development of the combined lot is fully consistent with the County's LDA Critical Area requirements, this office has no concerns regarding this subdivision.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: QC206-02

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Ren Serey
Executive Director

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April 18, 2002

Ms. Lisa Collison
Department of Planning & Zoning
160 Coursevall Dr.
Centreville, Maryland 21617

RE: Administrative Subdivision #05-02-04-0010-C, Bakers Acres Limited Partnership

Dear Ms. Collison:

Thank you for providing information on the above referenced administrative subdivision. The applicant proposes to relocate a lot line, transferring 0.72 acres between two adjacent properties. The properties are designated LDA and one is developed with a single-family dwelling. The other is in agricultural use.

Provided that the two reconfigured lots are consistent with LDA requirements (e.g., 15% impervious limit), it appears that the relocation of the lot line is consistent with the County's Critical Area Program.

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

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: QC205-02

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Ren Serey
Executive Director

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April 19, 2002

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

**RE: Safeway Food Store - Concept Plan
CP 04-0012-0016(c) - Revision #3**

Dear Ms. Hyer-Morgan:

Thank you for providing Revision #3 of the concept plan for the above referenced project. The applicant is proposing to construct a food store, retail space, a gas station and a connection to an adjacent shopping center. The site is designated IDA and is currently an agricultural field with a small residential structure.

Because the site is designated IDA, the Critical Area issue of concern is the 10% pollutant reduction requirement. With the understanding that the 10% pollutant reduction rule will be addressed during site plan review, this office does not oppose concept plan approval.

Thank you for the opportunity to comment on the revised plan. If you have any questions concerning these comments, please contact me at (410) 260-3477.

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: QC662-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
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Ren Serey
Executive Director

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April 19, 2002

Ms. Lisa Collison
Department of Planning & Zoning
160 Coursevall Dr.
Centreville, Maryland 21617

RE: Large Lot Minor Subdivision #04-02-04-0011-C, Phyllis S. Dixon

Dear Ms. Collison:

Thank you for providing information on the above referenced large lot minor subdivision. The applicant proposes to divide a 6.0216 acre lot into three lots. The property is designated LDA and is currently developed with one single-family dwelling and driveway.

It appears that the existing house will remain and two one-acre vacant lots will be created by this subdivision. All three lots will be subject to all LDA development requirements including impervious surface limits (15%) and afforestation requirements. Provided that these requirements are addressed, the subdivision appears consistent with the County's Critical Area Program. However, there are questions regarding the site plan and some of the information provided. First, the county application form does not reflect the needed afforestation. This should be corrected and the afforestation details should be provided on the site plan. Second, there are questions in regard to the delineation of the Buffer on the site plan. The Critical Area Buffer is always measured in the field based on the landward extent of tidal waters or tidal wetlands. It is never measured from the property line. Lastly, topographical information should be provided on the site plan.

Thank you for the opportunity to comment. Please provide revised plans when they become available. If you have questions or concerns regarding these comments, please contact me at (410) 260-3477.

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: QC207-02

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Executive Director

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

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

April 19, 2002

Ms. Lisa Collison
Department of Planning & Zoning
160 Coursevall Drive
Centreville, Maryland 21617

RE: Major Site Plan – File #MASP 04-02-01-0007(c) (Revision #2)
Route 8 Elementary School

Dear Ms. Collison:

Thank you for providing the most recent revisions for the Route 8 Elementary School. The County Commissioners of Queen Anne's County propose to construct a 68,400 square foot elementary school on a 39.5 acre site that is partially within the Critical Area. The Critical Area designation of 9.295 acres is Resource Conservation Area. The current plans show a soccer/lacrosse field, a parking lot, a baseball field, four tennis courts, and a road within the Critical Area portion of the site. According to McCrone, proposed impervious cover in the Critical Area totals 1.39 acres or 15%. We request that a note be added to the plans that clearly states the prohibition on additional impervious cover.

Also, we continue to recommend only native species for planting within the Critical Area portion of the site of the site. The County Code requires native species for tree mitigation within the Critical Area; it would be prudent to use only native species for afforestation as well. The landscape plan still contains several areas identified as "Critical Area Mitigation." Additional detail should be provided for these areas. Lastly, please note that the landscape plan includes 24 Norway maples to be used. While they are not being used in the Critical Area, Norway Maple are a documented exotic, invasive species that horticulturalists are discouraging along the entire East Coast.

Thank you for the opportunity to comment. Please contact me if you have any questions or concerns regarding these comments. I can be reached at (410) 260-3477.

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: QC622-01

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Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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April 22, 2002

Ms. Tanya Krista-Maenhardt
Department of Planning & Zoning
160 Coursevall Drive.
Centreville, MD 21617

RE: Concept Plan, File # CP 04-01-08-0001(c) - REVISION #3
Downey Land Development, LLC

Dear Ms. Krista-Maenhardt:

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

1. Please provide the 10% calculations for the IDA portion of the property as early as possible in the review process. Site design should ensure that stormwater management can be addressed on site.
2. Note number 12 on the site plan states, "Tidal and nontidal wetlands shown hereon have been delineated and field located in 1994 for the creation of the administrative subdivision of the lands of J. William Sause Trust." Enclosed with this letter are two aerial photos, one taken in July 1985 and the other in 1999. Both of these photos show a much more irregular boundary between the private wetlands and open water. In addition, both of these photos show that the canal is not completely open but instead is more or less closed off from the waters of Kent Narrows. The site plan should accurately depict current on-site conditions.
3. Notwithstanding the above, the community pier continues to show 10 proposed slips. We do not agree with the slip calculations as shown on the site plan. It appears that the applicant is using the property boundary (coinciding with the RCA/LDA demarcation line) as the shoreline. This line falls in the canal and is by no means a "shoreline." If the edge of the canal is considered the shoreline, the edge falls in the RCA of Lot 2. If calculated this way, 695 feet of shoreline are designated RCA. Only 57 linear feet of the

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Ms. Tanya Krista-Maenhardt
April 22, 2002
Page 2

edge of the canal is LDA with 20 feet as IDA. These measurements generate a total of three slips, not ten. MDE will not issue a permit for a community pier with more slips than allowed by the Critical Area regulations. We strongly recommend that the applicant contact MDE and the Corps in this early stage to determine the feasibility of such a pier in this location. Recent aerial photographs (enclosed) show substantial shoaling in this area.

4. Concept plan approval for the proposal must be conditioned on approval of the proposed Buffer Exemption Area.

Thank you for the opportunity to comment on this revision to the concept plan. While we understand that County does not require the community pier issues to be resolved prior to concept plan approval, this office considers these issues significant. When additional or revised information becomes available, please forward it to this office for further review. If you have any questions or concerns regarding these comments, please contact me at (410) 260-3477.

Sincerely,



LeeAnne Chandler
Natural Resources Planner

Enc.

cc: Stan Causey, MDE
QC 453-01

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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April 25, 2002

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

RE: Variance Case No. 2002-0131-V, Leslie & Anne Costello

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance request. The applicant is requesting a variance to permit an extension in time for the implementation and completion of a previously approved variance. The previous variance allowed disturbance of steep slopes for construction of a dwelling on a newly created lot.

Provided that all outstanding subdivision issues are resolved (including the question of the existing forest easement over the entirety of Lot 2), this office does not oppose the extension in time to implement the previously approved variance. Please see attached correspondence from the Critical Area Commission to the County dated February 25, 2002.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: AA229-02

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April 25, 2002

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

RE: Variance Case No. 2002-0130-V, Richard Roeser

Dear Ms. Plociennik:

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

Provided this lot is properly grandfathered, this office does not oppose the siting of a single-family dwelling on it. Impacts must be minimized and the variance requested should be the minimum to provide relief. The subject property is significantly impacted by non-tidal wetlands, a designated Habitat Protection Area under the County's Critical Area Program. Based on the information provided, it appears that the house has been sited and designed to minimize impacts. Mitigation for the proposed clearing should be provided in accordance with the County's Zoning Ordinance. Also, any future property owner should be made aware of the restrictions existing on this lot.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this request. Also, please 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: AA228-02

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April 25, 2002

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

RE: Variance Case.No. 2002-0113-V, Kathryn Michaliksianos

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance request. The applicant is requesting a variance to permit an accessory structure with less setbacks than required. The property is designated LDA and is currently developed with a house, driveway and shed.

Because there are no impacts to Habitat Protection Areas and because impervious surfaces are not an issue, this office has no comment on this setback variance. Because this lot is designated Buffer Exempt, mitigation should be provided at a 1:1 ratio for the new impervious surfaces outside of the Buffer.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: AA221-02

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Ren Serey
Executive Director

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April 25, 2002

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

RE: Variance Case No. 2002-0112-V, Susan Niles

Dear Ms. Plociennik:

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

The proposed addition appears to be of reasonable size in an area of previous disturbance (i.e., the enclosed wood porch and concrete walk). It appears that potential impacts will be minimal provided that all appropriate sediment and erosion control measures are used. We do not oppose the variance requested. However, we recommend mitigation at a 3:1 ratio for the new disturbance within the expanded Buffer. Native plantings should be provided between the addition and the top of slope.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: AA220-02

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April 25, 2002

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

RE: Variance Case No. 2002-0105-V, Sam Boles & Helen Mrose

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance request. The applicant is requesting a variance to permit a dwelling addition with less setbacks and Buffer than required. The property is designated LDA, is Buffer Exempt, and is currently developed with a house, garage and driveway.

This office often does not oppose additions of reasonable size provided impacts are minimized and the variance requested is the minimum to provide relief. The porch extends less than 10 feet further waterward than the edge of the existing dwelling and it does not appear that any forest vegetation will be removed. The application did not include any information as to the proposed method of construction but we would recommend that, if possible, little or no heavy equipment be used for construction. Also, if approved, we recommend mitigation at a 2:1 ratio for the new impervious cover within the expanded Buffer. Mitigation should consist of native vegetation between the addition and the shoreline.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: AA215-02

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April 25, 2002

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

RE: Variance Case No. 2002-0121-V, Richard Bussey

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance request. The applicant is requesting a variance to permit a dwelling addition with less setbacks than required. The property is designated LDA and is currently developed with a house, driveway and shed.

Because there are no impacts to Habitat Protection Areas and because impervious surfaces are not an issue, this office has no comment on this setback variance. Vegetation removed in the course of construction should be replaced in kind.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: AA225-02

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April 25, 2002

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

RE: Variance Case No. 2002-0125-V, Angela Vallario

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance request. The applicant is requesting a variance to permit a garage addition with less setbacks than required. The property is designated LDA and is currently developed with a house, driveway and shed.

Because there are no impacts to Habitat Protection Areas and because impervious surfaces are not an issue, this office has no comment on this setback variance. Vegetation removed in the course of construction should be replaced in kind.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: AA226-02

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April 25, 2002

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

RE: Variance Case No. 2002-0116-V, Diane Langhorne

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance request. The applicant is requesting a variance to permit a deck addition with less setbacks and Buffer than required and with disturbance to steep slopes. The property is designated LDA, is Buffer Exempt and is developed with a single family dwelling, shed and driveway.

This office often does not oppose attached decks of reasonable size provided impacts are minimized and the variance requested is the minimum to provide relief. It appears that the dwelling already has some kind of deck (48' by 5' to 9') waterward of the dwelling. We recommend that it be squared off rather than a constructing a whole new deck 13' waterward. Alternatively, the section that is currently 9' wide could be enlarged along the side of the dwelling. If any variance is approved, we recommend mitigation for the new disturbance within the Buffer at a 2:1 ratio. Also, because the lot currently has no woodland on it, the County Zoning Ordinance requires afforestation to 15% forest cover. The Buffer should be a priority location for plantings.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: AA178-02

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

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April 25, 2002

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

RE: Variance Case No. 2002-0083-V, Phillip Lindogan

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance request. The applicant is requesting a variance to permit a dwelling addition with less setbacks than required, disturbance to steep slopes and with greater impervious than allowed. The property is designated LDA and is developed with a recently constructed dwelling and driveway.

This office cannot support the variance for the excess impervious cover. There is an opportunity to avoid such a variance by removing some of the driveway. We have no comment on the setback variance. With regard to the variance to disturb steep slopes, it is not clear if a variance was required at the time the house was constructed. Were the steep slopes created by the house construction? This should be clarified. Also, it is evident that the house was constructed with an attached deck clearly in mind. This should have been addressed at the time the building permit was issued. Provided that the footers are installed by hand, it appears that impacts will be minimized. However, mitigation should be provided to increase the area of woodland on site to the required 15%.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: AA179-02

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April 25, 2002

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

RE: Variance Case No. 2002-0085-V, John Freitag

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance request. The applicant is requesting a variance to permit a dwelling addition with less setbacks and Buffer than required and with greater impervious coverage than allowed. The property is designated LDA and is currently developed with a single-family dwelling, extensive driveway and a shed. The same property was the subject of a variance granted in 2000 for a deck addition.

First, this office cannot support the variance for greater impervious cover than allowed. The previous variance approval was subject to several conditions including that "the applicant shall provide mitigation at a 3:1 ratio based on the footprint of the deck addition with plantings maximized in the Buffer" and "There shall be no other construction activity on the water-side of this property." The information provided indicates that since the previous variance approval (August 3, 2000), an additional 1814 square feet of impervious cover has been added. The pictures provided show that much of this impervious cover is in the Buffer in the form of extensive sidewalks. Also, while the pictures show some aesthetically pleasing plantings around the shed and along the property line, mitigation was not done in the Buffer as directed by the decision. It appears that the applicant has violated the conditions of the previous decision.

Impervious cover should be removed in order to bring the property into compliance with the limits established in the County Zoning Ordinance. Areas where impervious cover is removed should be re-vegetated to ensure perviousness. Additional plantings should be provided in the Buffer in accordance with the previous variance decision. If the applicant wishes to go forward with a request for the Buffer variance only (i.e., they reduce impervious to the amount that would allow the addition without exceeding the limit), this office would not oppose the variance provided that additional mitigation is provided as suggested above.

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Ms. Ramona Plociennik
April 25, 2002
Page 2

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

Sincerely,



LeeAnne Chandler
Natural Resources Planner

cc: AA181-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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April 25, 2002

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

RE: Variance Case No. 2002-0115-V, Richard & Barbara Walsh

Dear Ms. Plociennik:

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

This office does not oppose redevelopment of this lot. However, impacts should be minimized and the variance requested the minimum to provide relief. The 100-foot Buffer should be shown on the variance plan. Also, it would be very useful to include a comparison of the amount of impervious existing and proposed within the Buffer. Optimally, more of the existing footprint would be used in order to minimize new impacts. It seems that shifting the house to sit a bit straighter on the lot would help minimize impacts. If the variance is approved, we recommend mitigation at a 2:1 ratio for all new disturbance within the Buffer. Also, areas where impervious cover is removed should be re-vegetated to ensure perviousness. Mitigation should consist of native vegetation with the Buffer as a priority location for plantings.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: AA223-02

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Ren Serey
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**STATE OF MARYLAND
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April 25, 2002

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

RE: Variance Case No. 2002-0116-V, Brown Property, Hillsmere Estates

Dear Ms. Plociennik:


Thank you for providing information on the above referenced variance request. The applicant is requesting a variance to permit a dwelling with disturbance to steep slopes. The property is designated LDA and is currently undeveloped.

Provided this lot is properly grandfathered, this office does not oppose the siting of a single family dwelling on it. However, impacts should be minimized and the variance requested the minimum to provide relief. The Critical Area report states, "According to the National Wetland Inventory, there are non-tidal wetlands located on this lot which will impact development." However, the site plan lacks any information with regard to non-tidal wetlands. A site investigation should be conducted in order to delineate any wetlands present on site. Such delineation will determine the optimal house location.

Notwithstanding the above, the request does not appear to be minimized, especially in regard to grading around the dwelling. The soils on site are erodible and as much vegetation as possible should be retained on site. As proposed, over 60% of the site will be cleared. This does not minimize impacts. We recommend that the applicant place the request on hold, pending further investigation. This should include a wetland delineation and an on-site topographical survey if one has not been done. Development of this lot should be designed according to the constraints of the site.

Thank you for the opportunity to comment. When additional information is provided, please forward it to this office for review.

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: AA236-02

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April 26, 2002

Ms. Cathy Maxwell
Queen Anne's County Planning & Zoning
160 Coursevall Drive
Centreville, MD 21617

RE: Variance Case No. V-040017, William H. Hyers, Jr.

Dear Ms. Maxwell:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to reduce the front yard setback for an addition to an existing residence. The property is designated LDA and is currently developed with a single-family dwelling, driveway, pool and shed.

Because there are no proposed impacts to Habitat Protection Areas (such as the Buffer) and because impervious surfaces are not an issue, this office has no comment on this setback variance. However, woody vegetation removed in the course of construction should be replaced in kind.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: QC243-02

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Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

1804 West Street, Suite 100, Annapolis, Maryland 21401
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MEMORANDUM

To: Chip Price, Program Open Space
From: LeeAnne Chandler *LAC*
Subject: DNR Clearinghouse Review of Local POS Projects #4137-22-145 and #4139-22-147 (Pathways in Riverwalk Park, Landscaping in Salisbury City Park)
Date: April 26, 2002

Thank you for the opportunity to review the above referenced projects. Commission staff has reviewed the information provided and has the following comments:

1. These projects are located within the Critical Area. As local projects on lands owned by the local jurisdiction, these projects do not need to go through the formal Commission review process. However, development of these parks must be consistent with the Wicomico County Critical Area Program.
2. The Critical Area Commission must receive certification from the County that these projects are consistent with the local Critical Area Program. A full description of the proposed development and a request for local certification must be submitted to the Commission.
3. If the local jurisdiction provides the necessary information and certification to the Commission regarding these projects and appropriate mitigation is required, the projects will not conflict with the Critical Area Law and Criteria.

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

cc: Matt Hedger, Wicomico County Critical Area 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

April 26, 2002

Mr. Steve Cohoon
Queen Anne's Planning & Zoning
160 Coursevall Drive
Centreville, Maryland 21617

RE: Major Subdivision #04-99-097©, Anchorage – Amendment #2

Dear Mr. Cohoon:

Thank you for providing the above referenced amendment to the Anchorage subdivision to our office for review. Commission staff has reviewed the information provided. It does not appear that the change in front building restriction lines on the referenced lots will have any effect on Critical Area resources. We have no comment on this amendment.

Thank you for the opportunity to comment. If additional or revised information becomes available, please forward it to this office for review.

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: QC113-99

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April 29, 2002

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

RE: Variance Case No. 2002-0140-V, Joyce Soldwedel

Dear Ms. Plociennik:

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

This office defers to the Maryland Department of the Environment and the County on pier and piling issues. All necessary permits should be in hand prior to any construction on site.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: AA246-02

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April 29, 2002

Ms. Lisa Collison
Queen Anne's Planning & Zoning
160 Coursevall Drive
Centreville, Maryland 21617

**RE: Chino Farms – Revision #1 for Submittals 3, 4, 5, and 6
Miscellaneous Administrative and Sliding Scale Subdivisions**

Dear Ms. Collison:

Thank you for providing Revision #1 for the above referenced subdivisions. I have reviewed the information provided. Specific issues raised in our previous comments have been adequately addressed. For Submittal #6, in which we raised a question about the Critical Area density, because no further subdivision will occur and because the overall density is three dwelling units regardless, it appears that the residential density is consistent with the County's RCA regulations.

The cover letter for each resubmittal references correspondence sent to the County by the environmental consultant regarding the Delmarva Fox Squirrel issue. Please provide a copy to us for our files. Also, please note that FID habitat protection within the Critical Area portion of the property should be consistent with, "A Guide to the Conservation of Forest Interior Dwelling Birds in the Chesapeake Bay Critical Area," approved by the Commission in June, 2000.

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

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: QC158-02

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April 29, 2002

Mr. Dick McIntyre
Queen Anne's County
Department of Recreation & Parks
PO Box 37
Centreville, MD 21617

RE: Parking Lot Reconfiguration at the Chesapeake Exploration Center

Dear Mr. McIntyre:

Thank you for providing information on the above referenced project. The parking lot reconfiguration will result in a net decrease in impervious cover such that a stormwater facility is not required. In addition, the landscape plan shows substantial plantings around the site that will help offset any runoff. We recommend that the County use native species in landscaping this site, especially because it is supposed to be a regional facility that displays local history. Native flora would complement the purpose of the Center.

Thank you for the opportunity to review these plans. If you have any questions regarding these comments, please feel free to contact me at (410) 260-3477.

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: Lisa Collison
QC148-02

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May 2, 2002

Mr. Winfield Miller, President
Town Commissioners of Queenstown
100 Del Rhodes Ave.
Queenstown, Maryland 21658

RE: Town of Queenstown Comprehensive Review

Dear Commissioner Miller:

At its May 1, 2002 meeting, the Chesapeake Bay Critical Area Commission approved the proposed Critical Area Ordinance and new Critical Area map for the Town of Queenstown.

In accordance with the new Critical Area Ordinance, it became effective upon approval by the Critical Area Commission.

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: Mr. Roby Hurley

Branch Office: 31 Creamery Lane, Easton, MD 21601
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May 2, 2002

Mr. Keith Lackie
Worcester Co. Development Review & Permitting
One West Market St., Room 1201
Snow Hill, Maryland 21863-1070

RE: Proposed improvements to Porter's Crossing Road

Dear Mr. Lackie:

I apologize for the delay in responding to your inquiry about the Poorhouse Branch Habitat Protection Area (HPA) in relation to the proposed widening of Porter's Crossing Road. I have received a response from Scott Smith, the Eastern Regional Ecologist for the Maryland Department of Natural Resources. He has reviewed the available information on the HPA. All of the rare elements are not in the direct area of the roadway (most are found on a dry sandy ridge and the other species are in the intertidal fresh zone downstream). He has concluded that the road widening should not impact these elements; however, standard sediment and erosion control measures should be used.

In regard to a Critical Area review of the project, once a detailed plan is drawn, it can be determined if the project will just need a consistency report or if it will require Commission approval. If there are new impacts to the 100-foot Buffer from the Pocomoke, it likely will require a conditional approval from the Commission in accordance with COMAR 27.02.06. Otherwise, a consistency report (i.e., a brief description of the project and an explanation of how it is in compliance with the County's Critical Area Program) and a site plan should be submitted to this office. Also, given the extensive wetlands in the vicinity of the road, the County should contact MDE to determine what permits are needed.

I hope this information is helpful. If you have any questions, please feel free to contact me at (410) 260-3477.

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: Scott Smith, DNR

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April 19, 2002

Mr. Steve Cohoon
Department of Planning and Zoning
160 Coursevall Drive
Centreville, Maryland 21617

RE: Growth Allocation Process Text Amendment

Dear Mr. Cohoon:

This office has received the proposed text amendments that will change the County's Growth Allocation process. It is our understanding that the Planning Commission has held its public hearing and has made a favorable recommendation to the County Commissioners. We have accepted the text amendment as a complete submittal and Chairman North has determined that it may be handled as a refinement to the County's Critical Area Program. The Commission will discuss the text amendments for concurrence with the Chairman's determination at the May 1, 2002 Commission meeting in Crownsville.

If you have any questions or concerns regarding this matter, please contact me at (410) 260-3477.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: Amendment file

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Fax: (410) 974-5338

May 2, 2002

Mr. Steve Cohoon
Queen Anne's Planning & Zoning
160 Coursevall Drive
Centreville, Maryland 21617

RE: Growth Allocation Process Text Amendment

Dear Mr. Cohoon:

At its meeting of May 1, 2002, the Chesapeake Bay Critical Area Commission concurred with the Chairman's determination that the proposed growth allocation process text amendment qualifies as a refinement to the Queen Anne's County Critical Area Program. Chairman North has approved this refinement. However, we would like to bring a typographical error to your attention. Part (d)(2)(i) of the amendment should read, "The purposes set forth in §8-1801 et seq. of the Natural Resources Article..." rather than §8-1800.

Pursuant to Natural Resources Article 8-1809(o)(2), Annotated Code of Maryland, as amended, the County should incorporate the proposed change into the County's Ordinance within 120 days of receipt of this letter.

Thank you for your help in resolving this matter. If you have any questions regarding this matter, please contact me at (410) 260-3477.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: Amendment file

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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April 3, 2002

Mr. Roby Hurley
Critical Area Circuit Rider
27490 West Point Rd.
Easton, Maryland 21601

RE: Queenstown Comprehensive Review

Dear Mr. Hurley:

This office has received the proposed Critical Area Ordinance and new Critical Area map that result from the second comprehensive review of the Queenstown Critical Area Program. We have accepted the Ordinance and map as a complete submittal. As a comprehensive review, this submittal will be considered an amendment to the Town's Program. Judge North will appoint a panel to take part in the joint public hearing scheduled for April 23, 2002. Also, an advertisement has been submitted to the *Record Observer* for publishing on April 12 and April 19, 2002. Once a panel is appointed, I will contact you to make final arrangements for the hearing.

If you have any questions or concerns regarding this matter, please contact me at (410) 260-3477.

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: Amendment file

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May 3, 2002

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

RE: Variance Case No. 2002-0143-V, Michael Tang

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance request. The applicant is requesting a variance to permit a dwelling addition with less Buffer than required and with disturbance to steep slopes. The property is designated LDA and is developed with a large house with extensive driveways and walks.

The site plan provided does not include topographical information but the Anne Arundel topographic map shows the property as extremely steep with a more level area near the road. This office does not oppose access to the pier. However, it appears that the 800 square foot deck addition far exceeds the minimum area necessary to accommodate a lift landing. Given that there is already over 100 linear feet of a 12-foot wide deck, we recommend that the new deck be reduced in size to accommodate only the lift landing. Also, any disturbance caused by the unauthorized deck should be mitigated at a 3:1 ratio.

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

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA247-02

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May 3, 2002

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

RE: Variance Case No. 2002-0151-V, Edward Myers

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance request. The applicant is requesting a variance to permit a dwelling addition with less Buffer than required and with disturbance to steep slopes. The property is designated IDA and is developed with a house, garage and driveway.

This property was the subject of a previous variance request (2000-0369-V) in November 2000. In that case, the same applicant requested a variance to enclose an existing 20' by 24' deck (a project which the previous owners had started). At that time, this office raised a concern about two sets of French doors shown on the plans (which typically lead to a deck). The Administrative Hearing Officer granted the variance with the condition that "No further encroachment into the Buffer shall be permitted." Given the previous variance decision, we oppose the current variance requested. We recommend that the proposed deck be moved to the side of the house such that it intrudes no further into the Buffer than the dwelling. A deck on the side would provide the same use but would avoid the need for a variance.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: AA251-02

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May 3, 2002

Ms. Cathy Maxwell
Queen Anne's Planning & Zoning
160 Coursevall Drive
Centreville, MD 21617

RE: Variance Case # V-040021, Dennis Koch/Waterman

Dear Ms. Maxwell:

Thank you for providing information on the above referenced variance case. The applicant is requesting a variance to permit a subdivision in the CS zone that will create a lot with less acreage than required in the CS zone. The property is designated RCA and it is currently subdivided into eight lots.

Provided that no new building lots are being created within the Critical Area portion of this property, this office has no comment on this variance. If and when additional building lots are proposed, they would require the same review as the previously created lots.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: QC253-02

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May 6, 2002

Ms. Cathy Maxwell
Queen Anne's Planning & Zoning
160 Coursevall Drive
Centreville, MD 21617

RE: Variance Case # V-040024, Harold & Linda Schaitberger

Dear Ms. Maxwell:

Thank you for providing information on the above referenced variance case. The applicant is requesting a variance to permit construction of a dwelling that will exceed the allowable structure height by 10 feet. The property is designated LDA and it is currently undeveloped.

Provided that development of this lot is consistent with all applicable Critical Area regulations (e.g., impervious surface limits), this office has no comment on this height variance.

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

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: QC256-02

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May 6, 2002

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

RE: Variance Case No. 2002-0166-V, Greg Stanley

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance request. The applicant is requesting a variance to permit a dwelling addition with less setbacks than required. The property is designated LDA and is developed with a single family dwelling, driveway and pool.

Because there are no impacts to Habitat Protection Areas and because impervious surfaces are not an issue, this office has no comment on this setback variance. Any woody vegetation removed in the course of construction should be replaced in kind.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: AA258-02

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Ren Serey
Executive Director

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May 6, 2002

Mr. Matt Hedger
Wicomico County Planning, Zoning & Community Development
PO Box 870
Salisbury, Maryland 21803-0870

RE: Subdivision – Hoy Property

Dear Mr. Hedger:

Thank you for providing information on the above referenced subdivision. Commission staff has reviewed the subdivision plat and we have the following comments:

1. As you have noted, the 1000-foot Critical Area boundary line is shown incorrectly. It appears that the 100-year floodplain line may also need to be corrected (e.g., it is in the marsh on the adjacent property).
2. Note 4 states, "Immediate Family Transfer." Because the parent parcel is greater than 60 acres in size, this subdivision cannot be considered a "bona fide intrafamily transfer" under the County's Critical Area regulations (§125-15). That does not mean the lot cannot be created but rather it would be a "regular" subdivision. The parent parcel has ample acreage such that creation of an additional development lot is permissible.
3. The plat does not show a proposed driveway to reach the building envelope. Any clearing within the Critical Area for the driveway should be mitigated at a 1:1 ratio.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: WI255-02

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May 9, 2002

Mr. Roby Hurley
Critical Area Circuit Rider
27490 West Point Rd.
Easton, MD 21601

RE: Town of Sharptown, Variance Application – George Owens

Dear Mr. Hurley:

Thank you for providing information on the above referenced variance request. The applicant is requesting a variance to construct an addition to an existing cottage within the 100-foot Buffer. The property is designated IDA and is currently developed with a small dwelling and a shed.

The depth of the subject lot ranges from 100 feet to 127 feet and thus, it is severely impacted by the 100-foot Buffer. Any addition to the existing house (and realistically, any development on the lot) would require a variance. The proposed addition is of reasonable size and it intrudes no closer to the water than the existing dwelling. Provided that mitigation is provided for all impacts to the Buffer, this office does not oppose the variance requested. Mitigation should be provided on-site, within the Buffer.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: Judy Schneider
SH263-02

Branch Office: 31 Creamery Lane, Easton, MD 21601
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May 9, 2002

Ms. Lisa Collison
Queen Anne's County Planning & Zoning
160 Coursevall Drive
Centreville, MD 21617


RE: Administrative Subdivision, File #05-02-05-0003-C, Daniel Illari

Dear Ms. Collison:

Thank you for providing information on the above referenced administrative subdivision. The applicant proposes to combine two parcels into one and then subdivide part of his property to add on to a neighbor's. It appears that the applicant's property is developed with a dwelling, driveway and shed, while the neighbor's property is developed with a commercial building. Because no new development is proposed, this office has no Critical Area concerns regarding this subdivision. Future development or redevelopment of these lots will be subject to IDA requirements.

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

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: QC265-02

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May 9, 2002

Mr. John Gigliotti
Queen Anne's Planning & Zoning
160 Coursevall Drive
Centreville, MD 21617

RE: MISP #04-02-05-0002-C, Rita's Italian Ice

Dear Mr. Gigliotti:

Thank you for providing information on the above referenced minor site plan. The applicant proposes to construct a 1,000 square foot commercial building within the larger, existing Kent Landing shopping center. Commission staff has reviewed the information provided, as well as our file for the Kent Landing shopping center, and we have the following comments:

1. The 10% Pollutant Reduction calculations were completed in 1994 when the shopping center was developed. The removal requirement was based on a post-development impervious coverage of 8.2 acres. The site statistics show that the proposed total impervious coverage (i.e., including the newly proposed development) within the Critical Area is 8.193 acres. It appears that the proposed project, because total impervious coverage will not exceed 8.2 acres, does not require additional 10% calculations.
2. We recommend that the existing stormwater pond be evaluated to ensure that it is functioning as intended. Provided that it is functioning, the project will not need additional stormwater management under the County's Critical Area Program. However, the County's Stormwater Ordinance may have additional requirements.
3. In the site statistics referenced in Comment #1 above, there appears to be an error in the math in regard to existing and proposed impervious coverage. Specifically, it states that there is 338,182.8 square feet of existing impervious with 2,567.4 proposed. Together, these add up to 340,750.2 rather than 356,896.2 as indicated. This should be corrected.

Thank you for the opportunity to comment. If additional or revised information becomes available, please forward it to this office for further review. If you have any questions or concerns regarding these comments, please contact me at (410) 260-3477.

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: QC268-02

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Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

May 9, 2002

Ms. Tanya Krista-Maenhardt
Queen Anne's Planning & Zoning
160 Coursevall Drive
Centreville, MD 21617

RE: Minor Subdivision, File #05-02-04-0023, Rosario & Janet Marinucci

Dear Ms. Krista-Maenhardt:

Thank you for providing information on the above referenced minor subdivision. The subject property is proposed to be subdivided into four residential lots and one open space lot. It contains 23.6 acres within the Critical Area designated RCA. One lot is being created under the 1 per 20 density allowance while the three other lots are being created through the use of TDRs. Commission staff has reviewed the information provided and visited the site and we have the following comments:

1. As we discussed, there are five sewage reserve areas (SRA) shown on the site plan. Building restriction lines are also shown on Parcel 40, the remaining open space lot. These give the impression that there are actually five building lots. The extra SRA should be removed from the plan and a plat note should be provided which clearly states that Parcel 40 cannot be developed within the Critical Area.
2. Lot 1 is being created around an existing house. The house is located partially within the 100-foot Buffer. Additions or changes to the dwelling may require a variance.
3. The site plan shows a tree line along the entire waterfront. As we observed on site, the forested portion of the site ends abruptly where shore erosion has occurred.
4. The Buffer should be a priority location for the afforestation. A mix of native species should be used to expand the existing forested area. Also, future property owners should be made aware that clearing the existing forested Buffer is strictly prohibited.
5. The table titled "Transfer of Development Rights Parcels Resource Computations" is confusing, especially in regard to the deed restricted open space. On the Sheaffer TDR property, since four TDRs have been used, 80 acres should be deed restricted rather than 60. Please clarify.

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Ms. Tanya Krista-Maenhardt
May 9, 2002
Page 2

6. The site plan should include information on the proposed stormwater management that will be provided as well as where it will be located.

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

Sincerely,



LeeAnne Chandler
Natural Resources Planner

cc: QC254-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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May 9, 2002

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

RE: Variance Case No. 2002-0170-V, Edwin Darwin

Dear Ms. Plociennik:

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

This property is Buffer Exempt and the only new disturbance closer to the water than the existing dwelling is the well. The site plan shows the well within 50 feet of the shoreline and it also shows a note of "50' min." from the side property line. It is not clear why the well has to be 50 feet from the property line because the distance requirements of the County Health Department are only 10 or 15 feet from a property line or right of way, respectively. We recommend that the well be relocated further from the water if possible (subject to approval of the Health Department).

With regard to the disturbance to steep slopes, it appears that a new dwelling and associated septic system could not be located on this lot without some disturbance to steep slopes. The limits of grading around the house appear to be reasonable. However, we are concerned about runoff from the new dwelling as well as the extensive driveway. Given the slope, it appears that runoff will rapidly enter Mill Creek absent any stormwater management. We recommend that the applicant further explore the possibility of using a stormwater facility. At a minimum, the Buffer should be heavily planted with woody vegetation (including the area between the driveway and the shoreline) to help slow runoff and allow some infiltration.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: AA260-02

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May 13, 2002

Ms. Vivian Swinson
Queen Anne's Planning & Zoning
160 Coursevall Drive
Centreville, MD 21617

RE: Administrative Variance Case # 04-02-01, Countryside Builders/Seth Barker

Dear Ms. Swinson:

Thank you for providing information on the above referenced administrative variance. The applicant is requesting a variance to permit construction of a dwelling within the 100-foot Buffer. The subject property is currently undeveloped.

Provided this lot is properly grandfathered, this office does not oppose the siting of a single-family dwelling on it. Due to the close proximity of the tidal wetlands, it does not appear that this lot could be developed without a variance. The proposed dwelling is modest in size and it appears that impacts have been minimized. If approved, mitigation for clearing 21 trees should be provided, along with mitigation for the proposed impervious surface within the 100-foot Buffer. Also, the application does not include information about the proposed driveway material, i.e., whether it will be gravel or asphalt. If it will be asphalt, mitigation should be provided for the driveway area as well as the dwelling.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: QC271-02

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May 16, 2002

Ms. Vivian Swinson
Queen Anne's Planning & Zoning
160 Coursevall Drive
Centreville, MD 21617

RE: Administrative Variance Case # 02-02-02, Lee & Marge Faucett

Dear Ms. Swinson:

Thank you for providing information on the above referenced administrative variance. The applicant is requesting a variance to permit relocation and expansion of a dwelling within the 100-foot Buffer. The subject property is designated LDA and is currently developed with a dwelling and garage.

Based on the information provided, this office cannot support the variance requested. The property is 2.75 acres in size with approximately 1.5 acres of upland (i.e., not wetland) area. Such acreage makes this property different from those surrounding it, as they appear to be much smaller in size. Also, surrounding properties are designated Buffer-Exempt, while the subject property is not. It is not Buffer Exempt because it has no existing development within the Buffer and there is space outside of the Buffer to provide reasonable use. The enforcement of a 100-foot Buffer on this property would not result in an unwarranted hardship. Reasonable use exists as the property is developed today. Expansion of the existing dwelling could occur without the need for any Critical Area variances. The applicant, in relocating the existing dwelling to the proposed location, is creating the need for the variance. It appears that the house could be relocated and remain outside of the Buffer.

A comparison of the proposed development on the subject lot with those near this lot is not appropriate in this case. As stated above, the subject property is much larger than surrounding properties and it is also not Buffer Exempt. Non-Buffer Exempt lots of this size are not routinely developed within the 100-foot Buffer. Rather, granting of the variance would confer a special privilege. Finally, variances are not to be granted lightly but instead are appropriate to provide relief in exceptional situations. As the attached sketch demonstrates, there are alternative locations for the proposed expanded dwelling that would not require a variance. (There would

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Ms. Vivian Swinson
May 16, 2002
Page 2

be numerous other alternatives if the layout of the dwelling were redesigned.) We recommend that the applicant redesign the proposal and eliminate the need for a Buffer variance.

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

Sincerely,



LeeAnne Chandler
Natural Resources Planner

cc: QC307-02

CHARLES M. MEEHAN, et ux.
S.M. 598/348

LANDS OF
JUDITH A. NEWELL
M.W.M. 404/58

LANDS OF
THOMAS R. BENOLIEL, et ux.
M.W.M. 264/68

TRACT No. 12
1.577 AC ±

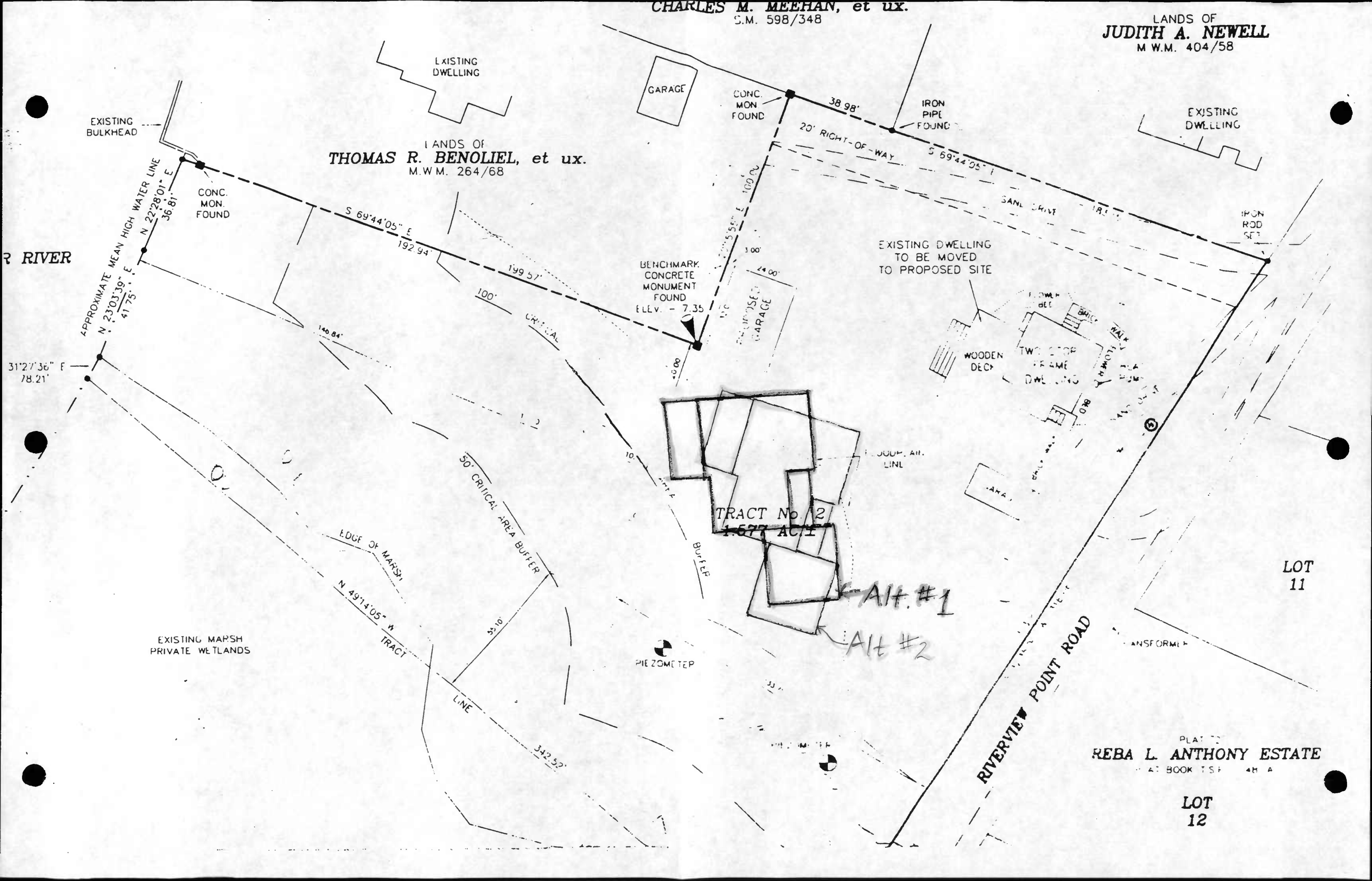
PLAT TO
REBA L. ANTHONY ESTATE
AT BOOK 158 4th A

R RIVER

RIVERVIEW POINT ROAD

LOT 11

LOT 12



EXISTING DWELLING

GARAGE

CONC. MON. FOUND

IRON PIPE FOUND

EXISTING DWELLING

EXISTING BULKHEAD

CONC. MON. FOUND

EXISTING DWELLING TO BE MOVED TO PROPOSED SITE

BENCHMARK CONCRETE MONUMENT FOUND ELEV. - 7.35

REMOVED GARAGE

WOODEN DECK

TWO STOP FRAME DWELLING

JUMP. AIR. LINE

EXISTING MARSH PRIVATE WETLANDS

PIEZOMETER

ALT #1

ALT #2

TRANSFORMER

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Ren Serey
Executive Director

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May 21, 2002

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

**RE: Zoning Reclassification 2002-0176-R and Critical Area Reclassification 2002-0177-C,
Joseph J. Hock, Inc.**

Dear Ms. Diffenderfer:

Thank you for providing information on the above referenced reclassification requests. The applicant is requesting that a 2.27-acre parcel be reclassified from Open Space to Highway Commercial and from RCA and LDA to IDA. The parcel is currently undeveloped and it contains some woodland and an overgrown field.

This office has no comment on the zoning reclassification. For the Critical Area reclassification, the information provided does not clearly indicate if the applicant is requesting reclassification via growth allocation or through correction of a mapping mistake. This should be clarified. If it is a request for growth allocation, the proper means of review and approval is set out in §1A-108 of the County Zoning Ordinance. If the applicant is asserting that a mapping mistake occurred when this property was designated RCA and LDA, additional information as to the condition of the property in 1985 should be provided. Also, please note that the National Wetlands Inventory (NWI) map shows a palustrine scrub/shrub forested wetland on the property. You will note on the attached aerial photo that the shape of the non-tidal wetland (in green) is the same as the shape of the area designated RCA. Anne Arundel County relied heavily on the NWI maps in mapping its Critical Area. Specifically, on page 13 of the County's Critical Area Program (in the section titled, "Development of Land Use Classification Maps,"), it explicitly states, "The first step in the process was to map all wetlands as Resource Conservation Areas." For your information, a photocopy of this section is enclosed with this letter. Based on this information, it seems that the task of proving that a mistake was made in designating a portion of the subject property as RCA would be difficult. Lastly, regardless of which means of reclassification the applicant is seeking, the map amendment must be submitted to the Critical Area Commission for review and approval.

Thank you for the opportunity to review this application. Please forward additional information in support of this application when provided by the applicant. If you have any questions or concerns, please contact me at (410) 260-3477.

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: Elinor Gawel
AA298-02








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MERLIN Online Map

Sensitive Areas

AA Wetlands - NWI

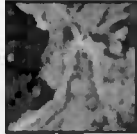
-  E1OWL, E1OWL6X...
-  PEM1C, PEM5A...
-  R1OWV, R2OWH...
-  E1OWL, E1OWL6...
-  L1OWHH, L2EM2EH
-  PAB/OWF, PAB/OWFH...
-  R1EM2N, R1OWV...
- U**

Base Maps

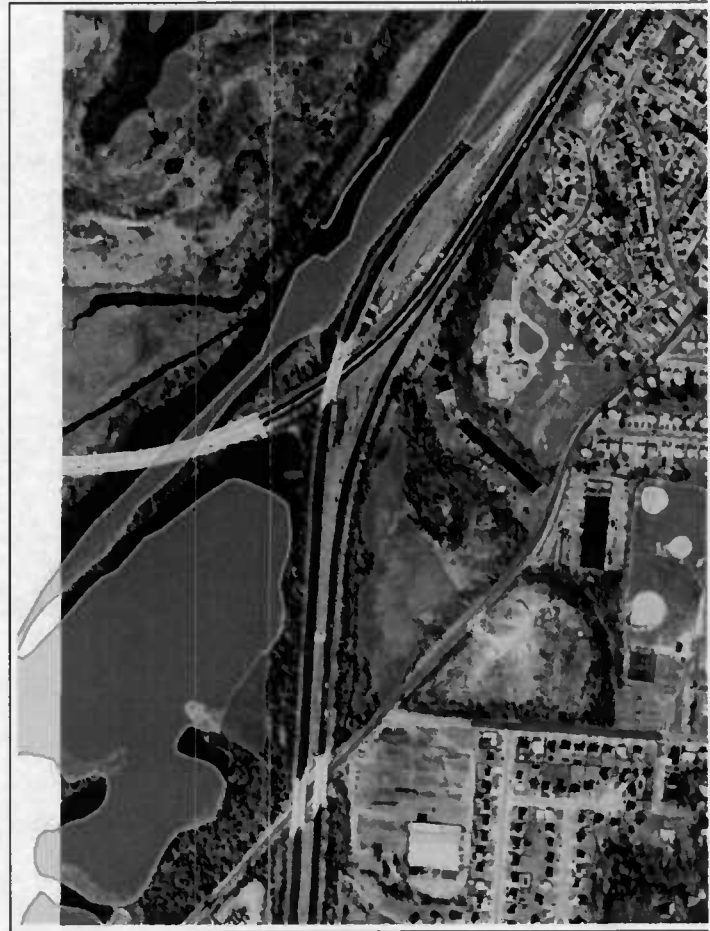
3.75' Quarter Quad Grid



Curtis Bay NW 3.75' CIR 04/04/1994



Curtis Bay Quad 7.5' Topo



N 173424.71m E 432706.48m



Coordinates at center of image in Maryland State Plane, N.
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Chairman



Ren Serey
Executive Director

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May 24, 2002

Mr. Frank McKenzie
Dept. of Planning, Zoning & Community Development
PO Box 870
Salisbury, Maryland 21803-0870

RE: Richardson Property – Growth Allocation question

Dear Mr. McKenzie:

I am writing to follow up on the discussion the Program Subcommittee had on the Richardson property at its meeting in April. During that discussion, several Commission members requested additional information regarding the proposal to use growth allocation for a sewage reserve area serving development outside of the Critical Area. In particular, they requested topographical information, perc test locations, and soils data. This information is necessary to demonstrate that there has been every effort to exhaust development options outside of the Critical Area before seeking to create the island of LDA in the midst of RCA. It may also be helpful to present correspondence from the property owner describing the situation. Lastly, information regarding proposed mitigation should be provided. The Subcommittee seemed interested in mitigation that would provide a clear water quality benefit such as an enhanced sewage disposal system with nutrient removal, substantial planting around the sewage disposal area or enhanced Buffer plantings.

The Subcommittee is available to continue the discussion, provided that the requested information is made available. There is time on the June 5th agenda that could be used for this discussion or, alternatively, the discussion could take place at the July 10th Commission meeting in Ocean City. Please let us know as soon as possible if we can expect you on June 5th. If you have any questions or concerns, please contact me at (410) 260-3477.

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: Mr. Richardson

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May 29, 2002

VIA FACSIMILE

Ms. Suzanne Diffenderfer
Anne Arundel Planning & Zoning
3664 Riva Road, MS 6301
Annapolis, Maryland 21401

RE: BOARD OF APPEALS COMMENTS - Variance Case No. 2001-0519-V, Beverly Mueller

Dear Ms. Diffenderfer:

This office would like to provide revised comments in the above referenced case. The applicant is requesting a variance to exceed impervious cover in the Critical Area. The property is designated LDA and is currently developed with a townhome and driveway.

The subject property is located in the Waters Edge at Woods Landing townhome community. This community received final subdivision approval in 1996, eight years after the County approved its Critical Area Program. Despite recommendations of County and Critical Area Commission staff, the subdivision was approved with 14.97% impervious coverage overall. This percentage of impervious cover does not allow for extra impervious cover on each individual lot. In fact, total impervious allowed for each lot was specified as follows: 748 square feet for the townhouse; 24 square feet for the concrete front stoop; 12 square feet for a concrete slab right outside the back door; 27 square feet for the private sidewalk; and approximately 220 square feet for a driveway. Enclosed with this letter are photocopies (from our microfiche files) of pertinent parts of the plat. Stormwater management for the development was engineered according to the impervious surfaces as approved on the plat. Additional impervious cover is not consistent with the approved subdivision plat or the County's Critical Area Program.

Commission staff recently met with the applicant in this case. The front walkway has been redesigned to provide reasonable accommodation for the family's handicap needs but also to minimize impervious cover and provide a raingarden for treatment of stormwater runoff. We understand that a four-foot width is desired to provide for maneuvering the wheelchair. The applicant, using scaled cutouts, demonstrated that this was the minimum that would function as desired. It is important to note that in the 2000 legislative session, the Maryland General

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Ms. Suzanne Diffenderfer
May 29, 2002
Page 2

Assembly amended the Chesapeake Bay Critical Area Protection Act, requiring local Critical Area programs to include, "Provisions for reasonable accommodations in policies and procedures when the accommodations are necessary to avoid discrimination on the basis of physical disability, including provisions that authorize a local jurisdiction to require removal of a structure that was installed or built to accommodate a physical disability and require restoration when the accommodation permitted by this paragraph is no longer necessary." The law became effective July 1, 2000.

With regard to the patio, a small stoop (12 square feet) is provided for each unit in the subdivision plat. While it would be convenient to have a full patio outside the back door, we cannot support the additional impervious cover. There is no indication that the patio is requested to accommodate a physical disability. It is our understanding that a retaining wall has already been installed. We recommend that the applicant construct a deck (with spaces between the boards to provide perviousness) rather than the brick patio. While it is likely that footers would be required to support the deck (especially beneath the HVAC system), such footers can be installed by hand with minimal disturbance. Such a deck would provide the desired use while minimizing impervious cover and the extent of the variance requested.

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

Sincerely,


LeeAnne Chandler
Natural Resources Planner

Enc.

cc: Marianne D. Mason, Esq.
AA38-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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May 29, 2002

Ms. Cathy Maxwell
Queen Anne's Planning & Zoning
160 Coursevall Drive
Centreville, MD 21617

RE: Conditional Use Case # CU-050006, Patrick M. Kirby, Sr.

Dear Ms. Maxwell:

Thank you for providing information on the above referenced application for a conditional use. The applicant is requesting approval of a 50-foot pier extension including a 10 by 26 foot "T" and six mooring piles.

This office typically defers to the Maryland Department of the Environment on pier issues as they are the State permitting authority for piers. However, in this case, the Board should be made aware that the State regulations limit platforms at the end of private piers to 200 square feet. The proposed "T" exceeds this amount and it should be redesigned. Also, State permits should be acquired prior to final County approval.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: QC314-02

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May 30, 2002

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

RE: Administrative Subdivision #02-02-05-0012-C, Charles H. Bohl, III

Dear Ms. Collison:

Thank you for providing information on the above referenced subdivision. The applicant proposes to reconfigure a lot that was created via subdivision last year. We have no comments regarding the lot reconfiguration. However, development of Lot 2 must fully comply with all RCA standards, except for the size of the lot. It is not clear if the Buffer as shown on the plat is correct. In our previous comments (on the subdivision which created Lot 2), we raised the issue in regard to Buffer expansion for steep slopes. The topographical information previously provided indicates a slope of 20 to 25%. The Buffer should be expanded four feet for every percent of slope, or to the top of the slope, whichever is greater in extent. The Buffer should be expanded to 180 to 200 feet from the landward boundary of tidal wetlands. The Buffer line must be corrected on the plat.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: QC554-01

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May 30, 2002

Mr. Matt Hedger
Wicomico County Planning, Zoning & Community Development
PO Box 870
Salisbury, Maryland 21803-0870

RE: Variance for Frederick and Pamela Wierman

Dear Mr. Hedger:

Thank you for providing information on the above referenced variance request. The applicants are requesting a variance for a handicap platform within the Critical Area Buffer. As you know, we have discussed this case previously in regard to the legislation passed in 2000. In the 2000 legislative session, the Maryland General Assembly amended the Chesapeake Bay Critical Area Protection Act, requiring local Critical Area programs to include, "Provisions for reasonable accommodations in policies and procedures when the accommodations are necessary to avoid discrimination on the basis of physical disability, including provisions that authorize a local jurisdiction to require removal of a structure that was installed or built to accommodate a physical disability and require restoration when the accommodation permitted by this paragraph is no longer necessary." The law became effective July 1, 2000.

Commission staff has reviewed the requested variance with consideration of the above provision. It is our understanding that the applicants' dwelling has been constructed to be fully handicap accessible. Because the Cherry Hill Condominium is a post-Critical Area development, it should fully comply with all applicable Critical Area regulations. Ideally, all of the dwellings would have been built with space for a deck outside of the Buffer. However, some other property owners have constructed cantilevered decks waterward of their dwelling. Because there was no physical disturbance to the Buffer and because the decks were constructed to be pervious (i.e., with spaces between the boards), a variance was not required. In this case, it appears clear that the impact to the Buffer can be attributed to the need for handicap accessibility. As such, this office does not oppose the variance requested. We do recommend mitigation in the form of Buffer plantings for the disturbance to the Buffer at a 3:1 ratio.

Thank you for the opportunity to comment on this request. Please include this letter in your staff report and submit it as part of the record in this case. Also, please notify the Commission in writing of the Board's decision. If you have any questions or concerns regarding these comments, please contact me at (410) 260-3477.

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: WI326-02

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May 31, 2002

Mr. Matt Hedger
Wicomico County Planning, Zoning & Community Development
PO Box 870
Salisbury, Maryland 21803-0870

RE: Subdivision – Lewrenza Byrd, Jr. Property

Dear Mr. Hedger:

Thank you for providing information on the above referenced subdivision. Based on our discussion and the subdivision plat, we have the following comments:

1. It is our understanding that the purpose of this plat is to preserve an area for future development within a larger area that is under an Agricultural Land Preservation Easement.
2. Information regarding Critical Area acreages must be added to the plat. This information should include the total area of the parent parcel within the Critical Area. This will determine the total number of dwelling units permitted within the Critical Area portion of the property. The currently proposed "future home site" will count against the allowed density.
3. Development on the proposed home site must fully comply with all Critical Area regulations. This includes protection of the Buffer, impervious surfaces limits, clearing limits and afforestation/reforestation.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: WI325-02

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May 31, 2002

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

RE: Major Subdivision #04-01-09-0009(c), Serenity Farm (Thomas Sperl) – REVISION #2

Dear Mr. Cohoon:

Thank you for providing the revised information on the above referenced subdivision. The applicant proposes to use one Critical Area development right to create a new lot. The proposed lot is 2.784 acres in size. I have reviewed the information provided.

This office has no further concerns in regard to Lot 5. However, we would like to bring an issue to your attention. The tidal wetlands on Lot 4, north of the proposed driveway for Lot 5, have not been completely delineated. The applicant has delineated the tidal wetland only to its western and southern boundaries and not to the east. If any development is ever proposed on this portion of Lot 4, the tidal wetland must be delineated in its entirety and the Buffer drawn accordingly. Also, for your information, the existing pond on Lot 4 is shown as a tidal wetland on Sheet 3. If it is tidally influenced, it requires a 100-foot Buffer.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: QC528-01

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Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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

May 29, 2002

VIA FACSIMILE

Ms. Suzanne Diffenderfer
Anne Arundel Planning & Zoning
3664 Riva Road, MS 6301
Annapolis, Maryland 21401

RE: BOARD OF APPEALS COMMENTS - Variance Case No. 2001-0519-V, Beverly Mueller

Dear Ms. Diffenderfer:

This office would like to provide revised comments in the above referenced case. The applicant is requesting a variance to exceed impervious cover in the Critical Area. The property is designated LDA and is currently developed with a townhome and driveway.

The subject property is located in the Waters Edge at Woods Landing townhome community. This community received final subdivision approval in 1996, eight years after the County approved its Critical Area Program. Despite recommendations of County and Critical Area Commission staff, the subdivision was approved with 14.97% impervious coverage overall. This percentage of impervious cover does not allow for extra impervious cover on each individual lot. In fact, total impervious allowed for each lot was specified as follows: 748 square feet for the townhouse; 24 square feet for the concrete front stoop; 12 square feet for a concrete slab right outside the back door; 27 square feet for the private sidewalk; and approximately 220 square feet for a driveway. Enclosed with this letter are photocopies (from our microfiche files) of pertinent parts of the plat. Stormwater management for the development was engineered according to the impervious surfaces as approved on the plat. Additional impervious cover is not consistent with the approved subdivision plat or the County's Critical Area Program.

Commission staff recently met with the applicant in this case. The front walkway has been redesigned to provide reasonable accommodation for the family's handicap needs but also to minimize impervious cover and provide a raingarden for treatment of stormwater runoff. We understand that a four-foot width is desired to provide for maneuvering the wheelchair. The applicant, using scaled cutouts, demonstrated that this was the minimum that would function as desired. It is important to note that in the 2000 legislative session, the Maryland General

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Ms. Suzanne Diffenderfer
May 29, 2002
Page 2

Assembly amended the Chesapeake Bay Critical Area Protection Act, requiring local Critical Area programs to include, "Provisions for reasonable accommodations in policies and procedures when the accommodations are necessary to avoid discrimination on the basis of physical disability, including provisions that authorize a local jurisdiction to require removal of a structure that was installed or built to accommodate a physical disability and require restoration when the accommodation permitted by this paragraph is no longer necessary." The law became effective July 1, 2000.

With regard to the patio, a small stoop (12 square feet) is provided for each unit in the subdivision plat. While it would be convenient to have a full patio outside the back door, we cannot support the additional impervious cover. There is no indication that the patio is requested to accommodate a physical disability. It is our understanding that a retaining wall has already been installed. We recommend that the applicant construct a deck (with spaces between the boards to provide perviousness) rather than the brick patio. While it is likely that footers would be required to support the deck (especially beneath the HVAC system), such footers can be installed by hand with minimal disturbance. Such a deck would provide the desired use while minimizing impervious cover and the extent of the variance requested.

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

Sincerely,


LeeAnne Chandler
Natural Resources Planner

Enc.

cc: Marianne D. Mason, Esq.
AA38-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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June 11, 2002

Ms. Cathy Maxwell
Queen Anne's Planning & Zoning
160 Coursevall Drive
Centreville, MD 21617

RE: Conditional Use Case # CU-050005, AT&T, County Commissioners

Dear Ms. Maxwell:

Thank you for providing information on the above referenced application for a conditional use. The applicant is requesting approval for installing communications antennas on an existing County owned water tank and construction of a concrete pad at ground level. The subject property is designated IDA and is three acres in size.

Based on the information provided, it does not appear that this proposal will have any impact on Critical Area resources. Therefore, this office takes no position on this conditional use application.

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

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: QC330-02

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Ren Serey
Executive Director

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June 13, 2002

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

RE: Variance Case No. 2002-0156-V, Beverly Golaboski

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance request. The applicant is requesting a variance to permit a garage addition with less setbacks than required. The property is designated LDA, is not waterfront and is developed with a dwelling, driveway and shed.

Because the proposed addition will be constructed over existing impervious surface and because there are no impacts to Habitat Protection Areas, this office has no comment on this setback variance. Vegetation removed in the course of construction should be replaced in kind.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: AA296-02

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Chairman



Ren Serey
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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June 14, 2002

Mr. Steve Cohoon
Queen Anne's Planning & Zoning
160 Coursevall Drive
Centreville, MD 21617

RE: MISP #04-02-05-0002-C, Rita's Italian Ice - Revision #1

Dear Mr. Cohoon:

Thank you for providing Revision #1 of the above referenced minor site plan. The applicant proposes to construct a 1,000 square foot commercial building within the larger, existing Kent Landing shopping center. Based on the information provided in regard to the effectiveness of the existing stormwater management pond, this office has no further concerns regarding this project.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: QC268-02

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June 14, 2002

Ms. Tanya Krista-Maenhardt
Department of Planning and Zoning
160 Coursevall Drive
Centreville, Maryland 21617

RE: Downey/Corson BEA Map Amendment

Dear Ms. Krista-Maenhardt:

This office has received the proposed Critical Area map amendment that extends Buffer Exemption status to Parcels 472 and 457 and a portion of Parcel 444, Lot 2 on County Critical Area Overlay Map No. 57. It is our understanding that the Planning Commission has held its public hearing and has made a favorable recommendation to the County Commissioners. The recommendation includes findings to support the favorable recommendation.

Based on the information provided, this office considers this amendment as an addition of a Buffer Exemption Area permitted under Section 14-171(f) of the County Code. In addition to the findings of the Planning Commission, it appears that the surrounding pattern of development (commercial and active recreational uses) on the south side of the canal supports this designation. Similarly, it is clear that there is a distinct change in the pattern of development on the north side of the canal (i.e., any further extension of the BEA is not supported by site conditions). Also, the County property is designated BEA along the open water of the Narrows. It seems that if that property qualified as a BEA along the Narrows, it should also qualify along the canal. The canal is also partially bulkheaded, as it is along the Narrows.

Based on the above, we have accepted the map amendment as a complete submittal. Chairman North will make a refinement determination and the Commission will review the map amendment at the July 10, 2002 Commission meeting in Ocean City. Specific details including time and location of the meeting will be provided as soon as possible.

If you have any questions or concerns regarding this matter, please contact me at (410) 260-3477.

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: Amendment file

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June 14, 2002

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

RE: Variance Case No. 2002-0174-V, David & Diane McClatchy

Dear Ms. Plociennik:

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

This office reviewed a variance request for this property in late 2001. At that time, the plan was to add a second floor to the existing house. Now it appears that the house will be completely rebuilt. The new house will not impact the steep slopes any more than the existing house. We do not oppose the variance requested provided that vegetation removed in the course of construction is replaced in kind. At least 15% of the site should be covered in woody vegetation.

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

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: AA619-01

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Executive Director

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June 14, 2002

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

RE: Special Exception Case No. 2002-0182-S, Anne Arundel County

Dear Ms. Plociennik:

Thank you for providing information on the above referenced special exception request. The applicant is requesting a special exception to permit modifications to an existing public utility. The property has a split designation of LDA and RCA and is currently developed with a water reclamation facility.

According to the information provided, there will be no forest clearing and no increase in impervious cover associated with this project. Given the absence of impacts to Critical Area resources and the fact that upgrades will increase efficiency of the facility, this office does not oppose this special exception request.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: AA302-02

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June 14, 2002

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

RE: Variance Case No. 2002-0181-V, Frank Burdette


Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance request. The applicant is requesting a variance to permit an extension in time for the implementation and completion of a previously approved variance. The property is designated LDA and is currently undeveloped.

Provided that all conditions of the previous approval are met, this office does not oppose the extension in time.

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

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: AA301-02

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June 14, 2002

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

RE: Variance Case No. 2002-0161-V, Isiah Watkins

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance request. The applicant is requesting a variance to permit a dwelling and associated facilities within a non-tidal wetland. The property is designated LDA and is currently undeveloped.

Provided the subject property is properly grandfathered, this office does not oppose the siting of a single family dwelling on it. However, impacts should be minimized and the variance requested should be the minimum to provide relief. In this case, due to the extent of the wetlands on the site, it appears that house size is the controlling feature for the extent of impacts. It seems that the proposed house is a common split foyer "spec" house with a 1400 square foot footprint. The minimum house size permitted in the County is 600 square feet (§10-105 of the County Zoning Ordinance). In this case, a two-story "mini-colonial" measuring approximately 28 by 28 (which are also very common in older subdivisions where lots measure 50 by 100) may be more appropriate. Such a house would have a smaller footprint thus reducing the extent of impacts to the wetland. All MDE permits should be acquired to final County approvals. In addition to the wetland mitigation, mitigation should be provided for the forest clearing at a 1:1 ratio. Lastly, we recommend that a conservation easement be placed over the undisturbed area so that future property owners are made aware of the restrictions on the property.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: AA297-02

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June 20, 2002

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

RE: Variance Case No. 2002-0206-V, Thomas Fiore

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance request. The applicants are requesting a variance to permit a dwelling with less setbacks than required. The property is designated IDA, is not waterfront and currently contains a garage foundation.

We have no comment on this setback variance. However, because the lot is designated IDA, the 10% pollutant reduction rule 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 the project file and submit it as part of the record for this request. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: AA357-02

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Ren Serey
Executive Director

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June 20, 2002

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

RE: Variance Case No. 2002-0215-V, David & Kathleen Dold


Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance request. The applicant is requesting a variance to permit a dwelling addition with less setbacks than required. The property is designated LDA, is Buffer Exempt and is developed with a dwelling and driveway.

Because the proposed addition will be constructed over existing impervious surface and because there are no impacts to Habitat Protection Areas, this office has no comment on this setback variance. Vegetation removed in the course of construction should be replaced in kind.

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

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: AA362-02

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

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Chairman



Ren Serey
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401
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June 20, 2002

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

RE: Variance Case No. 2002-0208-V, Sandra Gallagher

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance request. The applicant is requesting a variance to permit a dwelling addition with less setbacks and Buffer than required. The property is designated LDA, is Buffer Exempt and is developed with a dwelling and numerous accessory structures and sidewalks.

Because the proposed second floor addition will be constructed over the existing house, extending no further waterward than the existing dwelling, this office does not oppose the variance requested. However, we are concerned about the excessive impervious cover on this lot. We recommend that the applicant be required to identify the areas of impervious to be removed so there is no net increase due to the proposed porch. We recommend that removal of the identified area be a condition on any approval. Given the excessive impervious cover, we recommend that stormwater management be provided on this lot. Lastly, mitigation should be provided for the new impervious within the Buffer at a 2:1 ratio.

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

Sincerely,


Lee Anne Chandler
Natural Resources Planner

cc: AA358-02

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June 20, 2002

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

RE: Variance Case No. 2002-0212-V, John Chambers & Sheila Queen

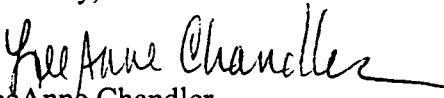
Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance request. The applicants are requesting a variance to permit a dwelling addition with less setbacks than required. The property is designated IDA, is not waterfront and is developed with a dwelling, driveway and shed.

We have no comment on this setback variance. However, because the lot is designated IDA, the 10% pollutant reduction rule 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 the project file and submit it as part of the record for this request. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: AA360-02

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April 4, 2002

Mr. Roby Hurley
Maryland Department of Planning
201 Baptist Street, Suite 24
Salisbury, Maryland 21801-4974

RE: Centreville Wastewater Treatment Plant

Dear Mr. Hurley:

Thank you for providing the consistency report for the above referenced project. Commission staff has reviewed the information provided by URS Corporation including the 10% calculations and the site plan. We agree with Queen Anne's County Public Works in regard to those aspects of the wastewater treatment plant that may be considered pervious. This is especially due to the fact that Phosphorus will be removed via treatment in the plant. It does not appear that there are any other Critical Area issues of concern. We concur with the Town's finding of consistency with the local Critical Area Program.

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

Sincerely,

LeeAnne Chandler
Natural Resources Planner

LAC/jjd

cc: Mr. Chris Rogers, URS Corp.
CV428-01

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Judge John C. North, II
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January 30, 2002

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

RE: Ellendale Growth Allocation

Dear Mr. Cohoon:

The Critical Area Commission received the Ellendale Growth Allocation request on January 15, 2002. We are accepting the request as a complete submittal. Chairman North will make a refinement determination within 30 days of the date of this letter. I will notify you subsequent to his decision.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: Amendment file

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

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Chairman



Ren Serey
Executive Director

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January 29, 2002

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

VIA FACSIMILE

RE: Variance Case No. 2001-0357-V, Steven Roach

Dear Ms. Miley:

This office has received the revised plans for the above referenced variance application. The applicant is requesting a variance to permit a dwelling with less setbacks and Buffer than required. The revised plan actually reduces the necessary Buffer variance. We do not oppose the variance requested because it appears that any development of this lot would require a variance. The relief requested would be minimized by a reduction of the size of the house. We recommend that the remainder of the property be placed in a conservation easement to ensure no further disturbance to the Buffer. Also, the future property owner should be made aware of the restrictions on future development on this lot.

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

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: AA561-01

Branch Office: 31 Creamery Lane, Easton, MD 21601
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Staff Correspondence Volume 1: Hoerger

2002

S1832-150-2



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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June 13, 2002

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

Re: Slattery Property
S 02-041, P 02-088

Dear Mr. Soldano:

Thank you for forwarding the above-referenced subdivision request to this office for review and comment. The applicant proposes create eight lots in the Limited Development Area. I have outlined our comments below.

1. The Environmental Report mentions existing pads that will be used for some of the proposed dwelling sites. How does the County view these existing pad sites if they are within the expanded Buffer?
2. It appears the Buffer requires expansion for steep slopes. Please have the applicant show the expanded Buffer.
3. The Buffer must be measured from the edge of mean high water or the edge of tidal wetlands, and is expanded in the case of hydric soils. It appears the applicant needs to make changes to the current Buffer line.
4. There are at least two areas on the plan that indicate a 50-foot buffer from the top of steep slopes. It seems the proper method for expanding the Buffer on this site would be to calculate the percent of slope and multiply that number by four, rather than the 50 foot method.

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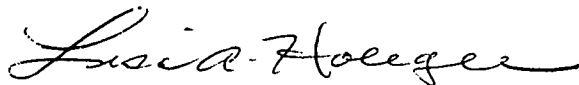
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Mr. Soldano
Page Two
June 13, 2002

5. The total for existing woodland within lots is incorrect. I get 635,402 square feet. Please have the applicant verify this figure.
6. Also, the percent cleared should be based on the existing forested area divided by the proposed clearing. I calculated 22% clearing.

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

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: AA 282-02



Judge John C. North, II
Chairman

Ren Serey
Executive 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, 2002

Mary Kay Verdery
Talbot County Office of Planning & Zoning
11 N Washington Street
Courthouse
Easton, Maryland 21601-3178

Re: Trippe Creek, LLC
Schwaninger, M1006

Dear Ms. Verdery:

Thank you for forwarding the revisions for the above-referenced subdivision request. The applicant has addressed most of the comments in our previous letter dated October 25, 2001. I have outlined the status of each of those previous comments below.

- 1) We still need confirmation regarding the wetlands. The applicant needs to provide the County with this information to ensure the proper density is calculated.
- 2) The Environment Report indicates the applicant's intent to establish the 100-foot Buffer where it requires planting. We recommend the County request the applicant to provide the acreage figures for those areas proposed for planting. The applicant might also shade the plan to indicate where the areas of plantings will occur.
- 3) We will need to know the topo information so the percent of slope can be calculated for the proposed lots along Peachblossom Creek since slopes 15% or greater require expansion of the 100-foot Buffer.
- 4) The letter from the Department of Natural Resources indicates this site is adjacent to historic waterfowl concentration areas. As indicated in that letter, the applicant must contact DNR if any water-dependent facilities are proposed. Also, the letter

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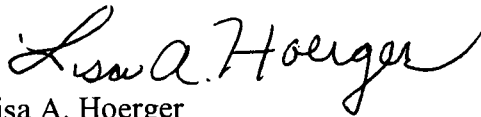
Ms. Verdery
June 11, 2002
Page Two

indicates the site may be within the range of the Delmarva Fox Squirrel. Although the project proposed no clearing of existing forested area, the applicant should contact the U. S. Fish and Wildlife Service to ensure the project is in compliance with Federal law.

- 5) In a memorandum dated January 4, 2002 from the applicant to the County, there is some discussion in comment #5 regarding the status of proposed lot 11. Is any portion of that lot within the Critical Area? Please indicate where the lot line of lot 11 is on the plan and where the developed portion of this lot is proposed.

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

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

LAH/jjd

cc: Ms. Mary Ratnaswamy, USFWS
Mr. Scott Smith, DNR
Mr. Larry Hindman, DNR

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION

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June 11, 2002

Mary Kay Verdery
Talbot County Office of Planning & Zoning
11 N Washington Street
Courthouse
Easton, Maryland 21601-3178

Re: Trippe Creek, LLC
Duval Farm, M 1007 Revision

Dear Ms. Verdery:

Thank you for forwarding the revisions for the above-referenced subdivision. It appears there have been some revisions to the lot lines. The County should continue to ensure that the applicant addresses the comments of my last letter of February 4, 2002. I have outlined our comments below.

1. It is not clear how the applicant meets the maximum density of ten lots inside the Critical Area portion of this subdivision. It appears there are 12 lots that are either wholly or partially within the RCA. While some portions of these lots can be in the RCA, all activities associated with the development of those lots must remain outside of the Critical Area. This includes the dwelling, septic areas, accessory structures and stormwater management systems.
2. I was unable to locate the acreage figure for the State versus privately owned wetlands on this property. Please have the applicant provide these figures so we can ensure the proper acreage figure is being used to create the density rights within the RCA.
3. The Environmental Assessment indicates that the 100-foot Buffer will be planted in areas that are not currently forested. We recommend the County request that the applicant provide the acreage figures for the area to be planted in the Buffer. The plan might also include shading of the areas proposed for planting versus those areas already forested.

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Ms. Verdery
June 11, 2002
Page Two

4. We note the letter from the Department of Natural Resources that identify this site as potentially supporting Forest Interior Dwelling Bird (FID) habitat, and supporting Delmarva Fox Squirrel habitat. Again, it is unclear how much contiguous forest exists on this site based on the plans provided; however, the plans indicate that no clearing is proposed at this time. I will coordinate with our Science Advisor on the FID issue and provide more detailed comments if she is of the opinion that this site supports FIDs. Although no clearing is proposed, we recommend the County contact the U.S. Fish and Wildlife Service regarding this Delmarva Fox Squirrel issue.

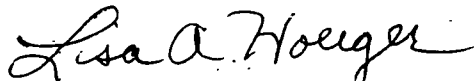
5. The site plan provided does not indicate what the contours are for the topo. This should be provided so we can determine the percent of the slopes that occur on proposed lots along Trippe Creek. It is possible that the Buffer may require expansion on some of these lots depending on the slope.

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

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

LAH/jjd



cc: Ms. Mary Ratnaswamy, USFWS
Mr. Scott Smith, DNR

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

1804 West Street, Suite 100, Annapolis, Maryland 21401
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June 6, 2002

Ms. Mary Kay Verdery
Talbot County Office of Planning & Zoning
11 N. Washington Street
Easton, Maryland 21601-3178

Re: Dennis Callaghan - S 948

Dear Ms. Verdery:

Thank you for forwarding the above-referenced request to this office for review and comment. The applicant proposes a single lot subdivision and a revision of lot lines. It appears the purpose of the lot line revision is to ensure the entirety of the septic disposal area is on lot 1; therefore this office has no comment on the proposed lot line revision.

In regard to the creation of proposed lot 3, it appears there is adequate room to locate a dwelling and its associated structures without the need for variances. Provided this is the case, this office has no comment on the creation of lot 3. The County should verify whether any afforestation is required. In any case, with the creation of a new lot, the 100-foot Buffer must be reestablished in native plantings.

The County should receive a letter from the Department of Natural Resources, Heritage and Biodiversity Division regarding the presence of threatened or endangered species that may exist on this parcel before final subdivision approval is granted. If any clearing is proposed, the County and the applicant should be in contact with the U.S. Fish and Wildlife Service to ensure protection of the endangered Delmarva Fox Squirrel.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: TC 285-02

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

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401
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June 3, 2002

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

Re: Leslie Costello - S 01-083, P 01-227
Resubmittal

Dear Ms. Allen:

Thank you for forwarding the resubmittal of the above-referenced project. The applicant has responded to my comment letter of February 25, 2002. I have outlined our comments below.

1. I would like to clarify the issue regarding allowable impervious coverage. The applicant may have as much as 25% impervious coverage on each individual lot, but the overall subdivision cannot exceed 15% impervious cover (see Natural Resources Article at §8-1808.3 (d)(4)).
2. In my last letter I recommended notes be added to the plat that include the conditions listed in the variance case 2001-055-V. These conditions do not appear to be explicitly stated on the revised plat.
3. While we understand the County will require an easement of all areas outside the Limits of Disturbance on the plans, it is still unclear how this meets the intent of the original condition of the building permit for lot 1. Please clarify this for us.
4. The figures concerning the amount of woodland removed and the total woodland removed are different on the plat versus what is shown on the final development plan.

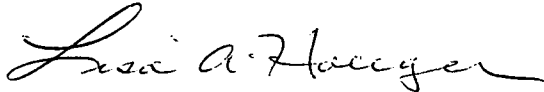
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Ms. Allen
Page Two
June 3, 2002

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

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger". The signature is written in black ink and is positioned below the word "Sincerely,".

Lisa A. Hoerger
Natural Resources Planner

cc: AA 549-01

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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June 3, 2002

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

Re: Clifford Naeve
Appeal # 1222

Dear Ms. Verdery:

Thank you for forwarding the above-referenced special exception request to this office for review and comment. The applicant proposes to construct a new 230' by 6' timber pier with a 10' by 20' "L" head, with one boatlift and six mooring piles that will encroach into the channel. This office has no comment regarding the encroachment issue.

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

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: TC 308-02

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Judge John C. North, II
Chairman



Ren Serey
Executive Director

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June 3, 2002

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

Re: Bruce & Pamela Dickson
Appeal # 1225

Dear Ms. Verdery:

Thank you for forwarding the above-referenced variance request to this office for review and comment. The applicants propose to construct a single family dwelling inside the 100-foot Buffer to Hickory Ridge Cove. Based on the site plan provided, almost the entire lot is within the 100-foot Buffer.

This office does not oppose the requested variance for the reasons outlined below:

1. The lot is considered a legally recorded, buildable, grandfathered lot.
2. The applicant is reducing the overall impervious surfaces on the site.
3. There is no area outside the Buffer to accommodate a dwelling and the location is no further waterward than the location of previous structures.
4. The applicant is also requesting a side-yard setback to reduce the requested Buffer variance.

Given the site constraints of this grandfathered lot, it appears the applicant has made a reasonable effort to site the proposed dwelling. We recommend the two decks shown on the floor plan and elevation drawings be reflected on the site plan. We also recommend that the sidewalk and driveway and parking areas be the minimum area possible. Mitigation for all new disturbance to the Buffer, including any clearing and grading, shall be mitigated at a 3:1 ratio with native Buffer plantings.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: TC 309-02

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



Ren Serey
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401
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May 30, 2002

Mr. Terrence E. Valentine
Environmental Programs Unit Coordinator
Water and Sewer Design Section
Washington Suburban Sanitary Commission
14501 Sweitzer Lane
Laurel, Maryland 20707-5902

Re: Water Main Replacement, Town of Brentwood
WSSC Contract BR3336A02

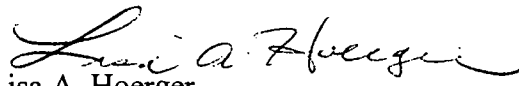
Dear Mr. Valentine:

Thank you for forwarding the above-referenced project to this office for review and comment. It is our understanding this contract is proposed to correct existing water mains due to their age and failing conditions. We understand the replacement will include along with each water main, new valves, connections, and fire hydrants, and all work will be within existing paved roadways in an area of approximately .08 acres.

Since there will be no clearing or impacts to Habitat Protection Areas the Critical Area Commission staff determined this project is a maintenance activity and does not require formal approval by the Critical Area Commission. Therefore, this activity may proceed notwithstanding any other required State or local agency permits.

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

Sincerely,


Lisa A. Hoerger
Natural Resources Planner

cc: WSSC 23-02

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Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401
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May 28, 2002

Mr. Robert Konowal
Department of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Richard E. Polm, 2002-0103-V

Dear Mr. Konowal:

This letter contains the comments and recommendation of the Chesapeake Bay Critical Area Commission staff on the referenced variance request. The applicant proposes to construct a swimming pool that requires a variance to be sited in the expanded Critical Area Buffer for steep slopes and highly erodible soils. Before I offer our position concerning the immediate request before the Administrative Hearing Officer, I would like to raise an issue that concerns this office and that we would request an explanation.

In visiting this site and discussing this case, it appears the existing dwelling is not of the same size and configuration that was originally approved by the Administrative Hearing Officer in February of 1998 (Case No. 1997-0427-V). In fact, it appears the applicant submitted to the building and grading permit reviewers two different plans since the plan that was approved by the Administrative Hearing Officer in 1998 (enclosed). As you know, we have just received this information today, and are unaware of how the County could allow these changes, particularly changes that substantially increased disturbance to the Critical Area expanded Buffer. We did not receive any amended variance applications nor notification of the proposed changes in the Buffer.

In regard to reviewing the immediate request for a pool we would like to offer the following information. Although the County and the Administrative Hearing Officer have been reviewing variance cases using the interpretation of the variance standards set forth in three recent Court of Appeals cases, we want to advise you that as of June 1, 2002, those cases have been legislatively overruled to a significant degree.

In the recently concluded 2002 Session, the Maryland General Assembly enacted Senate Bill 326, and the Governor signed the legislation. The bill amends the State Critical Area Act to require local jurisdictions: (1) to consider reasonable use of the entire parcel or lot for which the variance is

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requested; (2) to find that an applicant has satisfied each one of the variance standards; and (3) to find that without the variance, the applicant would be deprived of a use of land or a structure permitted to others in accordance with the critical area program. I have attached a copy of the enrolled bill for your reference.

In that regard, we will review this plan per all five variance standards found in COMAR 27.01.11.01 and in the County's Code. Even if the Hearing Officer rules on this case before June 1, 2002, using the Court of Appeals' cases, the applicant would still not meet the standards for granting a variance.

This office has consistently opposed the granting of a variance to site an accessory structure, such as a swimming pool, in the Buffer. Both the County's Code in Article 28 § 11-102.1B and the Critical Area Criteria in COMAR 27.01.11.01 provide specific standards for a granting a variance. All five variance standards outlined below must be met in order for the applicant to receive a variance.

- 1) Section 11-102.1.B.1 addresses unwarranted hardship. An applicant must show that site features preclude the applicant from complying with the Critical Area Program and would result in an unwarranted hardship to the applicant. To our knowledge, there are no special conditions or circumstances unique to the property or the structure. Denial of this variance would not result in an unwarranted hardship because the applicant is proposing a pool which is considered an accessory structure. The applicants enjoy reasonable use of their property which is developed with a dwelling and associated uses. Unwarranted hardship results only when denial of an applicant's variance request would result in denial of reasonable and significant use of the property.
- 2) Section 11-102.1.B.2 addresses whether a literal interpretation of the Criteria would deprive the applicant rights commonly shared by other owners of property in similar areas. All property within the Critical Area in Anne Arundel County are similarly limited by the Critical Area Law and the County's Program. New development activities may only be permitted in the Buffer if they are water-dependent. Water dependent facilities are those structures that require location at or near the shoreline, such as a boat ramp. A swimming pool is not water-dependent, and no property owner in Anne Arundel County's Critical Area enjoys the right to place a new pool in the Buffer.
- 3) Section 11-102.1.B.3 addresses special privileges that may be conferred upon an applicant with the granting of a variance when such privileges would be denied other owners of like properties and/or structures within the Critical Area. The granting of this variance clearly would confer upon this property owner a special privilege because all similar properties are restricted from locating new accessory structures within the Buffer.
- 4) Section 11-102.1.B.4 addresses conditions or circumstances which are self-imposed and conditions or circumstances related to adjacent properties. Although the applicant's request is not based on self-created conditions or conditions on adjacent properties, each variance application must be evaluated individually on its own circumstances.
- 5) Section 11-102.1.B.5 addresses adverse impacts to water quality and fish, wildlife, or plant habitat that may result from the granting of the variance and the consistency of the variance

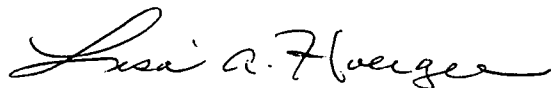
Mr. Konowal
May 28, 2002
Page Three

approval with the spirit and intent of the Critical Area Program. The construction of 1,055 square feet of impervious surface for a pool (20' x 40' pool with a four foot apron) will adversely impact water quality by reducing the area available for infiltration and increasing the area that contributes to the quantity and velocity of stormwater runoff. Although it is literally impossible to measure impacts to water quality from a single pool, it is not necessary to do so. The General Assembly instituted the requirements for protection of the Buffer because of the cumulative impacts of construction in the Buffer. Approval of the proposed variance will contribute to these cumulative impacts and therefore is not consistent with the general spirit and intent of the Critical Area Program.

In summary, the applicant has failed to meet the heavy burden for a variance in this case. While we are sympathetic to the applicant's desire for a pool, this office can find no legal basis to support 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 variance. Please notify the Commission in writing of the decision made in this case.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

Enclosures

cc: Marianne Mason, Esq.
Ms. Regina A. Esslinger, Project Evaluation Chief
AA 214-02

SENATE BILL 326
EMERGENCY BILL

Unofficial Copy
M3

2002 Regular Session
(21r0915)

ENROLLED BILL

-- Education, Health, and Environmental Affairs/Environmental Matters --

Introduced by Senator Dyson (Chairman, Joint Committee on the
Chesapeake Bay Critical Areas) and ~~Senators Frosh and Sfikas, the~~
President (Administration), and Senators Frosh, Sfikas, Blount,
Hollinger, Collins, Conway, Harris, Schrader, and Stone

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Chesapeake Bay Critical Area Protection Program**

3 FOR the purpose of altering the requirements for local critical area programs to
4 include certain variance provisions; prohibiting a variance from being granted
5 unless certain conditions are met; ~~requiring a local jurisdiction, in considering~~
6 ~~an application for a variance, to consider reasonable use of the entire parcel or~~
7 ~~lot for which the variance is requested;~~ requiring a local jurisdiction, in
8 considering an application for a variance, to consider reasonable use of the entire
9 parcel or lot for which the variance is requested; providing that certain
10 provisions of this Act do not apply to certain permits or activities which comply
11 with certain buffer exemption plans or buffer management plans; revising the
12 period of time for the review of certain critical area programs by local
13 jurisdictions; ~~defining a certain term;~~ removing certain obsolete language;
14 making this Act an emergency measure providing for the application of this Act,

1 and generally relating to the Chesapeake Bay Critical Area Protection Program.

2 BY repealing and reenacting, without amendments,

3 Article - Natural Resources

4 Section 8-1801

5 Annotated Code of Maryland

6 (2000 Replacement Volume and 2001 Supplement)

7 BY repealing and reenacting, with amendments,

8 Article - Natural Resources

9 Section 8-1808 and 8-1809(g)

10 Annotated Code of Maryland

11 (2000 Replacement Volume and 2001 Supplement)

12 Preamble

13 WHEREAS, State lawmakers in 1984 recognized the importance of fostering
14 more sensitive development activity along the shoreline areas of the Chesapeake Bay
15 and its tributaries, from the standpoint of protecting and preserving water quality
16 and natural habitats, with the adoption of the Chesapeake Bay Critical Area
17 Protection Act; and

18 WHEREAS, The grandfathering provisions of the enabling Act and its
19 accompanying Criteria provided certain exemptions for grandfathered properties
20 from density limits, but the Criteria expressly provided that grandfathered properties
21 were not exempt from Habitat Protection Area (HPA) or water-dependent facilities
22 requirements; and

23 WHEREAS, The Criteria provide that variances to a jurisdiction's local Critical
24 Area Program may be granted in certain circumstances; and

25 WHEREAS, Recent decisions by the Maryland Court of Appeals have held that
26 a variance may be granted if the regulations would deny development on a specific
27 portion of an applicant's property rather than considering alternative locations
28 on-site; and

29 WHEREAS, The Court of Appeals has ruled that a local Board of Appeals, when
30 determining if denial of a variance would deny an applicant rights commonly enjoyed
31 by others in the Critical Area, may compare a proposal to nonconforming uses or
32 development that predated implementation of a local Critical Area Program; and

33 WHEREAS, The Court of Appeals has ruled that an applicant for a variance
34 from Critical Area requirements may generally satisfy the variance standards of a
35 local zoning ordinance, rather than satisfy all of the standards; and

36 WHEREAS, These recent rulings by the Court of Appeals are contrary to the
37 intent of the General Assembly in enacting the Chesapeake Bay Critical Area
38 Protection Act; and

1 WHEREAS, It is the intent of this Act to overrule these recent decisions of the
2 Court of Appeals regarding variances to Critical Area regulations; now, therefore,

3 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
4 MARYLAND, That the Laws of Maryland read as follows:

5 **Article - Natural Resources**

6 8-1801.

7 (a) The General Assembly finds and declares that:

8 (1) The Chesapeake Bay and its tributaries are natural resources of
9 great significance to the State and the nation;

10 (2) The shoreline and adjacent lands constitute a valuable, fragile, and
11 sensitive part of this estuarine system, where human activity can have a particularly
12 immediate and adverse impact on water quality and natural habitats;

13 (3) The capacity of these shoreline and adjacent lands to withstand
14 continuing demands without further degradation to water quality and natural
15 habitats is limited;

16 (4) National studies have documented that the quality and productivity
17 of the waters of the Chesapeake Bay and its tributaries have declined due to the
18 cumulative effects of human activity that have caused increased levels of pollutants,
19 nutrients, and toxics in the Bay System and declines in more protective land uses
20 such as forestland and agricultural land in the Bay region;

21 (5) Those portions of the Chesapeake Bay and its tributaries within
22 Maryland are particularly stressed by the continuing population growth and
23 development activity concentrated in the Baltimore-Washington metropolitan
24 corridor;

25 (6) The quality of life for the citizens of Maryland is enhanced through
26 the restoration of the quality and productivity of the waters of the Chesapeake Bay
27 and its tributaries;

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

31 (8) The cumulative impact of current development is inimical to these
32 purposes; and

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

1 (b) It is the purpose of the General Assembly in enacting this subtitle:

2 (1) To establish a Resource Protection Program for the Chesapeake Bay
3 and its tributaries by fostering more sensitive development activity for certain
4 shoreline areas so as to minimize damage to water quality and natural habitats; and

5 (2) To implement the Resource Protection Program on a cooperative
6 basis between the State and affected local governments, with local governments
7 establishing and implementing their programs in a consistent and uniform manner
8 subject to State criteria and oversight.

9 8-1808.

10 (a) (1) It is the intent of this subtitle that each local jurisdiction shall have
11 primary responsibility for developing and implementing a program, subject to review
12 and approval by the Commission.

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

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

23 (b) A program shall consist of those elements which are necessary or
24 appropriate:

25 (1) To minimize adverse impacts on water quality that result from
26 pollutants that are discharged from structures or conveyances or that have run off
27 from surrounding lands;

28 (2) To conserve fish, wildlife, and plant habitat; and

29 (3) To establish land use policies for development in the Chesapeake Bay
30 Critical Area which accommodate growth and also address the fact that, even if
31 pollution is controlled, the number, movement, and activities of persons in that area
32 can create adverse environmental impacts.

33 (c) At a minimum, a program sufficient to meet the goals stated in subsection
34 (b) of this section includes:

35 (1) A map designating the critical area in a local jurisdiction;

36 (2) A comprehensive zoning map for the critical area;

- 1 (3) As necessary, new or amended provisions of the jurisdiction's:
- 2 (i) Subdivision regulations;
- 3 (ii) Comprehensive or master plan;
- 4 (iii) Zoning ordinances or regulations;
- 5 (iv) Provisions relating to enforcement; and
- 6 (v) Provisions as appropriate relating to grandfathering of
- 7 development at the time the program is adopted or approved by the Commission;
- 8 (4) Provisions requiring that project approvals shall be based on findings
- 9 that projects are consistent with the standards stated in subsection (b) of this section;
- 10 (5) Provisions to limit the amount of land covered by buildings, roads,
- 11 parking lots, or other impervious surfaces, and to require or encourage cluster
- 12 development, where necessary or appropriate;
- 13 (6) Establishment of buffer areas along shorelines within which
- 14 agriculture will be permitted only if best management practices are used, provided
- 15 that structures or any other use of land which is necessary for adjacent agriculture
- 16 shall also be permitted in any buffer area;
- 17 (7) Requirements for minimum setbacks for structures and septic fields
- 18 along shorelines;
- 19 (8) Designation of shoreline areas, if any, that are suitable for parks,
- 20 hiking, biking, wildlife refuges, scenic drives, public access or assembly, and
- 21 water-related recreation such as boat slips, piers, and beaches;
- 22 (9) Designation of shoreline areas, if any, that are suitable for ports,
- 23 marinas, and industries that use water for transportation or derive economic benefits
- 24 from shore access;
- 25 (10) Provisions requiring that all harvesting of timber in the Chesapeake
- 26 Bay Critical Area be in accordance with plans approved by the district forestry board;
- 27 (11) Provisions establishing that the controls in a program which are
- 28 designed to prevent runoff of pollutants will not be required on sites where the
- 29 topography prevents runoff from directly or indirectly reaching tidal waters; [and]
- 30 (12) Provisions for reasonable accommodations in policies or procedures
- 31 when the accommodations are necessary to avoid discrimination on the basis of
- 32 physical disability, including provisions that authorize a local jurisdiction to require
- 33 removal of a structure that was installed or built to accommodate a physical disability
- 34 and require restoration when the accommodation permitted by this paragraph is no
- 35 longer necessary; AND

1 (13) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION,
 2 PROVISIONS FOR GRANTING A VARIANCE TO THE LOCAL JURISDICTION'S CRITICAL
 3 AREA PROGRAM, IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE
 4 COMMISSION CONCERNING VARIANCES SET FORTH IN COMAR 27.01.11.

5 (D) (1) ~~IN THIS SUBSECTION, "UNWARRANTED HARDSHIP" MEANS THAT,~~
 6 ~~WITHOUT A VARIANCE, AN APPLICANT WOULD BE DENIED REASONABLE AND~~
 7 ~~SIGNIFICANT USE OF THE ENTIRE PARCEL OR LOT FOR WHICH THE VARIANCE IS~~
 8 ~~REQUESTED.~~

9 (2) A VARIANCE TO A LOCAL JURISDICTION'S CRITICAL AREA PROGRAM
 10 MAY NOT BE GRANTED UNLESS:

11 (I) DUE TO SPECIAL FEATURES OF A SITE, OR SPECIAL
 12 CONDITIONS OR CIRCUMSTANCES PECULIAR TO THE APPLICANT'S LAND OR
 13 STRUCTURE, A LITERAL ENFORCEMENT OF THE CRITICAL AREA PROGRAM WOULD
 14 RESULT IN UNWARRANTED HARDSHIP TO THE APPLICANT;

15 (II) THE LOCAL JURISDICTION FINDS THAT THE APPLICANT HAS
 16 SATISFIED EACH ONE OF THE VARIANCE PROVISIONS SET FORTH IN THE LOCAL
 17 JURISDICTION'S CRITICAL AREA PROGRAM; AND

18 (III) WITHOUT THE VARIANCE, THE APPLICANT WOULD BE
 19 DEPRIVED OF A USE OF LAND OR A STRUCTURE PERMITTED TO OTHERS IN
 20 ACCORDANCE WITH THE PROVISIONS OF THE ~~JURISDICTION'S~~ CRITICAL AREA
 21 PROGRAM.

22 (3) (2) IN CONSIDERING AN APPLICATION FOR A VARIANCE, A LOCAL
 23 JURISDICTION SHALL CONSIDER THE REASONABLE USE OF THE ENTIRE PARCEL OR
 24 LOT FOR WHICH THE VARIANCE IS REQUESTED.

25 (4) (3) THIS SUBSECTION DOES NOT APPLY TO BUILDING PERMITS OR
 26 ACTIVITIES THAT COMPLY WITH A BUFFER EXEMPTION PLAN OR BUFFER
 27 MANAGEMENT PLAN OF A LOCAL JURISDICTION WHICH HAS BEEN APPROVED BY
 28 THE COMMISSION.

29 [(d)] (E) (1) The Commission shall adopt by regulation on or before
 30 December 1, 1985 criteria for program development and approval, which are
 31 necessary or appropriate to achieve the standards stated in subsection (b) of this
 32 section. Prior to developing its criteria and also prior to adopting its criteria, the
 33 Commission shall hold at least 6 regional public hearings, 1 in each of the following
 34 areas:

- 35 (i) Harford, Cecil, and Kent counties;
- 36 (ii) Queen Anne's, Talbot, and Caroline counties;
- 37 (iii) Dorchester, Somerset, and Wicomico counties;
- 38 (iv) Baltimore City and Baltimore County;

(v) Charles, Calvert, and St. Mary's counties; and

(vi) Anne Arundel and Prince George's counties.

(2) During the hearing process, the Commission shall consult with each affected local jurisdiction.

[(e)] (F) Nothing in this section shall impede or prevent the dredging of any waterway in a critical area. However, dredging in a critical area is subject to other applicable federal and State laws and regulations.

8-1809.

(g) Each local jurisdiction shall review its entire program and propose any necessary amendments to its entire program, including local zoning maps, at least every [4] 6 years [beginning with the 4-year anniversary of the date that the program became effective and every 4 years after that date] ~~IN COORDINATION WITH THE REVIEW OF THE COMPREHENSIVE PLAN BY THE PLANNING COMMISSION AS REQUIRED UNDER ARTICLE 66B, §§ 1.03(B) AND 3.05(B) OF THE CODE.~~ Each local jurisdiction shall send in writing to the Commission, within 60 days after [each 4-year anniversary,] ~~THE COMPLETION OF ITS REVIEW,~~ the following information:

(1) A statement certifying that the required review has been accomplished;

(2) Any necessary requests for program amendments, program refinements, or other matters that the local jurisdiction wishes the Commission to consider;

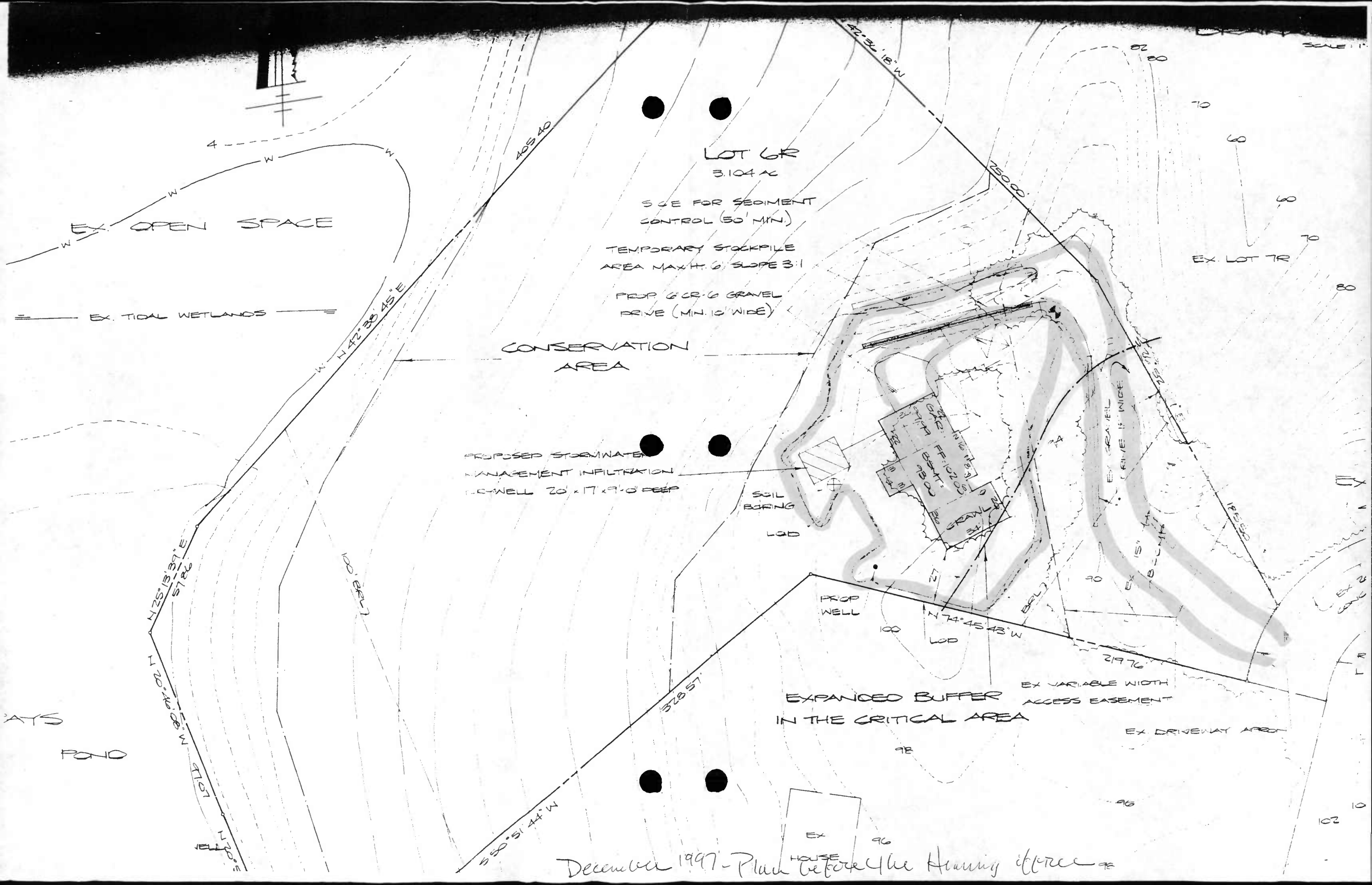
(3) An updated resource inventory; and

(4) A statement quantifying acreages within each land classification, the growth allocation used, and the growth allocation remaining.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any variance application for which a petition for judicial review of a decision to grant or deny a variance under a local critical area program was filed before the effective date of this Act.

~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2002.~~

~~SECTION 2. 3. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted shall take effect June 1, 2002.~~



LOT 6R

3.104 AC

SCE FOR SEDIMENT CONTROL (50' MIN.)

TEMPORARY STOCKPILE AREA MAX H. 6' SLOPE 3:1

PROP 6' GR-6 GRAVEL DRIVE (MIN. 10' WIDE)

CONSERVATION AREA

PROPOSED STORMWATER MANAGEMENT INFILTRATION WELL 20' x 17' x 9' DEEP

SOIL BORING

LOD

PROP WELL

LOD

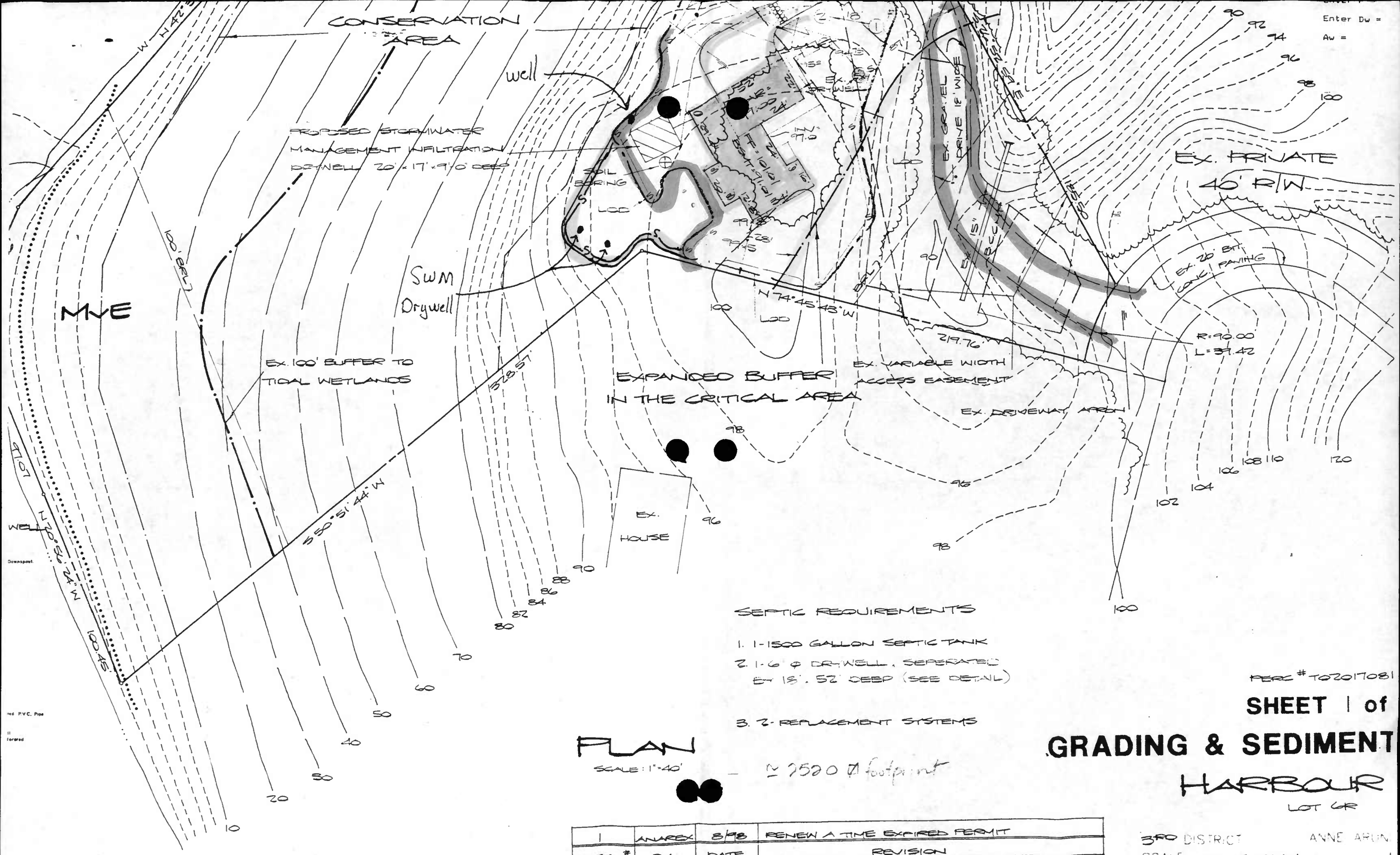
EXPANDED BUFFER IN THE CRITICAL AREA

EX VARIABLE WIDTH ACCESS EASEMENT

EX DRIVEWAY APPROX

December 1997 - Plan before the Hearing office

Enter Dw =
Aw =



EXPANDED BUFFER IN THE CRITICAL AREA

- SEPTIC REQUIREMENTS
1. 1-1500 GALLON SEPTIC TANK
 2. 1-6" Ø DRYWELL, SEPERATED BY 18'. 52' DEEP (SEE DETAIL)
 3. 2- REPLACEMENT SYSTEMS

PLAN

SCALE: 1"=40'

~ 2520 sq footprint

1	ANAREX	8/98	RENEW A TIME EXPIRED PERMIT
ASCO#	BY	DATE	REVISION

CRITICAL AREA NOTES

PERC # 102017081

SHEET 1 of

GRADING & SEDIMENT

HARBOUR

LOT 6R

3RD DISTRICT ANNE ARUN

SCALE: AS SHOWN

G.P. NO. 602004638 EASE.

40 B/W
112

ANNE ARUNDEL COUNTY
Inspections and Environmental Programs
Annapolis, Maryland

INTER-OFFICE CORRESPONDENCE

TO: Bill Bryant, Code Enforcement Administrator / Building & Trades
FROM: Bob Winchester, Environmental Programs Coordinator *BW*
DATE: March 7, 2001
SUBJECT: Building Permit B02135480

This memorandum is to request your division withhold final building inspection requests and issuance of the Certificate of Occupancy on the referenced building permit until such time as the subject grading permit is revised and approved to reflect actual site conditions per my discussion with John Peacock on this date.

Thank you. Chris Smith or I will advise you once the grading issues are resolved and to remove this hold request.

cc: John Peacock, Chief, Infrastructure and Environmental Programs
Chris Smith, Environmental Programs Inspector
G02004638 File/Chron

insp/letters/sept/1999/

EN - SPACE

WETLANDS

SEE FOR SEDIMENT CONTROL (30 MIN)

TEMPORARY STOCKPILE AREA MAX H.T. 6' / SLOPE 3:1

PROP. 6' x 6' GRAVEL DRIVE (MIN. 10' WIDE)

CONSERVATION AREA

CABLE CAR

EX. 100' BUFFER TO TIDAL WETLANDS

EXPANDED BUFFER IN THE CRITICAL AREA

EX. VARIABLE WIDTH ACCESS EASEMENT

EX. DRIVEWAY AREA

EX. HOUSE

SEPTIC REQUIREMENTS

- 1. 1-1500 GALLON SEPTIC TANK
- 2. 1-6' Ø DRYWELL, SEPERATED BY 15' . 52' DEEP (SEE DETAIL)
- 3. 2-REPLACEMENT SYSTEMS

NOTE:
ALL GRADING, EROSION, AND SE FACILITIES, AND COMPLETED IN C AND SPECIFICATI

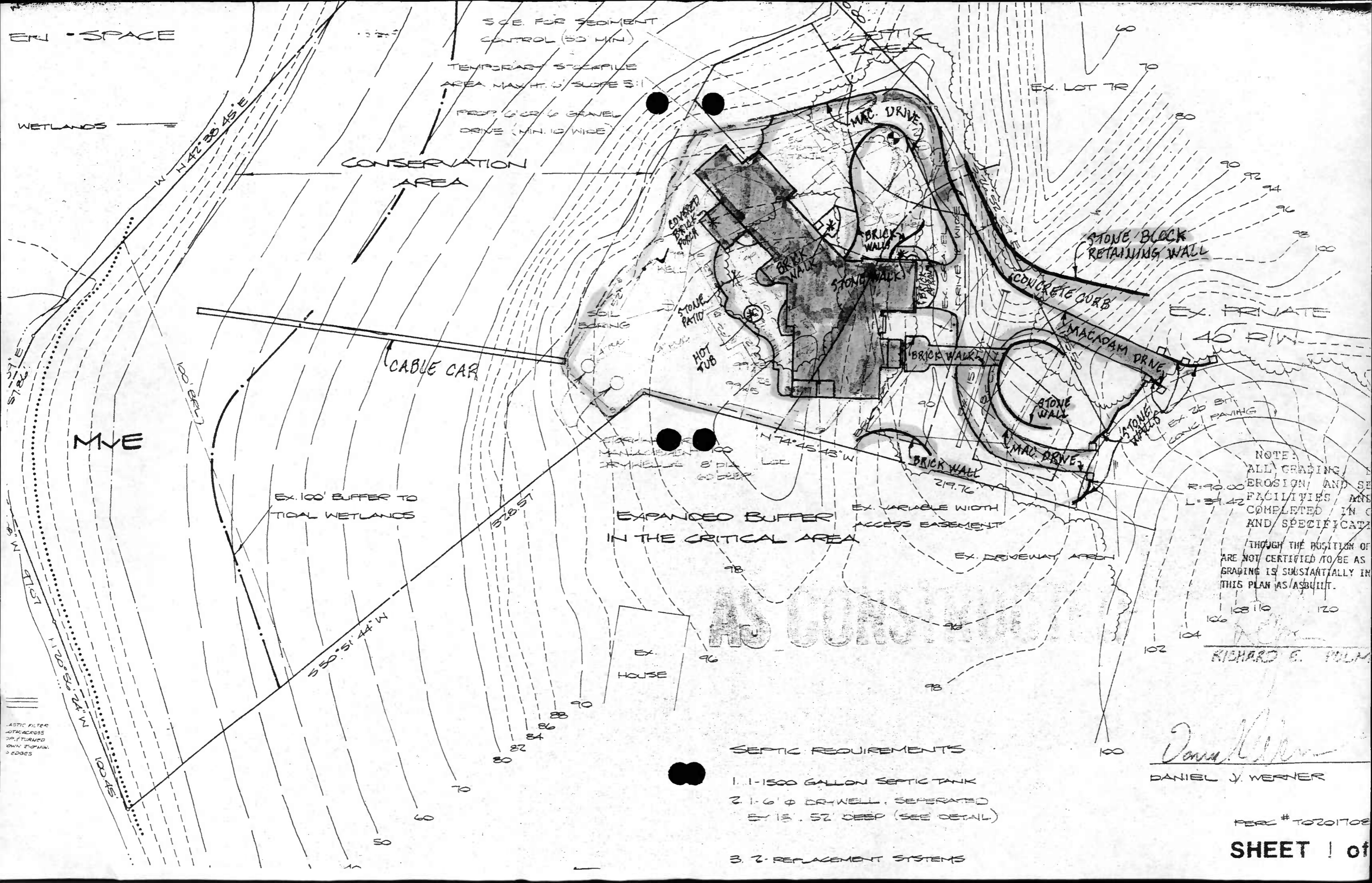
THOUGH THE POSITION OF ARE NOT CERTIFIED TO BE AS GRADING IS SUBSTANTIALLY IN THIS PLAN AS ASBUILT.

RICHARD E. POLM

Daniel J. Werner
DANIEL J. WERNER

PERC # TO201708

SHEET 1 of



ANAREX, INC.

CIVIL ENGINEERING SERVICES
LAND SURVEYING

303 Najoles Road - Suite 114
Millersville, MD 21108-2512

Phone: 410-987-6901
Fax: 410-987-0589

January 23, 2002

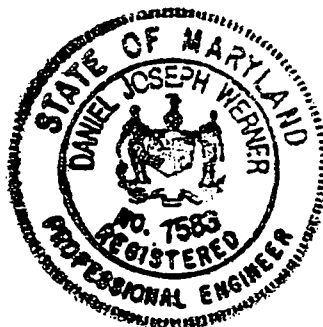
Mr. Roger Moore
ANNE ARUNDEL COUNTY
Department of Inspections & Permits
Heritage Office Center
2664 Riva Road
Annapolis, MD 21401

Re: Harbour Glen, Lot 6R
GP #02004638

Dear Sir:

Attached are three (3) copies of the "AS CONSTRUCTED" plans for the subject property. We certify that all grading, drainage structures and/or systems, erosion and sediment control practices including facilities and vegetative measures have been substantially completed in conformance with the approved plans and specifications.

Since all work is complete, please release the bond on the subject property.



Very truly yours,

A handwritten signature in black ink, appearing to read "Daniel J. Werner".

Daniel J. Werner, P.E.

DJW:mmw
Attachments
FILE: ASBUILT.FORMS.DOC

Judge John C. North, II
Chairman



Ren Serey
Executive 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, 2002

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Easton, Maryland 21601

Re: Roderick Ryan - L-949

Dear Ms. Verdery:

Thank you for forwarding the above-referenced single lot subdivision and lot line abandonment to this office for review and comment. The applicant proposes to abandon a lot line that would delete one lot and create one lot elsewhere. I have outlined our comments below.

1. The subdivision history of these parcels is not clear. When was this subdivision platted? We will need clarification on what is grandfathered.
2. Are all these parcels held in common ownership?
3. Absent any explanation, it appears the applicant may be creating a density right over what may be permitted.

Once we have some answers to these questions, we will provide the County with further comments.

Thank you for the opportunity to comment. If you have any questions, or if I can provide you with further assistance, please do not hesitate to contact me at (410) 260-3478.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: TC 290-02

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
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May 15, 2002

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: Thomas Hill
S 950

Dear Ms. Verdery:

Thank you for forwarding the above-referenced single lot subdivision and lot line revision to this office for review and comment. I have outlined our comments below.

1. It appears the lot line revision is to accommodate a future septic reserve area. If this is the case, this office has no comment regarding the lot line revision.
2. Since the parcel is in the Limited Development Area, it appears the creation of an additional lot is permitted provided development of this newly created lot can meet all the requirements of the Talbot County Critical Area Program and can be developed without the need for variances.
3. The requirements alluded to in the above comment include clearing and/or afforestation requirements, impervious surface limitations and observance of any Habitat Protection Areas.
4. The County should require the applicant to secure a letter from the Department of Natural Resources concerning the status of any threatened or endangered species on this parcel since this parcel may contain Delmarva Fox Squirrel habitat and clearing would be required for the development of proposed lot 2.


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Ms. Verdery
Page Two
May 15, 2002

Thank you for the opportunity to comment. If you have any questions, or if I can provide you with further assistance, please do not hesitate to contact me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger". The signature is written in black ink and is positioned above the typed name.

Lisa A. Hoerger
Natural Resources Planner

cc: TC 288-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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May 15, 2002

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: David Gang
S 952

Dear Ms. Verdery:

Thank you for forwarding the above-referenced single lot subdivision and lot line abandonment to this office for review and comment. I have outlined our comments below.

1. It is not clear from the information provided why the applicant proposed this application; however, the site is in the Limited Development Area and should not conflict with any density requirements.
2. There are what appears to be nonconforming structures in the 100-foot Buffer on proposed lot 2. Since this lot will not be considered grandfathered, these structures should be removed prior to recordation. This office will not support variances for accessory structures in the Buffer on newly created lots.
3. The applicant must be able to meet the clearing and/or afforestation requirements, impervious surface limitations and Habitat Protection Areas requirements for development on the newly created lot.
4. The Buffer must be reestablished on the new lot.

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Ms. Verdery
Page Two
May 15, 2002

Thank you for the opportunity to comment. If you have any questions, or if I can provide you with further assistance, please do not hesitate to contact me at (410) 260-3478.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: TC 286-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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

May 15, 2002

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: Archibald Gatrell
S 951

Dear Ms. Verdery:

Thank you for forwarding the above-referenced single lot subdivision. I have outlined our comments below.

1. The applicant must be able to meet the clearing and/or afforestation requirements, impervious surface limitations and Habitat Protection Areas requirements for these lots.
2. A letter from the Department of Natural Resources should be obtained prior to final recordation to ensure any Habitat Protection Areas that may be on the site are identified and addressed.

Thank you for the opportunity to comment. If you have any questions, or if I can provide you with further assistance, please do not hesitate to contact me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: TC 284-02

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



Ren Serey
Executive Director

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

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May 15, 2002

Ms. Mary Kay Verdery
Talbot County Office of Planning & Zoning
11 N. Washington Street
Easton, Maryland 21601-3178

Re: North Smith Point, LLC - M 1023

Dear Ms. Verdery:

Thank you for forwarding the above-referenced subdivision request to this office for review and comment. I have outlined our comments below.

1. A letter from the Department of Natural Resources should be obtained to ensure no threatened or endangered species are on this site. This would include any information about Delmarva Fox Squirrel habitat.
2. There appears to be areas of tidal wetlands along the shoreline. The applicant must indicate whether these wetlands are private or State-owned wetlands. The acreage of State-owned wetlands cannot count towards the density.
3. What are the existing and proposed impervious areas and clearing figures. Please have the applicant provide this information.
4. It appears there is an existing dwelling on proposed lot 2 near Route 33. Will this dwelling be removed to accommodate a new dwelling closer to Briary Cove?

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: TC 289-02

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

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May 15, 2002

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: Hofmaster and Nelson
L 889

Dear Ms. Verdery:

Thank you for forwarding the above-referenced lot line revision to this office for review and comment. Although it is not entirely clear from the information submitted, it appears the lot line adjustment is to separate the two sewage disposal areas for each lot on this parcel. Provided there will be no further subdivision or density allotted, this office has no comment regarding this application.

Thank you for the opportunity to comment. If you have any questions, or if I can provide you with further assistance, please do not hesitate to contact me at (410) 260-3478.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: TC 292-02

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Chairman



Ren Serey
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION

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May 15, 2002

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: Honabach and Johnson
L-888

Dear Ms. Verdery:

Thank you for forwarding the above-referenced lot line revision to this office for review and comment. It appears the lot line adjustment is to provide required setbacks; therefore, this office has no comment regarding this application.

Thank you for the opportunity to comment. If you have any questions, or if I can provide you with further assistance, please do not hesitate to contact me at (410) 260-3478.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: TC 291-02

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

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Ren Serey
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION

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May 15, 2002

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

Re: Lee Haven Farm, Louis Wright Trustee
M 1024

Dear Ms. Verdery:

Thank you for forwarding the above-referenced subdivision request to this office for review and comment. I have outlined our comments below.

1. Please clarify how the applicant can have seven new lots in addition to those lots that appear to be previously platted in 1936? The portion of the parcel inside the Critical Area that is zoned RC should have a total of seven lots.
2. There are inclusions of hydric soils on this parcel. Will the County require that roads or other structures not disturb these areas? It should be verified whether these areas are nontidal wetlands.
3. This site is adjacent to another parcel which supports Delmarva Fox Squirrel; therefore the applicant and the County must coordinate with the Department of Natural Resources (DNR) and the U.S. Fish and Wildlife Service (USFWS) concerning this subdivision request.
4. Please forward any correspondence from DNR or USFWS when it becomes available, including the letter from the Heritage Division of DNR.
5. It is not clear whether the applicant intends to clear. Please clarify.

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

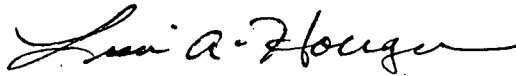
TTY For The Deaf:
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Ms. Verdery
Page Two
May 15, 2002

6. There are areas of tidal wetlands along the shoreline. The 100-Buffer must be measured from the edge of mean high water or from the edge of tidal wetlands, whichever is further landward.
7. The building envelopes are not shown for lot 1-4. It appears there may not be a reasonable envelope for lots 1 and 3.

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

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: Mr. Glenn Therres, DNR
Ms. Charisa Morris, USFWS
TC 287-02

Judge John C. North, II
Chairman



Ren Serey
Executive 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, 2002

Mr. Steve Callahan
MS 6302
Anne Arundel County Department of Planning and Zoning
2664 Riva Road
Annapolis, Maryland 21401

Re: Crain Summit
S 90-342, P 00-225

Dear Mr. Callahan:

Thank you for forwarding the above-referenced subdivision request to this office for review and comment. Based on the vicinity map included on the plans, it appears this subdivision is not in the Chesapeake Bay Critical Area; therefore, this office has no comment regarding this request.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: AA 283-02

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

May 13, 2002

Mr. Larry Lubbers
Maryland Department of Natural Resources
Tawes State Office Building
580 Taylor Avenue
Annapolis, Maryland 21401

Re: NEPA Review – Mill Creek Restoration Project and Wilelinor Ponds Restoration

Dear Mr. Lubbers:

Thank you for arranging the site visits to each of the above-referenced sites last week. Based on these field visits and the information provided by your office and the consultants, it appears that both projects are consistent with the Chesapeake Bay Critical Area Criteria. Therefore, no further action is required by your office.

Since both projects are Anne Arundel County Department of Public Works projects, the County must demonstrate that they are consistent with the Anne Arundel County Critical Area program. This office will continue to work with the County to ensure consistency by requiring consistency reports.

Thank you for including us in your review. Please do not hesitate to contact me with any questions at (410) 260-3478.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: Mr. Dennis McMonigle, AA Co. Dept. of Public Works

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

May 7, 2002

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

Re: Collison Property – S 92-201, P 00-231

Dear Ms. Chalkley:

I have received the most recent resubmittal for the above-referenced subdivision. I have outlined my comments below.

1. It appears the LOD on proposed lot 1B was adjusted. What is still not clear is the limits of the expanded Buffer for hydric soils. The response letter indicated that the soils were shown on the plans; however, I cannot find any soil symbols or lines. Please have the applicant show the limits of the hydric soils.
2. I have reviewed the 10% pollutant reduction calculations. The proposed Best Management Practice for lot 1B is an attenuation trench. This type of BMP is not found in either the Commission's Technical Guide for 10% Compliance or the Maryland Department of the Environment's 2000 Maryland Stormwater Design Manual.
3. Absent this design in either of the documents mentioned above, how did the applicant assign a removal efficiency number?
4. What is the soil type in the area of the proposed BMP?

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: AA 550-00

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May 7, 2002

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

Re: Stoltz Subdivision
99-016

Dear Ms. Chalkley:

I am writing this letter to notify the County of the Commission's staff determination as to whether Forest Interior Dwelling Bird (FID) habitat exists on the above-referenced property. I have consulted with the Commission's Science Advisor, Ms. Claudia Jones, who as you know was the primary author of the Commission's recently adopted FID Guidance Document. According to Ms. Jones' analysis, this site is not considered FID habitat based on the standards outlined in the Commission's Guidance Document and information gathered from the site plan and aerial photography. Therefore, the applicant is not required to follow the FID Guidelines on this site for future development activities.

If you have any questions, please feel free to contact Ms. Claudia Jones or myself at (410) 260-3460.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: Claudia Jones, CBCAC
AA 67-99

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May 7, 2002

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

Re: Pond Cove, Residue Parcel 505
S 00-146, P 02-073

Dear Mr. Soldano:

I have received the site plan for the above-referenced project. The applicant proposes to legalize this lot and construct a single-family dwelling. In general it appears the Critical Area requirements will be met based on the proposed development scenario. I have our comments below.

1. We recommend the applicant shift the proposed dwelling closer to Edgewood Road to reduce clearing.
2. The allowable impervious surface for this lot is only 15% of the site, not 5,445 square feet which applies only to grandfathered lots. We assume this lot is not considered grandfathered since the application indicates it is being legalized; therefore, it is considered a new lot not part of a subdivision.

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

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: AA 242-02

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May 7, 2002

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

Re: Spectec Property – Will-o-brook, Section 2 Addition
S # 01-044

Dear Mr. Torney:

Thank you for forwarding the above-referenced subdivision request to this office for review and comment. I have outlined my comments below.

1. Where is the Critical Area Report that should accompany this plan? Please forward that document when and if it becomes available.
2. The lot lines differ between proposed lots 2 and 3 on the Critical Area Plan versus what is shown on the other plan delivered to this office which is dated April 2001. Please have the applicant verify the intended location of this lot line.
3. Where is Section 1 of this subdivision?
4. Has the applicant secured a letter from the Department of Natural Resources, Heritage and Biodiversity Division concerning threatened and endangered species and species in need of conservation? This must be done before any approvals are issued.
5. Of particular interest, is whether this parcel qualifies as Forest Interior Dwelling Bird habitat. If so, the applicant will be required to follow the Commission's FID Guidance document. Therefore, the development on proposed lot 4 may need to be reconfigured to stay within 300 feet of the existing edge of forest.

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Mr. Torney
Page Two
May 7, 2002

6. The plan should show the extent of 15% slopes. In that regard, it appears the expanded Buffer was not applied correctly. If the top of steep slopes (15% in the Critical Area, not 25%) extends beyond the 100-foot Buffer then the Buffer is expanded four feet for every one percent of slope. Please have the applicant correct the limits of the expanded Buffer.
7. All development activities on proposed lot 3 shall be accommodated outside of the RCA portion of that lot. This includes accessory structures and the septic area.
8. Where is the applicant proposing reforestation for the area proposed to be cleared?

Thank you for the opportunity to comment. Please telephone me at (410) 260-3478 if you have any questions or if I can provide you with any information.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: AA 267-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION

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May 3, 2002

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

Re: Vallandingham Property - MS 01-098
Resubmittal

Dear Mr. Soldano:

Thank you for forwarding the revisions for the above-referenced project. It appears the applicant has addressed the concerns of our December 11, 2001 letter regarding the removal of the existing driveway on proposed lot 2 and that no new development activities should occur in the RCA portion of proposed lot 2. We have no further comments at this time.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3478 if you need additional information.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: AA 666-01

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Chairman

Ren Serey
Executive Director

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May 3, 2002

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

Re: Rock Creek Boat Club
S 01-069, P 01-182

Dear Ms. Allen:

Thank you for forwarding the resubmittal for the above referenced subdivision request. I have outlined our comments below.

1. The plan submitted shows the location of the proposed dwelling units outside of the 100-foot Buffer; however, it does not show the LODs. This should be shown on the plan to ensure there will be no grading for the new construction inside the Buffer.
2. It appears the stormwater management trench on lot 14 is partially in the 100-foot Buffer. If so, this needs to be removed.
3. On page one of five on the Critical Area Plan the note about subdivision potential is not clear. What does the applicant mean when he states that reserve parcel "A" has been assigned two existing units?
4. The existing woodland total also appears to be incorrect based on the figures provided in that column. The total should be 682,747 square feet instead of 762,042 square feet. This would change the total allowable clearing (30%) to 204,824 square feet. Also, if the applicant will be clearing more than 20%, mitigation must be provided at a 1.5:1 ratio.

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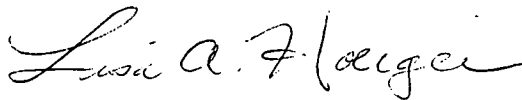
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Ms. Allen
Page Two
May 3, 2002

5. The total allowable impervious area figure in the Critical Area Calculations table appears to be incorrect based on the figures in that column. The total should be 159,690 square feet instead of 159,687 square feet.
6. The notes on page five of seven on the Stormwater Management Plans include information on the common grass species for open channels. It appears that *Phalaris arundinacea* and *Bromus inermis* are naturalized exotics. We are unable to determine the status of *Agrostis palustris* and *Agrostis alba*. The remaining species listed are native.

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

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: AA456-01

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401
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May 3, 2002

Mr. Roby Hurley
Critical Area Circuit Rider for Town of St. Michaels
Lower Eastern Shore Regional Office
201 Baptist Street, Suite 24
Salisbury, Maryland 21801-4974

Re: The Inn at Perry Cabin – Updated Information

Dear Mr. Hurley:

As you know, last week Mary Owens and myself met with the applicant's engineer to discuss the 10% Pollutant Reduction Calculations and the proposed Best Management Practices. For the purpose of calculating the removal requirement for this site, Mr. Snell agreed to consider the area of tidal wetlands as State-owned, therefore that area is not part of the site area figure. He also agreed to consider the two areas of proposed pavers as 100% impervious. The resulting calculations still achieve the required removal rate of phosphorous. The Town should be receiving the updated calculations shortly.

We also discussed proposed Best Management Practice (BMP) A. This BMP is a bioretention area. It was confirmed that minor grading will occur in the Buffer. This area of grading will serve to convey water to the BMP. Normally, there should not be any grading in the Buffer to accommodate any portion of a stormwater management facility with the exception of any outfall structure which requires location in the 100-foot Buffer. It is our understanding that the reason for this disturbance was confused as an outfall. Since the applicant was not made aware of this issue, the Town may not choose to require a variance. The disturbance is admittedly small, and the Buffer is proposed for plantings. In this case, we recommend the Town still require mitigation for the new disturbance in the form of native Buffer plantings, particularly in the area of the grading.

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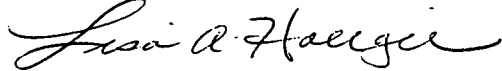
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Mr. Hurley
Page Two
May 3, 2002

We still strongly believe the applicant should provide the Town with a landscape plan, including the information outlined in our previous letter that is necessary for public walkways. This should be at the time of permitting to ensure the Town how and where the mitigation requirements will be met. The landscape plan should include the area proposed for plantings to address the violation, and the area proposed for plantings to mitigate for the proposed walkway.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3478 if I can provide yourself or the Town of St. Michaels with additional assistance.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: Ms. Jean Weisman, Assistant Town Manager

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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May 3, 2002

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

Re: Levin F. Harrison, IV and Leslie Anne Harrison - Appeal # 1221

Dear Ms. Verdery:

Thank you for forwarding the above-referenced variance request to this office for review and comment. In February of this year, this office commented on a variance for the same property; however, at that time the applicants were requesting a variance to construct a new dwelling that would be no closer than 65 feet from mean high water.

The latest request is to allow the new dwelling to be no closer than 53 feet from mean high water. Based on the information provided, it appears the applicant has made this second request because a variance to be no closer than 53 feet from mean high water was granted for this property in 1991.

This office does not oppose the requested variance if the Board of Appeals determines that reinstating the distance granted in the 1991 variance case is warranted, and that this site the best site for the proposed dwelling. However, the mitigation required in the Board's decision in March 2002 for appeal #1207 should be required in this case. The mitigation prescribed was that mitigation be provided for new areas of impervious surface in the 100-foot Buffer.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: TC 87-02

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Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

1804 West Street, Suite 100, Annapolis, Maryland 21401
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May 3, 2002

Mary Kay Verdery
Talbot County Office of Planning & Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601-3178

Re: Tilghman on the Chesapeake – Avalon Limited Partnership
M-1009

Dear Ms. Verdery:

Thank you for forwarding the revised site plan for the above-referenced subdivision request. I received the site plan for the other section of this subdivision at the same time. The applicant still proposes to subdivide an existing parcel into four lots. I have outlined our comments below.

1. The comments of my previous letter dated December 6, 2001 still need to be addressed.
2. The access road into the site is different on this site plan and the site plan provided for the other section that is mostly outside of the Critical Area. Please have the applicant indicate the preferred alignment. In any case, it should be the alignment that has the least disturbance to the nontidal wetlands that are outside the Critical Area.
3. There are discrepancies between the lot areas labeled on the lots and the lot areas provided in the Impervious Area Calculations table. Please have the applicant correct this discrepancy.
4. As stated in my previous letter, it appears there is no reasonable, buildable area on lots 1 and 2 due to the required setbacks and wetland buffers. Again, this office will not support variances for new development on newly created lots. These lots need to be reconfigured.

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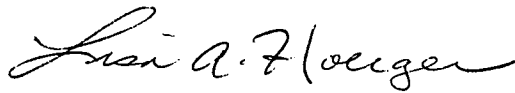
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Ms. Verdery
Page Two
May 3, 2002

5. Please have the applicant clarify where the Old Pelczar Land Parcels are on the plan. These parcels are referenced in the table on the left-hand side of sheet one.
6. The portion of the access road that extends beyond lot 4 to access proposed lots 1-3 is in the expanded Buffer. Has the applicant received approval from the Maryland Department of the Environment concerning disturbance to the nontidal wetlands and their associated buffers? It seems this is critical as to whether lots to proposed lots 1-3 is even viable. Generally, this office will not support a variance to the expanded Buffer for a private driveway or private road particularly if there is a developable area that exists on a parcel where the expanded Buffer will not be impacted.

Thank you for the opportunity to comment. Please contact me if you need additional information or assistance from this office.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: Amanda Sigillito, MDE
TC 645-01



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

1804 West Street, Suite 100, Annapolis, Maryland 21401
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May 2, 2002

Mr. Rich Josephson
Department of Planning and Zoning
Long Range Planning
2664 Riva Road, MS 6403
Annapolis, Maryland 21401

Re: Rezoning Requests – Edgewater/Mayo, Severna Park, Broadneck Planning Areas

Dear Mr. Josephson:

Thank you for forwarding the above-referenced rezoning requests for review and comment. I have outlined below our comments for each Small Planning Area.

Broadneck

The seven proposed zoning changes will occur either in the RCA or LDA in the Critical Area. None of the proposed changes appear problematic with regard to the Critical Area overlay. As always, the RCA designation will limit the types of uses permitted on a property. Both the RCA and LDA designations also limit clearing and impervious surfaces on each property and protect any Habitat Protection Areas. As you know, we have already sent a letter to your office specifically in regard to the property known as 1007 Skidmore Drive since that proposed zoning change was of concern.

Severna Park

The proposed change on Map 1 does not conflict with the LDA overlay. Again, new development and redevelopment activities on this property will be subject to the clearing and impervious surface limitations and protection of Habitat Protection Areas.

The proposed zoning change on Map 2 also does not conflict with the IDA overlay.

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Mr. Josephson
May 2, 2002
Page Two

Edgewater/Mayo

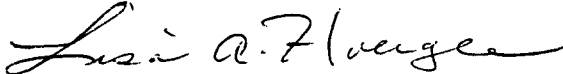
The proposed zoning change on Map 1 occurs almost entirely outside of the Critical Area with the exception of the area parallel to Route 2. This area is classified by the County as an IDA. The proposed change from residential to commercial does not conflict with this Critical Area designation.

Map 2 proposes a zoning change from R1 to MB in an LDA overlay. This does not conflict with the Critical Area designation provided the proposed use of the property can meet the clearing and impervious surface limitations and Habitat Protection Areas requirements of the LDA.

Maps 3 and 4 will change the density allowed in this residential zone that has an LDA overlay and a small portion of RCA. This change does not conflict with the Critical Area designations.

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

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: Ms. Elinor Gawel

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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May 2, 2002

Robert F. Karge, Town Clerk
Town of Easton
P.O. Box 520
Easton, Maryland 21601

Re: Resolution No. 5729

Dear Mr. Karge:

On May 1, 2002, the Chesapeake Bay Critical Area Commission concurred with Chairman North's determination that Resolution No. 5729, the annexation of certain lands into the Town of Easton, is a refinement to the Town's Critical Area Program and it was approved. This refinement should be incorporated into your Critical Area Program within 120 days from the date of this letter. Please send a copy of the Town's amended Critical Area map to the Commission when it is available.

If you have any questions, please call me at (410) 260-3478.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: Mr. Thomas Hamilton
Mr. Lynn Thomas
Mr. Daniel Cowee

Branch Office: 31 Creamery Lane, Easton, MD 21601
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Chesapeake Bay Critical Area Commission
STAFF REPORT
May 1, 2002

APPLICANT: Town of Easton

PROPOSAL: Refinement –Four properties annexed into the Town of Easton

JURISDICTION: Town of Easton

COMMISSION ACTION: Concurrence

STAFF RECOMMENDATION: Concurrence with Chairman's Determination of Refinement

STAFF: Lisa Hoerger

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

DISCUSSION:

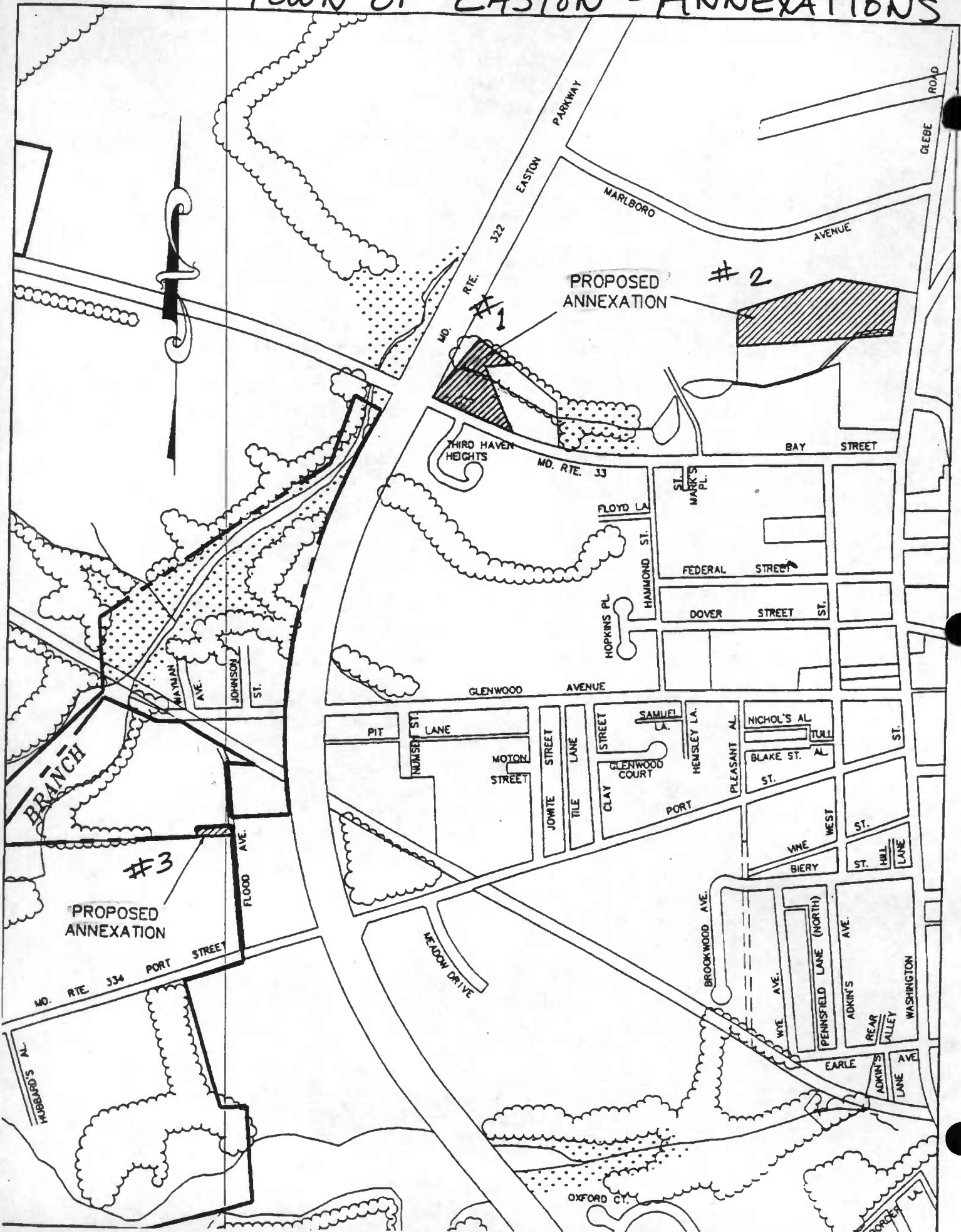
The Town of Easton annexed four parcels of land totaling 7.926 acres. Approximately 1.59 acres are located in the Critical Area. The land is contiguous to the existing boundaries of the Town of Easton. Parcel #1 is located on the north side of Bay Street consisting of 1.4 acres of land. Parcel #3 is located on the west side of Flood Avenue consisting of 8,106 square feet of land (see attached map). The Critical Area designations on these parcels will remain unchanged. They are both currently mapped as Intensely Developed Areas (IDA) and will remain IDA.

The parcel on Bay Street was annexed for inclusion into the Town. It was assumed by the Town and the County to be part of the Town of Easton; however, recent information suggested the contrary so the Town annexed this parcel. The other parcel annexed into the Town is adjacent to the Town's Public Works facility. The Town of Easton is the owner of the annexed parcels.

The annexation, Resolution No. 5729, became effective on August 26, 2001 following a public hearing and approval by the Town Council. There was no opposition to these annexation requests.

Chairman North seeks your concurrence with his determination that this annexation request is a refinement to the Town of Easton's Critical Area Program.

TOWN OF EASTON - ANNEXATIONS



Judge John C. North, II
Chairman



Ren Serey
Executive 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, 2002

Mr. James W. Price, Director
Program Open Space, E-4
Tawes State Office Building
580 Taylor Avenue
Annapolis, Maryland 21401

Re: DNR Clearinghouse Review of Local POS Project #4102-16-578
Piscataway Creek Stream Valley Park (Burgess Property), Prince George's Co.

Dear Mr. Price:

Thank you for forwarding this project to our office for review and comment. Although this 52-acre parcel is not in the Chesapeake Bay Critical Area, it appears it will become part of the Piscataway Creek Stream Valley Park. The acquisition of this parcel does not conflict with the plans, programs, or objectives of this agency, however I would like to take this opportunity to outline some of the general Critical Area requirements for any future development activities for this park inside the Critical Area.

Critical Area Requirements

All new or redevelopment activities, including trail construction, must meet the clearing and impervious surface restrictions. Clearing below 20% requires 1:1 mitigation; clearing between 20% and 30% requires replacement at a 1.5:1 ratio for the entire area cleared; and clearing above 30% requires replacement at a 3:1 ratio for the entire area cleared. Impervious surfaces are limited to 15% of the site. This includes existing impervious areas.

Habitat Protections Areas are protected in the Critical Area. Any required buffers or habitat management guidelines must be observed. These areas may support rare, threatened or endangered species, or species in need of conservation. The contiguous forested areas may support Forest Interior Dwelling Bird species, whose habitat requires strict mitigation requires which include reestablishing FID habitat, time of year restrictions, and limiting clearing to the 300-foot forest edge.

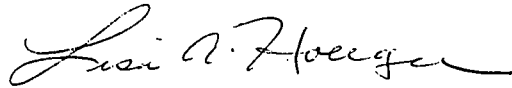
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Mr. Price
Page Two
April 30, 2002

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: Mr. Mr. Larry Hill, MNCPPC

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

MEMORANDUM

To: Mary Owens, Chief Program Implementation

From: Lisa Hoerger

Date: April 26, 2002

Subject: Prince George's County Comprehensive Review

Below is a list of the comments for the Prince George's County Comprehensive Review. The County is proposing to include the bulk of their Critical Area requirements in their Conservation Manual. The list below corresponds to the page numbers in the latest version of the Conservation Manual that was emailed to me yesterday afternoon.

General Comments:

1. The Conservation Manual does not include the original mapping standards. Generally local governments include these standards in their Critical Area Programs because they are used to evaluate applications for Critical Area designation changes on the basis that a mistake was made in the original mapping. These standards should be included.
2. The Conservation Manual does not include "grandfathering" provisions. Grandfathering provisions must be included in order to permit development of nonconforming lots created prior to adoption of a local Critical Area Program, particularly in the RCA.
3. The Conservation Manual does not address the continuation of existing nonconforming uses.

Specific Comments

1. Page 9: Need to add the following language to the definition of Buffer. Add "...edge of tidal wetlands" and "...edge of tributary streams." Delete "channel".
2. Page 9: Delete "the Chesapeake Bay" from the definition of "Commission" since the name of the Commission will officially change after June 1, 2002 due to the newly adopted Coastal Bays regulations.

3. Page 10: Delete definition 26 for "Critical Area Commission" since definition 16 already covers it.
4. Page 12: Change "water" to "wet" where it states, "plants typically found in water habitats".
5. Page 13: Under the non-tidal wetlands definition change "Natural Resources Article, Title 9" to "Environment Article, Title 15". Also change the definition to reflect the definition in the Model Ordinance (see attached) at page 8.
6. Page 15: Under the definition for Transitional habitat add, "...that separates aquatic and terrestrial areas."
7. Page 15: Under the Tributary streams definition add, "...or on more detailed maps or studies at the discretion of the local jurisdictions."
8. Page 18: Under General polices (b)(3) it should state, "All recorded, legally, buildable lots within subdivisions recorded prior to December 1, 1985..." to make clear what is considered grandfathered.
9. Page 23: Under Requirements for the Conservation Plan (g)(2)(B)(iii) it appears the County requires a Woodland Stand delineation for Critical Area projects. As you know, the Critical Area Criteria only require general information about forested areas. We can leave this up to the discretion of the County.
10. Page 23: Same section at (g)(2)(B)(iv) the title should be changed from "Habitat Areas" to "Habitat Protection Areas".
11. Page 23: Buffer should be added to the list of Habitat Protection Areas (HPAs) since the Buffer is one of the HPAs outlined in the Criteria.
12. Page 23: "Rare" should be added to the beginning of (aa) where it states, "Threatened and endangered species and species in need of conservation."
13. Page 24: Under Physical Characteristics (C)(ii)(aa) and (bb) add, "edge of tidal wetlands" and change the references from DNR to MDE.
14. Page 24: The tributary streams definition needs to include, "...or on more detailed maps or studies at the discretion of the local jurisdiction." Also, "All other streams are considered non-tidal wetlands" should be deleted.
15. Page 25: Under the Nontidal wetlands section the reference to Title 9 should be changed to "Title of the Environment Article, Annotated Code of Maryland..."

16. Page 27: (E) Woodland Stand Delineation is the same comment as above where this is okay if the County wants to continue, however, woodland stand delineations are not required in the Critical Area according to the Criteria.
17. Page 27: (F) Habitat Areas change to state "Habitat Protection Areas".
 - i. Add Buffer under this section
18. Page 28: Add "Rare" to "Threatened and Endangered Species and Species in Need of Conservation".
19. Page 30: It appears the County may allow a variance to Preservation Plans. The County should clarify under what circumstances could this occur when the previous paragraphs describe them as perpetual?
20. Page 30: The Mitigation Plan section under (5)(B)(v) mentions a Forest Management Plan. Is this a locally approved document? The County needs to clarify this and may need to add a definition in the definitions section.
21. Page 32: Under section Critical Area Overlay Zones (j)(2) the following language should be inserted. "The uses allowed in the IDO and LDO on land in the Critical Area Overlay Zones shall be the same as those allowed..."
22. Page 32: Add a second sentence to this section that states, "Uses in the RCO are allowed in accordance with the Table of Uses...", and include a paragraph about activities not permitted except in an IDO and activities not permitted which can be found on page 13 of the Model Ordinance (see attached).
23. Page 35: Add an additional purpose to IDO Zones that states, "Encourage the use of retrofitting measures to address existing stormwater management problems."
24. Page 36: Under section (C) Offsets the County should insert the prioritized list of offsets found in the Applicant's Guide to the 10% Rule Compliance found on page 19.
25. Page 37: Add to Section 5 (a)(1)(C), "... and as long as the overall intensity of development within the LDO is not increased."
26. Page 39: Add language from the Model Ordinance here as numbers 9 and 10 (see attached). Number 9 should be the language found on page 18 of the Model Ordinance at (c) (1) B and C 1-4, and the language found on page 22 of the Model Ordinance at (d) including (1) A and B, and (2) A-C.
27. Page 40: In "Uses", add the following language: "Land within the RCA may be developed for residential uses at a density not to exceed one dwelling unit per 20 acres. Within this limit of overall density, minimum lot sizes may be determined by the County. Mechanisms such as

cluster development, maximum lot size provisions, and open space requirements will be encouraged by the County to maintain the land area necessary to support the land and water resources of the RCA. Existing industrial and commercial facilities, including those that directly support agriculture, forestry, aquaculture or residential development not exceeding the density described herein are permitted. Additional land may not be zoned, used, or developed for industrial, commercial, or institutional development, except as provided by the County's growth allocation provisions. Non-industrial activities which support surface mining, agriculture and forestry may be established or expanded provided they conform with the other requirements of this ordinance."

28. Page 40: In "Regulations", insert reference to **Section 5** of the Conservation Manual.
29. Page 40: In "Density", what is meant by "gross tract area?" Gross tract area cannot include State tidal wetlands and this should be clarified.
30. Page 41-42: The growth allocation process is incorrect. The County Council must hold a public hearing and approve the growth allocation proposal, and then the Critical Area Commission **must review and approve** the growth allocation request. Various options including informational review by the Commission prior to Council approval and a second Council approval after Commission approval can be used to facilitate a coordinated process.
31. Page 42: In paragraph (d), it should be clarified that the zoning change is a change to an **overlay zone**.
32. Page 43: Paragraph (a)(1) should read, "...Mean High Tide Line (MHTL) of tidal waters, **the edge of** tributary streams, and **the edge of** tidal wetlands."
33. Page 44: Replace (b)(1) with, "The purpose of the Primary and Secondary Buffer is to perform the following functions:"
34. Page 44: The Buffer section does not include provisions requiring "the establishment" of the Buffer on new development sites. This provision is necessary to ensure that a Buffer is planted on new development sites if the Buffer is not forested.
35. Page 44: The Buffer section does not include the provisions for expansion of the Buffer for contiguous sensitive areas. The language from paragraph (d)(2) on page 53 of the Model must be added.
36. Page 44: Paragraph (b)(2) is not clear. What effect does this have?
37. Page 44: In paragraph (c)(1), delete, "or shore erosion control measures." It is understood that the nature of these facilities requires a location that may impact the Buffer; however, including them as an activity that is "exempt" from the Buffer requirements may cause problems.

38. Page 45: Paragraph (d)(1) should read, "...Mean High Tide Line of tidal waters, **the edge of tributary streams, and the edge of tidal wetlands.**"
39. Page 45: Add (d)(5) and (d)(6) from pp. 50-51 of the Model Ordinance.
40. Page 45: Revise paragraph (e)(1) as follows: "... clearcutting of Loblolly Pine and Tulip Poplar to within **fifty (50) feet** of the Mean High Tide Line of tidal waters, **the edge of tributary streams, and the edge of tidal wetlands**, provided cutting is conducted in conformance with the Habitat Protection Area provisions of this Manual and is conducted in conformance with a Buffer Management Plan prepared by a registered professional forester and approved by the Department of Natural Resources."
41. Page 48: In paragraph (d), what is meant by "gross tract area?" Gross tract area cannot include State tidal wetlands and this should be clarified.
42. Page 54: Paragraph (c) should read, "...to determine if important sensitive species **or Habitat Protection Areas** are present ..."
43. Page 55: Paragraph (c) lists six measures for forest and woodland protection. These measures are primarily for the protection of Forest Interior Dwelling Species (FIDS) and on any given site, there may be more specific conservation measures recommended by DNR. This should be clarified. With regard to the protection of FIDS habitat, references to the Commission's guidance document entitled, "A Guide to the Conservation of Forest Interior Dwelling Birds in the Chesapeake Bay Critical Area" dated June 2000, should be included.
44. Page 56: Revise paragraph (d)(1) as follows: "... clearcutting of Loblolly Pine and Tulip Poplar to within **fifty (50) feet** of the Mean High Tide Line of tidal waters, **the edge of tributary streams, and the edge of tidal wetlands**, provided cutting is conducted in conformance with the Habitat Protection Area provisions of this Manual and is conducted in conformance with a Buffer Management Plan prepared by a registered professional forester and approved by the Department of Natural Resources."
45. Page 59: Paragraph (h)(4) should refer to the County **Forestry** Board.
46. Page 59: Paragraph (h)(8) is not correct. See comment on page 56 above.
47. Page 60: Add to Section 15, "Existing wash ponds shall be reclaimed as soon as possible after the cessation of a sand and gravel operation." Add "To the fullest extent possible existing sand and gravel operations shall conduct their extraction activities so as to provide, at a minimum, a 100-foot buffer of natural vegetation between the operation and the mean high water line of tidal waters, the edge of tributary streams, and the edge of tidal wetlands.
48. Page 64: In Section 17, it is not clear that the Buffer and expanded Buffer are considered a Habitat Protection Area (HPA). Throughout the Manual, there are references to special protection measures for HPAs and the Buffer needs to be included. This must be clarified. It may be necessary to reorganize the sections so that this is clear.

49. Page 66: Paragraph (d)(4) should read, “ shall be incorporated **into** pending or future ...”
50. Page 67: Paragraph (a) includes a specific buffer distance of 200 feet for colonial waterbird nesting sites. Has the Heritage Division of DNR reviewed these provisions?
51. Page 67: Paragraph (b) includes provisions for the protection of waterfowl staging and concentration areas. Has the Heritage Division of DNR reviewed this language?
52. Page 67: Paragraph (c) lists seven measures for the protection of Forest Interior Dwelling Species (FIDS). These are very general standards and although basically accurate, a reference to the Commission’s guidance document entitled, “A Guide to the Conservation of Forest Interior Dwelling Birds in the Chesapeake Bay Critical Area” dated June 2000, must be added.
53. Page 68: Add to paragraph (d), “Natural Heritage Area must be protected from alteration due to development activities or cutting or clearing so that the structure and species composition of the areas are maintained.”
54. Page 68-69: In paragraph (3)(C), delete “denoted as riverine wetlands” and change 50 foot buffer to 100-foot buffer. All streams in the Critical Area require a 100-foot buffer.
55. Page 69: Water-dependent activities cannot exist outside the Buffer and are dependent on the water by reason of the intrinsic nature of their operation. These activities are related to tidal waters and should not be included in the nontidal wetlands section of the Manual.
56. Page 69: The last sentence of paragraph (f) should read, “**If additional plant and wildlife species are to be designated in the future, local public hearings, as appropriate, shall be held to consider comments on the protection measures proposed.**”
57. Page 70: In paragraph (b)(3)(D), verify that May 15 is the end date for time of year restrictions for anadromous fish.
58. Page 71: In paragraph (a)(2)(D), what types of offsets would be required?
59. Page 71: In paragraph (b)(1), add “**in the LDA and IDA.**”
60. Page 72: Paragraph (2)(B) should be revised to read, “**For expansion of existing marinas in the RCA, it shall be demonstrated that the expansion will not adversely affect water quality, and will result in an overall net improvement in water quality at or leaving the site of the marina.**”
61. Page 74: Section 21 does not address the following water-dependent facilities:
- Public Beaches and Other Public Water-Oriented Recreation and Education Areas
 - Research Area

- Fisheries Activities

commonly known as hydrophytic vegetation. The determination of whether an area is a nontidal wetland shall be made in accordance with the publication known as the Federal Manual for Identifying and Delineating Jurisdictional Wetlands, published in 1989 and as may be amended. Nontidal wetlands do not include tidal wetlands regulated under Title 16 of the Environment Article of the Annotated Code of Maryland.

- (47) "Offsets" means structures or actions that compensate for undesirable impacts.
- (48) "Open space" means land and water areas retained in an essentially undeveloped state.
- (49) "Overburden" means the strata or material in its natural state, before its removal by surface mining, overlying a mineral deposit, or in between mineral deposits.
- (50) "Palustrine" means all non-tidal wetlands dominated by trees, shrubs, persistent emergent plants, or emergent mosses or lichens and all such wetlands that occur in tidal areas where the salinity due to ocean-derived salts is below one-half part per 1,000 parts of water.
- (51) "Physiographic features" means the soils, topography, land slope and aspect, and local climate that influence the form and species composition of plant communities.
- (52) "Port" means a facility or area established or designated by the State or local jurisdictions for purposes of waterborne commerce.
- (53) "Private harvesting" means the cutting and removal of trees for personal use.
- (54) "Project approvals" means the approval of development, other than development by the State or local government, in the Chesapeake Bay Critical Area by the appropriate local approval authority. The term includes approval of subdivision plats and site plans; inclusion of areas within floating zones; issuance of variances, special exceptions, and conditional use permits; and issuance of zoning permits. The term does not include building permits.
- (55) "Public water-oriented recreation" means shore-dependent recreation facilities or activities provided by public agencies which are available to the general public.

- (3) Development shall be limited in the Resource Conservation Area, which shall be chiefly designated for agriculture, forestry, fisheries activities, other resource utilization activities and for habitat protection.
- (c) **Implementation.** For purposes of implementing this regulation the Town has determined, based on land uses and development in existence on December 1, 1985, which land areas fall within the three types of land management and development areas described in this program.
- (d) **Activities not permitted except in IDA.** Certain new development, redevelopment or expanded activities or facilities, because of their intrinsic nature or because of their potential for adversely affecting habitats or water quality, may not be permitted in the Critical Area except in Intensely Developed Areas under regulations of this section and only after the activity or facility has demonstrated to all appropriate local and State permitting agencies that there will be a net improvement in water quality to the adjacent body of water. These activities include the following:
- (1) Non-maritime heavy industry;
 - (2) Transportation facilities and utility transmission facilities, except those necessary to serve permitted uses, or where regional or interstate facilities must cross tidal waters (utility transmission facilities do not include power plants); or
 - (3) Permanent sludge handling, storage and disposal facilities, other than those associated with wastewater treatment facilities. However, agricultural or horticultural use of sludge under appropriate approvals when applied by an approved method at approved application rates may be permitted in the Critical Area, except in the 100 foot-Buffer;
 - (4) The Town may preclude additional development activities that it considers detrimental to water quality or fish, wildlife, or plant habitats within the Critical Area.
- (e) **Activities not permitted.** Certain new development activities or facilities, or the expansion of certain existing facilities, because of their intrinsic nature or because of their potential for adversely affecting habitat and water quality, may not be permitted in the Critical Area unless no environmentally acceptable alternative exists outside the Critical Area, and these development activities or facilities are needed in order to correct an existing water quality or wastewater management problem. These include:

- B. The overall intensity of development within the Limited Development Area is not increased beyond the level established in a particular area so as to change its prevailing character as identified by density and land use currently established in the area.

(c) **Development standards.** The following performance standards are hereby adopted for Limited Development Areas:

- (1) For all development activities in the Limited Development Areas, the Town shall require that the applicant identify any environmental or natural feature described below, and shall meet all of the following standards of environmental protection:
 - A. Adherence to the provisions of Sections 1-122 through 1-126 in this ordinance.
 - B. All roads, bridges, and utilities that must cross a Habitat Protection Area shall be located, designed, constructed, and maintained so as to provide maximum erosion protection and minimize negative impacts to wildlife, aquatic life and their habitats and maintain hydrologic processes and water quality. Roads, bridges, or utilities may not be located in any Habitat Protection Area unless no feasible alternative exists.
 - C. All development activities that must cross or affect streams shall be designed to:
 - 1. Reduce increases in flood frequency and severity that are attributable to development;
 - 2. Retain tree canopy so as to maintain stream water temperature within normal variation;
 - 3. Provide a natural substrate for stream beds; and
 - 4. Minimize adverse water quality and quantity impacts of stormwater.
 - D. For development activities in RCA and LDA, wildlife corridors shall be established and used to connect the area left in forest cover with any large forest tracts which are located outside of the area or property being developed or subdivided. Forest left in its natural

5. The property owner performs on-site mitigation to offset potential adverse water quality impacts from the new impervious surfaces, or the property owner pays a fee to the Town in lieu of performing the on-site mitigation. The amount of the fee shall be \$2.00 per square foot of new impervious surface area on the property. The Town shall use all fees collected under this provision to fund projects that improve water quality within the Critical Area, consistent with the Town's Critical Area Program and Zoning Ordinance.
 - (8) The Town should allow for modifications in road standards on a case-by-case basis to reduce potential impacts to the site and Critical Area resources, where the reduced standards do not significantly affect safety.
 - (9) To reduce the extent of impervious areas and maximize areas of natural vegetation, cluster development shall be considered when planning for future development.
 - (10) Development may be allowed on soils having development constraints if the development includes mitigation measures that adequately address the identified constraints and that will not have significant adverse impacts on water quality or plant, fish or wildlife habitat.
- (d) **Complementary State laws and regulations.** In applying this Critical Area Program, the Town refers to all of the following complementary existing State laws and regulations:
- (1) For soil erosion and sediment control (COMAR 26.17.01)
 - A. In order to prevent soil erosion and sedimentation, a Soil Erosion and Sedimentation Control Plan shall be required whenever a development within the Critical Area will involve any clearing, grading, transporting, or other form of disturbance to land by the movement of earth. This plan shall be consistent with the requirements of Natural Resources Article 8-1101 - 8-1108 and Environment Article 4-103 - 4-108 and 4-116, Annotated Code of Maryland and local ordinances. Sediment control practices shall be appropriately designed to reduce adverse water quality impacts.
 - B. The Town requires erosion control as the basis of sediment control plans within the Critical Area.

(2) For stormwater runoff (COMAR 26.17.02)

- A. Limitation on Stormwater Runoff - Development may not cause downstream property, watercourses, channels or conduits to receive stormwater runoff at a higher volume or rate than would have resulted from a 10-year storm where the land is in its pre-development state.
- B. Storage Capacity - All stormwater storage facilities shall be designed with sufficient capacity to achieve water quality goals of this Section and to eliminate all runoff caused by the development in excess of that which would have come from the site if it were in its pre-development state.
- C. Stormwater management measures shall be consistent with the requirements of Environment Article 4-201 et. seq., Annotated Code of Maryland.

Section 1-108. Resource Conservation Areas.

- (a) **Description.** Areas characterized by nature-dominated environments (that is wetlands, forests, abandoned fields) and resource-utilization activities (that is agriculture, forestry, fisheries activities or aquaculture). At the time of the initial mapping, these areas shall have had at least one of the following features:
 - (1) Existing density is less than one dwelling unit per five acres; or
 - (2) Dominant land use is in agriculture, wetland, forest, barren land, surface water or open space.
- (b) **General policies.** The Town's Critical Area Program hereby incorporates the following policies for Resource Conservation Areas. New or expanded development or redevelopment in these areas shall take place in such a way as to:
 - (1) Conserve, protect and enhance the overall ecological values of the Critical Area, its biological productivity and its diversity;
 - (2) Provide adequate breeding, feeding and wintering habitats for those wildlife populations that require the Chesapeake Bay, its tributaries or coastal habitats in order to sustain populations of those species.

- B. Nutrients shall be applied at the appropriate time and appropriate methods shall be used.
 - C. Reduced tillage (e.g. no-till) practices shall be utilized where practical.
 - D. Crop rotations shall be implemented.
- (d) **Agriculture in the Buffer.** Agricultural activities are permitted in the Buffer, if, as a minimum best management practice, a 25-foot vegetated filter strip measured landward from the mean high water line of tidal waters or tributary streams (excluding drainage ditches), or from the edge of tidal wetlands, whichever is further inland, is established and further provided that:
- (1) The filter strip shall be composed of either trees with a dense ground cover or a thick sod of grass and shall be so managed as to provide water quality benefits and habitat protection consistent with the policies stated above. Noxious weeds which occur in the filter strip, may be controlled by authorized means;
 - (2) The filter strip shall be expanded by a distance of four feet for every one percent of slope, for slopes greater than six percent;
 - (3) The 25-foot vegetated filter strip shall be maintained until such time as the landowner is implementing, under an approved Soil Conservation and Water Quality Plan, a program of best management practices for the specific purposes of improving water quality and protecting plant and wildlife habitat; and provided that the portion of the Soil Conservation and Water Quality Plan being implemented achieves the water quality and habitat protection objectives of the 25-foot vegetated filter strip;
 - (4) The best management practices shall include a requirement for the implementation of a grassland and manure management program where appropriate and that the feeding or watering of livestock, may not be permitted within 50 feet of the mean high water line of tidal water and the edge of the bank of tributary streams and the landward edge of tidal wetlands within the Critical Area;
 - (5) Clearing of existing natural vegetation in the Buffer is not allowed; and

- (6) Farming activities, including the grazing of livestock, shall not disturb stream banks, tidal shorelines or other Habitat Protection Areas as described in this ordinance.
- (7) Where agricultural use of lands within the Buffer ceases and the lands are proposed to be converted to other uses, the Buffer shall be established. In establishing the Buffer, management measures shall be undertaken to provide forest vegetation that assures the Buffer functions set forth in this section of the ordinance.

Section 1-120. Surface Mining in the Critical Area.

- (a) **Definition.** Surface mining is defined as the breaking of the surface soil in order to extract or remove minerals in the Critical Area. Surface mining includes any activity or process constituting all or part of a process for the extraction or removal of minerals from their original location in the Critical Area and the extraction of sand, gravel, rock, stone, earth or fill from borrow pits for highway construction purposes or for other facilities. For the purpose of this section, surface mining is also defined as operations engaged in processing minerals at the site of extraction; removal of overburden and mining of limited amounts of any mineral when done for the purpose of prospecting and to the extent necessary to determine the location, quantity or quality of any natural deposit; and mining operations, if the affected land exceeds one acre or more in area.
- (b) **Surface mining is not a permitted use in the Town.** Should the Town amend it's Zoning Ordinance to allow surface mining in any zone within the Critical Area, the Town shall amend it's Critical Area Ordinance to include appropriate language.

Section 1-121. Natural Parks.

- (a) **Definition.** Natural parks are areas of natural habitat that provide opportunities for those recreational activities that are compatible with the maintenance of natural conditions.
- (b) **Identification.** The Town has identified areas within their Critical Area that are appropriate for natural parks. These areas were not chosen to preserve only natural curiosities, but include coastal ecosystems that are within the jurisdiction, each with its geological and biological resources intact. Park boundaries are based on biological considerations rather than administrative convenience.
- (c) **General Policies.** The Town shall encourage the creation of opportunities for interaction between people and natural environments without destroying the fragile components of natural habitats. Any plans developed for the use of parks should

Section 1-123. The 100-foot Buffer.

- (a) **Definition.** The Buffer is an existing, naturally vegetated area or an area established in native vegetation and managed to protect aquatic, wetlands, shoreline and terrestrial environments from man-made disturbances.
- (b) **Identification of the Buffer.** The establishment of a minimum 100-foot buffer from the mean high water line of tidal waters, the edge of bank of tributary streams, and the landward extent of tidal wetlands shall be required on a site by site basis as part of the environmental review and site analysis process.
- (c) **General Policies.** The Town adopts the following policies with regard to the functions of the Buffer:
 - (1) Provide for the removal or reduction of sediments, nutrients and potentially harmful or toxic substances in runoff entering the Bay and its tributaries;
 - (2) Minimize the adverse effects of human activities on wetlands, shoreline, stream banks, tidal waters and aquatic resources;
 - (3) Maintain an area of transitional habitat between aquatic and upland communities;
 - (4) Maintain the natural environment of streams; and
 - (5) Protect riparian wildlife habitat.
- (d) **Standards.** The following criteria apply to land use activities within the Buffer:
 - (1) The Buffer shall be established at a minimum distance of 100 feet landward from the mean high water line of tidal waters, the edge of the bank of tributary streams and the landward edge of tidal wetlands within the Critical Area.
 - (2) The Buffer shall be expanded beyond 100 feet to include areas of steep slopes, hydric soils or highly erodible soils whose development or disturbance may impact streams, wetlands or other aquatic environments. In the case of contiguous slopes of 15 percent or greater the Buffer shall be expanded four feet for every one percent of slope or to the top of the slope, whichever is greater in extent.

Having shown that on-site compliance is not feasible, the applicant may choose from the following Offset options in order of preference (see Technical Guide, Appendix B for details).

1. Treatment of off-site drainage to on-site BMP, (See Worksheet B, page 23).
2. Construction and operation of an off-site BMP, sized to meet the removal requirements.
3. Retrofit an existing BMP or pond structure.
4. Retrofit an existing storm drain system to encourage infiltration.
5. Reduce the imperviousness of an existing property through reforestation.
6. Implement a riparian reforestation project (0.5 acres of tree planting per lb of removal requirement). Planting plan must meet local Critical Area reforestation standards, or MD Forest Conservation Manual, if no local standards exist.
7. In rural jurisdictions where retrofit options are limited, finance the installation of a structural agricultural BMP for a farm with a SCS approved conservation plan.
8. Other innovative options: restore a degraded tidal or non-tidal wetland that has been disturbed by previous urban or agricultural drainage activity. This may be accomplished through removal of fill, restoration of original water circulation patterns, and marsh plantings.

Table 6.0 Prioritized Listing Of Potential Offset Projects

Judge John C. North, II
Chairman



Ren Serey
Executive 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 25, 2002

Mary Kay Verdery
Talbot County Office of Planning & Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601-3178

Re: Avalon Limited Partnership
M-1022

Dear Ms. Verdery:

Thank you for forwarding the site plan for the above-referenced subdivision request. The applicant proposes 59 lots that are mostly outside of the Critical Area. However, there is a small section of this parcel that is inside the Critical Area. Proposed lots 8-18 will require review for compliance with the impervious surface limitations and any required reforestation or afforestation. The County should also ensure that there are no Habitat Protection Areas in the Critical Area that would require reconfiguration of these lots.

Thank you for the opportunity to comment. Please contact me if you need additional information or assistance from this office.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: TC 235-02

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

April 24, 2002

Mary Kay Verdery
Talbot County Office of Planning & Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601-3178

Re: Robert Bender
L-887

Dear Ms. Verdery:

Thank you for forwarding the above-referenced lot line revision to this office for review and comment. Based on our telephone conversation this afternoon, it is my understanding the proposed lot line revision will be correct an existing side yard setback issue. Provided the lot line revision will not result in any need for variances to accommodate future development, this office has no comment.

Thank you for the opportunity to comment. Please contact me if you need additional information or assistance from this office.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: TC 234-02

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

April 24, 2002

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: Edwin Hale
S-994

Dear Ms. Verdery:

Thank you for forwarding the above-referenced subdivision request to this office for review and comment. From the site plan provided, it appears the proposed lot is entirely outside of the Chesapeake Bay Critical Area; therefore, this office has no comment regarding this request.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: TC 233-02

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

TTY For The Deaf:
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Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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

April 24, 2002

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

Re: Charles Boulton
Special Exception #1220

Dear Ms. Verdery:

Thank you for forwarding the above-referenced special exception request for review. The applicant proposes to construct a 205' by 6' timber pier with a 10' by 20' "L" head, two mooring piles and a boatlift that will encroach 225 feet into the channel. This office has no comment regarding the encroachment issue.

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

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: TC 237-02

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

April 24, 2002

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: Winifred & Augustus Dabroski
S-934

Dear Ms. Verdery:

Thank you for forwarding the revised site plan for the above-referenced project. I would like to add the following comments in addition to those comments made in my earlier letter to you dated February 26, 2002.

1. The applicant has added more notes to the revised site plan including a note about Delmarva Fox Squirrel. IF any clearing will result from the development on proposed lot 2, the applicant must contact the Department of Natural Resources and the U.S. Fish and Wildlife Service regarding conservation of this endangered species on the site.
2. Another note references Forest Interior Dwelling Birds. The plan provided shows a woods line along the eastern boundary of this site; therefore, I assume the remainder of the parcel is an agricultural field. IF no clearing will occur, then there is no need for time of year restrictions. Even if some clearing occurred along the edge of the forested area, it would only impact the forest edge and not the interior where the birds would breed. Again, the special restrictions are necessary. Only mitigation is required for trees cut.

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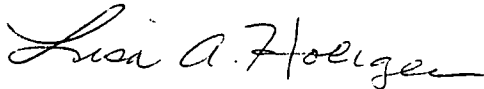
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Ms. Verdery
April 24, 2002
Page Two

3. The note regarding the cutting or clearing of trees greater than 4 inches caliber should be corrected to state that any clearing of vegetation, regardless of caliber inches, requires review by the Planning Office.
4. Where is the information that states the newly created lot is an intrafamily transfer lot and shall be conveyed to a family member?

Thank you for the opportunity to comment. If you have any questions, or if I can provide you with further assistance, please do not hesitate to contact me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: TC 112-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401
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April 22, 2002

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

Re: Water Main Replacement, Town of Colmar Manor
WSSC Contract BR3411A02 and BR3412A02

Dear Mr. Valentine:

Thank you for forwarding the above-referenced projects to this office for review and comment. From the information provided, both contracts consist of replacing existing water mains due to their age and failing conditions. In addition to each water main, new valves, connections, and fire hydrants will be replaced. It is also our understanding that the proposed construction for both contracts will be limited to maintained paved roads, and there will be no clearing or impacts to Habitat Protection Areas. Contract BR3411A02 will impact .20 acres, and contract BR 3412A02 will impact .07 acres.

After reviewing the site plans Critical Area Commission staff determined these projects are maintenance activities and do not require formal approval by the Critical Area Commission. Therefore, these activities may proceed notwithstanding any other required State or local agency permits.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: WSSC 18-02

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April 22, 2002

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

Re: Galesville Estates, Section 2
S 73-398, P 02-011

Dear Mr. Soldano:

Thank you for forwarding the revisions to the above-referenced subdivision request. The applicant addressed all comments from my previous letter dated February 28, 2002. We have no further comments.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: AA 50-02

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Chairman



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Executive Director

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April 18, 2002

Mr. John Markovich
Development Review Division, Zoning Section
Maryland National Capital Park and Planning Commission
14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772

Re: Chesapeake Bay Critical Commission Program Subcommittee
Discussion of Florida on the Potomac/Amended Site Plan

Dear Mr. Markovich:

Thank you for attending the Commission's March Program Subcommittee meeting to continue the discussion of the Florida on the Potomac growth allocation request. I will provide you with the determination of the Subcommittee.

After reviewing the issue of whether lot lines can run through the RCO without deducting that area, the Program Subcommittee decided that deduction is necessary. The Subcommittee believes that when a setback is provided, it should not have lot lines running through it, otherwise it needs to be deducted as part of the growth allocation request.

Configuration of the development envelope (i.e. 9.5 acres beyond the 300-foot setback plus an approximately 50-foot wide section through the RCO to the Potomac) is acceptable due to the County's requirement in its Zoning Ordinance that a 300-foot setback shall be provided and that water-dependent facilities are permitted only in LDOs.

Since that time, I have received a copy of the revision to this application. The revision includes the new area proposed for rezoning which now includes a strip of land 60 x 306 foot long that extends from the upland portion of the parcel currently proposed for rezoning to the water's edge. I believe this width will be acceptable to the Commission.

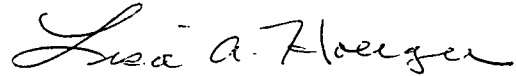
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Mr. Markovich
Page Two
April 18, 2002

Thank you again for your attendance and input. If you have any questions, please do not hesitate to contact me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: Ms. Careen Wallace, MNCPPC
Ms. Sherry Conway Appel, DER
Mr. Thomas Haller, Esquire

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION

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April 18, 2002

Mr. Roby Hurley
Critical Area Circuit Rider for Town of St. Michaels
Lower Eastern Shore Regional Office
201 Baptist Street, Suite 24
Salisbury, Maryland 21801-4974

Re: The Inn at Perry Cabin - Site Plan

Dear Mr. Hurley:

Thank you for forwarding the above-referenced project to this office for review and comment. The applicant proposes to renovate and expand the inn by including more guest wings, a pool, parking and maintenance buildings. I have reviewed the plan and have outlined my comments below.

1. Since the site is in an Intensely Developed Area (IDA), the applicant is required to meet the 10% Pollutant Reduction Requirements. Please have the applicant amend Worksheet A. The site acreage figure on the worksheet is different from the site acreage figure that appears on the site plan.
2. The existing impervious area percent figure appears low given the amount of impervious area on the site. The calculation can only be based on the site acreage in the IDA portion of the parcel and cannot include any wetlands that are not privately owned.
3. The total pounds removed by the five proposed Best Management Practices do not appear to be correct. We have recalculated these figures and have determined that the BMPs will be removing less pounds of phosphorous per year than indicated on Worksheet A. These changes result from amending the numbers used to calculate the load removed. They include the percent of drainage area served and the Lpost. The Lpost should remain the same in all cases when calculating the load removed. The removal efficiency numbers were correct.
4. The applicant proposes that the grass pavers are 100% pervious. We have reviewed the manufacturer's specifications and they state that the volume is 8% solid. Therefore, we can deduce that approximately 8% of the Grasspave are the plastic rings which are impervious. Please have the applicant indicate how much use per year they anticipate for both areas proposed for Grasspave. This usage will be used to determine the percent of imperviousness associated with these parking areas.

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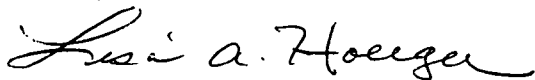
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Mr. Hurley
Page Two
April 18, 2002

5. Proposed Best Management Practice A is a bioretention area. It appears some grading will occur in the Buffer for construction of this BMP. Please have the applicant indicate whether the area of BMP "A" that is within the Buffer will be used to convey water or to treat stormwater. There should not be any grading in the Buffer to accommodate a stormwater management facility. These facilities must be located outside of the 100-foot Buffer. This site enjoys a large area outside the Buffer for these uses. Only outfall structures are permitted in the Buffer without a variance.
6. It is our understanding that the proposed walkway will provide public access. The Commission has published a Guidance Document for use by local governments that discuss public walkways. If this site is not a Buffer Exemption Area, the maximum recommended width is six feet. These walkways do require mitigation at a 3:1 ratio. That mitigation should be in the form of native plantings along the walkway to filter runoff to the extent possible.
7. In the case of public walkways, the applicant should provide the local government with a landscape plan, proposed and existing structures, the condition of shoreline, the total impervious surface both in and out of the Buffer, the dimensions of the path, and any vegetation proposed for removal.
8. We are aware of a violation that occurred on this property. It is our understanding the applicant will provide mitigation in the form of native, Buffer plantings. In that regard the applicant should provide the Town with the exact planting sites proposed to satisfy the violation and quantify the amount of planting at each location. This is separate from mitigation for a public walkway.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3478 if I can provide yourself or the Town of St. Michaels with additional assistance.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: Ms. Jean Weisman, Assistant Town Manager

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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

April 5, 2002

Ms. Elinor Gawel
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6402
Annapolis, Maryland 21401

Re: County Council Bill #105-02, Bog Protection Program

Dear Ms. Gawel:

At its meeting on April 3, 2002, the Chesapeake Bay Critical Area Commission concurred with the Chairman's determination that County Council Bill #105-02, known as the Bog Protection Program is a refinement to the Anne Arundel County Critical Area Program, and it was approved.

Thank you for your attendance at the morning and afternoon meetings. As always, your presence at these meetings proved useful and informative to the Commission members. Please notify me once the ground-truthed maps are finalized so the Commission can review them since they will be a change to the County's Critical Area maps.

The County is required to finalize these text changes to the local ordinances within 120 days of this notice. Please forward a copy of the revisions to this office. If you have any questions, please call me at (410) 260-3478.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: AA Refinement File

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Chairman



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Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401
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April 4, 2002

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

Re: Rock Creek Boat Club
S 01-069, P 01-247

Dear Ms. Allen:

We have received a copy of the Buffer Management Plan for the above-referenced project. At his request, Lisa Hoerger met with the applicant's environmental consultant last week to discuss this plan. We would like to take this opportunity to provide comments to the County staff regarding several issues that were discussed at that meeting.

Buffer Management Plan

As you know, the Commission has developed standard Buffer establishment/reforestation guidelines for enhancing and/or restoring a forest within the Critical Area. These guidelines are based on achieving a minimum woody stem/acre density of between 400-800 woody stems/acre with the goal of attaining a multi-layer forest over the long-term. Approximately, 1/3 to 1/4 of these plants should be large or canopy trees. Stem density, of course, depends on size and mix of species planted and on the desired result over the long-term. While, some flexibility should be allowed in a situation such as this where the Buffer will be greatly enhanced, the Commission feels that it is still important to provide a multi-layered forested Buffer to achieve the full benefits for water quality and wildlife.

In that regard, it appears the plan does not include any canopy trees. We recommend the County require this plan to include a mix of canopy, understory, shrub and herbaceous species. While we have not visited the site, we have seen photographs of the existing Buffer and are aware that the Buffer currently has canopy species; however, the applicant proposes to remove multiple structures from the Buffer with the intention of restoring it in natural vegetation.

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Ms. Allen
April 4, 2002
Page Two

Forest vs. Developed Woodlands

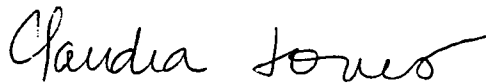
The consultant asked whether the 100-foot Buffer should be considered developed woodland since it appears to meet the definition. In terms of calculating mitigation, it does not matter if a distinction is made between areas that are developed woodlands and areas that are forest since the Code of Maryland Regulations at 23.01.02.04C(3) states, "For the alteration of forest *and* developed woodland in the limited development area, the jurisdiction shall provide the following criteria:" (emphasis added). Both require the same mitigation and should not be considered separately when calculating the percent of clearing and when calculating the required mitigation.

Conservation Easements

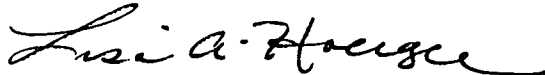
The consultant asked whether the 100-foot Buffer requires an easement. Since the 100-foot Buffer is already protected under the County's Critical Area program, and any disturbance or alteration is prohibited, except by variance, it seems an easement is not necessary. Of course, riparian access on each waterfront lot is permitted without a variance.

Thank you for the opportunity to comment. Please telephone us if you have any questions at (410) 260-3460.

Sincerely,



Claudia Jones
Science Advisor



Lisa A. Hoerger
Natural Resources Planner

cc: Milt McCarthy, McCarthy & Associates
Rodney Banks, County Forester
AA456-01

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 4, 2002

Mr. Robert F. Karge
Town Clerk
Town of Easton
P.O. Box 520
Easton, Maryland 21601

Re: Resolution No. 5729
Annexation of four parcels into the Town of Easton – Total acreage 7.926 acres

Dear Mr. Karge:

Thank you for forwarding the above-referenced request. Chairman North will review this request for annexation of 7.926 acres into the Town of Easton and make a refinement determination within 30 days. The Critical Area Commission will review his determination at its May meeting. I will notify you of its decision.

It appears that of the 7.926 acres annexed into the Town, approximately 6.69 acres are within the Chesapeake Bay Critical Area. I have contacted Mr. Lynn Thomas of the Town's Planning Office and requested that he send this office copies of those annexation requests with a Critical Area boundary line shown on each map. I will need these maps to show the Commission. Finally, a reminder that our proper mailing address is 1804 West Street, Suite 100, Annapolis, Maryland 21401.

Thank you for assistance in this matter. Please telephone me at (410) 260-3478 if you have questions or comments regarding this process.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: Mr. Lynn Thomas

Branch Office: 31 Creamery Lane, Easton, MD 21601
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Chesapeake Bay Critical Area Commission

STAFF REPORT

April 3, 2002

APPLICANT: Anne Arundel County

PROPOSAL: Refinement – County Council Bill 105-02
Bog Protection Program

COMMISSION ACTION: Concurrence

STAFF RECOMMENDATION: Concur with Chairman's Determination

STAFF: Lisa Hoerger

**APPLICABLE LAW/
REGULATIONS:** Natural Resources Article §8-1809(p) Adoption of proposed
refinement

DISCUSSION:

Anne Arundel County has submitted a proposed program refinement to Chairman North for consideration. Last month the Anne Arundel County Council passed Bill 105-02, titled the Bog Protection Program. This legislation establishes Bog Protection Areas and a Bog Protection Program by amending several of the County's Ordinances to provide additional measures to ensure the preservation and protection of these resources above those required by the Maryland Department of the Environment (MDE).

In January 2001, at the request of the Anne Arundel County delegation, MDE had emergency regulations adopted to include recently discovered bogs on the Mountain Road peninsula to their list of Nontidal Wetlands of Special State Concern (NTWSSC). The MDE regulations also included required best management practices around bogs when new development activities are proposed. When these emergency regulations were adopted the County was in the process of drafting Bill #105-02.

The Bog Task Force Committee was instrumental in developing the Bog Protection Program and they meet regularly to address issues including land acquisition, restoration, and field surveying. This committee consists of local, state, and federal agencies, local and State officials, not-for-profits and private citizens. Bill 105-02 is a result of this group's efforts. This committee continues to meet to discuss implementation and mitigation issues.

The attached map serves as the County's current working map until ground-truthing of the bogs is completed. The County has requested that the text amendment be approved as a refinement with the understanding that the final maps will come to the Commission later for approval. The interim map is attached.

Outline of the Bog Protection Program

The County has amended the following ordinances in order to incorporate the new bog protections: Article 3, Title 2 Board of Appeals, Zoning Appeals; Article 21 Floodplain Management, Sediment Control and Stormwater Management; Article 26 Subdivisions; Article 28 Zoning. Title 10, Bog Protection Program was added to Article 28, Zoning. The following sections highlight substantive amendments and summarize the significant provisions of the Bill. If you would like to review the Bill itself, please call Lisa Hoerger at (410) 260-3478. (CAPITALS indicate new matter added to existing law, [brackets] indicate matter stricken from existing law, underlining indicates amendments to bill, and ~~strikeover~~ indicates matter stricken from bill by amendment)

Article 3, Title 2 Board of Appeals, Zoning Appeals - The changes to the Zoning Appeals simply inserted the language, "Bog Protection Program" and "Bog Protection Area" into the County's variance standards. The variance standards remain unchanged.

Article 21 Floodplain Management, Sediment Control and Stormwater Management – This article has several changes and amendments.

Section 2-101. Definitions This section has new definitions. They include the following:

"BOG" MEANS AN AREA SHOWN ON THE BOG PROTECTION AREA GUIDANCE MAP THAT CONTAINS:

- (I) AN ECOSYSTEM CONSISTING OF: 1. PEATLAND CHARACTERIZED BY SPHAGNOUS MAT, ORGANIC SOILS, OR ACCUMULATED PEAT; AND 2. SOILS SATURATED TO THE SURFACE THROUGHOUT THE YEAR WITH MINIMAL FLUCTUATION IN WATER LEVEL; AND
- (II) NONTIDAL WETLANDS THAT ARE CONTIGUOUS TO THE ECOSYSTEM DESCRIBED IN SUBPARAGRAPH (I) OF THIS SUBSECTION.

"BOG PROTECTION AREAS" MEANS AN AREA THAT:

- (I) IS SHOWN ON THE BOG PROTECTION AREA GUIDANCE MAP;
- (II) IS LISTED IN ARTICLE 28 § 1D-103 OF THIS CODE; AND
- (III) CONTAINS A BOG, CONTRIBUTING STREAMS, A ONE-HUNDRED FOOT UPLAND BUFFER, A LIMITED ACTIVITY AREA, AND A CONTRIBUTING DRAINAGE AREA.

"BOG PROTECTION PLAN" MEANS A DETAILED PLAN FOR A SITE THAT:

- (I) DELINEATES THE BOG, CONTRIBUTING STREAMS, THE ONE-HUNDRED FOOT UPLAND BUFFER, THE LIMITED ACTIVITY AREA, AND THE CONTRIBUTING DRAINAGE AREA;
- (II) IDENTIFIES ENVIRONMENTAL AND NATURAL FEATURES INCLUDING RARE, THREATENED, AND ENDANGERED SPECIES; AND
- (III) CONTAINS A PLAN SHOWING HOW A PROPOSED DEVELOPMENT THAT WILL DISTURB 5,000 FEET OR MORE WILL COMPLY WITH THE REQUIREMENTS OF THIS ARTICLE AND ARTICLES 26 AND 28 OF THIS CODE.

“BOG PROTECTION WORK SHEET” MEANS A PLAN FOR A SITE THAT:

- (I) DELINEATES THE BOG, THE CONTRIBUTING STREAMS, THE ONE-HUNDRED FOOT UPLAND BUFFER, THE LIMITED ACTIVITY AREA, AND THE CONTRIBUTING DRAINAGE AREA;
- (II) IDENTIFIES ENVIRONMENTAL AND NATURAL FEATURES, INCLUDING RARE, THREATENED, AND ENDANGERED SPECIES; AND
- (III) CONTAINS A DRAWING OR SKETCH, WITH EXPLANATIONS, THAT SHOW HOW A PROPOSED DEVELOPMENT THAT WILL DISTURB LESS THAN 5,000 SQUARE FEET WILL COMPLY WITH THE REQUIREMENTS OF THIS ARTICLE AND ARTICLES 26 AND 28 OF THIS CODE.

“CONTRIBUTING DRAINAGE AREA” MEANS AN AREA SHOWN ON THE BOG PROTECTION AREA GUIDANCE MAP THAT DRAINS TO THE BOG AND CONTRIBUTING STREAMS.

“CONTRIBUTING STREAMS” MEANS AREAS SHOWN ON THE BOG PROTECTION AREA GUIDANCE AREA MAP AS WATERCOURSES OR STREAMS THAT DRAIN INTO THE BOG.

- (13A) (I) “Disturbance” means cutting or removing vegetation or grading or filling activities.
(II) DISTURBANCE DOES NOT INCLUDE LAWN MOWING, GARDENING, OR ROUTINE YARD MAINTENANCE.

“LIMITED ACTIVITY AREA” MEANS AN AREA SHOWN ON THE BOG PROTECTION AREA GUIDANCE MAP AS THE THREE HUNDRED FOOT AREA SURROUNDING THE OUTER EDGE OF A BOG.

“ONE HUNDRED FOOT UPLAND BUFFER” MEANS AN AREA SHOWN ON THE BOG PROTECTION AREA GUIDANCE MAP AS THE ONE HUNDRED FOOT AREA SURROUNDING THE OUTER EDGE OF A BOG AND CONTRIBUTING STREAMS.

“Sensitive area” means:

- (i) a shoreline, or a perennial streams, creek, river, bay, pond, lake, or similar body of water, excluding intermittent bodies of water, as shown on the United States Coast and Geodetic Survey 7.5 minute quadrangle maps; [and]
- (ii) wetlands, INCLUDING BOGS; AND
- (iii) A BOG PROTECTION AREA.

Section 2-201. Permit Required; exceptions. This section adds the following:

2. IN A BOG PROTECTION AREA, DEVELOPMENT THAT DOES NOT DISTURB MORE THAN 5,000 SQUARE FEET AND THAT HAS NOT PREVIOUSLY BEEN GIVEN AN EXEMPTION UNDER THIS SECTION;

2-305. Sensitive Area Criteria.

This section adds language that allows for a 5,000 square foot exemption to a sensitive area study so that applicants that are doing small projects are not required to prepare a study. It also requires an

applicant that is subject to the sensitive area criteria to submit an outfall survey, a topographical survey, a description of existing vegetation photographic or video documentation and a soils study 500 to 700 feet downstream from the outfall. New language to these requirements is as follows:

2-322. Bog Protection Areas Development Criteria.

This section adds language that exempts the following activities from meeting the Bog Protection Areas Development Criteria:

(B) THIS TITLE DOES NOT APPLY TO:

- (1) STRUCTURES, FACILITIES, OR ACTIVIES IN A BOG PROTECTION AREA ON LAND OWNED OR CONTROLLED BY A GOVERNMENTAL ENTITY;**
- (2) UTILITY LINES THAT ARE INSTALLED, WITH PERMISSION, ON LAND IN A BOG PROTECTION AREA THAT IS OWNED OR CONTROLLED BY A GOVERNMENTY ENTITY; OR**
- (3) WORK UNDERTAKEN BY A PUBLIC UTILITY TO UTILIZE, MAINTAIN, OR PROTECT EXISTING ELECTRIC AND GAS TRANSMISSION AND DISTRIBUTION LINES, CORRIDORS, OR FACILITIES IN A BOG PROTECTION AREA, PROVIDED BEST MANAGEMENT PRACTICES ARE USED FOR PROTECTION OF THE BOG PROTECTION AREA.**

This section also prohibits disturbance of any kind in a bog or the contributing stream and states that within the 100-foot upland buffer there can be no new disturbance without a variance. Decks no larger than 288 square feet are permitted and one shed per lot is permitted if the shed is no larger than 144 square feet. The applicant must demonstrate that the distance between each structure and the bog is maximized.

This section also includes provisions that only nonstructural stormwater management techniques are permitted unless they are not feasible, and that all runoff cannot directly discharge into a bog, contributing stream, or 100-foot buffer.

This section includes impervious surface standards that mimic the County's Critical Area impervious surface standards but extends them to its Bog Protection Areas. For parcels or lots that are in a Bog Protection Area outside of the Critical Area, the grandfathering date is December 3, 2001. This section is more restrictive for new subdivisions in Bog Protection Areas by limiting impervious surfaces to only 10% of the site. The impervious surface language also allows an applicant to increase impervious areas just as the County's Critical Area requirements allow an applicant to increase impervious surfaces on their lot or parcel subject to certain limitations.

Forest retention and clearing also mimics the County's Critical Area requirements and requires that reforestation that cannot be located on a site be located on an alternative off-site location within a Bog Protection Area.

A Bog Protection Plan or Worksheet is required for submittal with all affected projects, and must include all appropriate sediment controls. This section also requires that all composting or yard waste be disposed of outside the 100-foot upland buffer

Article 26 Subdivisions

1-101. Definitions. The same definitions as listed above are incorporated into the Subdivision Ordinance.

1-111. Variances and modifications. This section is amended to add language that the Planning and Zoning Officer must find that if a variance or modification is requested, it is consistent with the spirit and intent of the Bog Protection Program and will not adversely affect water quality or existing hydrology or adversely impact fish, wildlife, or plant habitat.

Title 2. Plat Submission and Approval Procedures 2-303. Application requirements. This section outlines the information required from the applicant which include Bog Protection Plans or Worksheets, and describes what information should be included on these plans. This section also requires certain items to appear on the final plat.

Article 28 Zoning Title 1. General Provisions

The definitions are included in this section and the Bog Protection Program is included here. The bogs are identified by name and listed in this section. This section allows the Planning Officer to amend the maps, and includes those activities that are exempt. It also includes the language that appears in the Floodplain Ordinance.






Chairman North has determined these text changes to be a refinement to the County's Critical Area Program and seeks your concurrence.

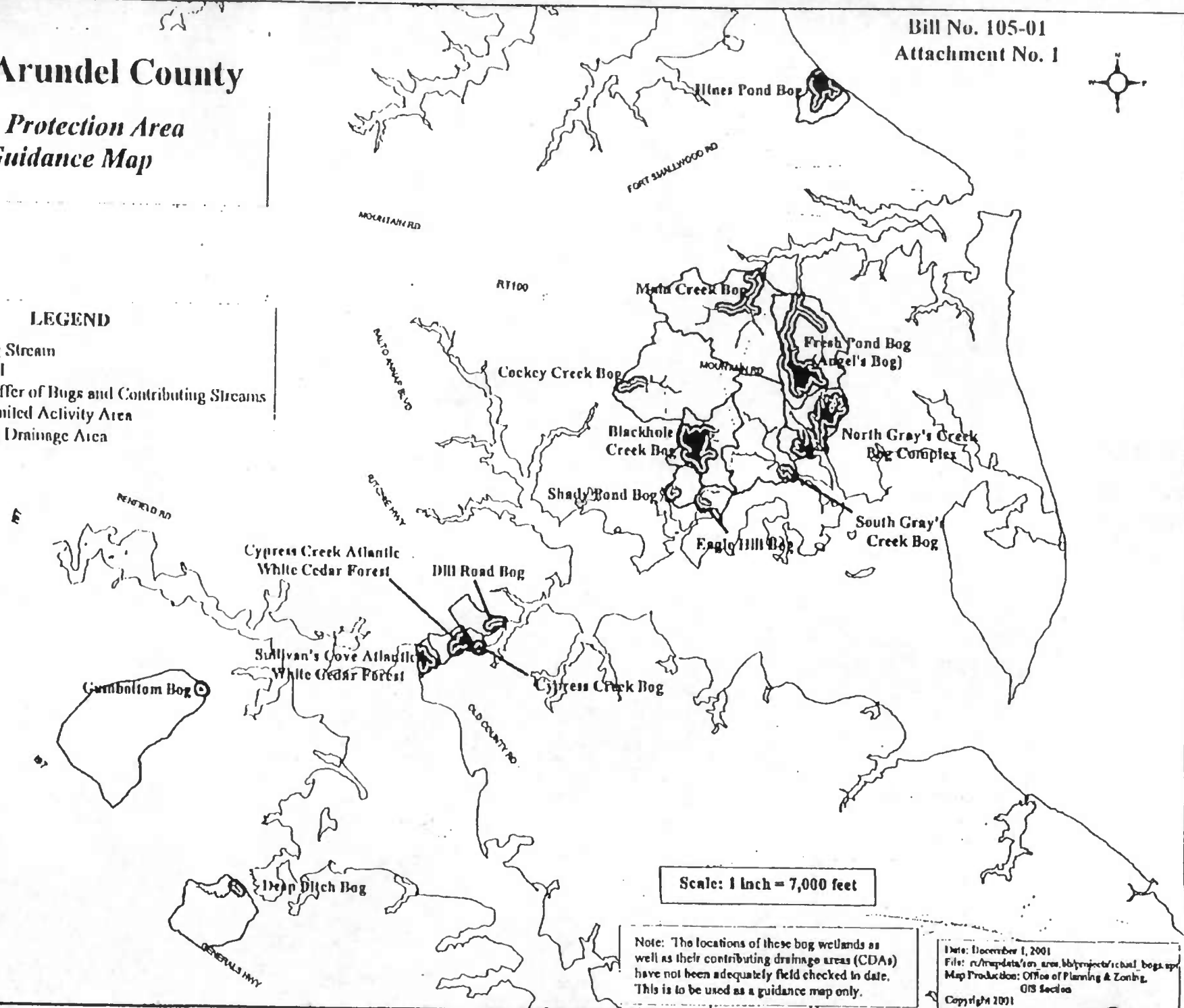


Anne Arundel County

Bog Protection Area Guidance Map

LEGEND

-  Contributing Stream
-  Bog Welland
-  100 Foot Buffer of Bogs and Contributing Streams
-  300 Foot Limited Activity Area
-  Contributing Drainage Area



Scale: 1 inch = 7,000 feet

Note: The locations of these bog wetlands as well as their contributing drainage areas (CDAs) have not been adequately field checked in date. This is to be used as a guidance map only.

Date: December 1, 2001
File: c:\trp\data\on_area\bt\projects\cbal_bogs.apr
Map Production: Office of Planning & Zoning,
GIS Section
Copyright 2001



CONTRIBUTING DRAINAGE AREA

- New subdivision limited to 10% impervious.
- Use non-structural stormwater management to the extent possible
- Impervious surface requirements are similar to Critical Area.
- Forest requirements are the same as Critical Area.
- Bog Protection Plan or worksheet required. Similar to CA.
- Sediment control and native species required.

LIMITED ACTIVITY AREA

- No creation of new lots.

100 FOOT UPLAND BUFFER

- No vegetative waste stored
Except compost & recycling.
- No stormwater discharge.
- Only construct one shed ≤ 144 s/f or
pervious decks ≤ 288 s/f,
in areas without trees.
Add native vegetation.
- Natural vegetation shall be maintained, as in the
Critical Area.

BOG and STREAM

- No activity.
- No stormwater discharge.

Judge John C. North, II
Chairman



Ren Serey
Executive 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 28, 2002

Lori Allen
Anne Arundel County Department of Planning and Code Zoning
2664 Riva Road, MS 6303
Annapolis, Maryland 21401

Re: Broomfield Manor/Hugel Property
S 78-114, P 97-269

Dear Ms. Allen:

I have received the latest resubmittal package for this subdivision request. The applicant has adequately addressed the Forest Interior Dwelling Bird issue identified in the February 18, 2002 letter from the Department of Natural Resources, Heritage and Biodiversity Division. It appears the applicant addressed the other outstanding issues that I outlined in previous letters to your office.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: AA 40-98

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

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

Chesapeake Bay Critical Area Commission

STAFF REPORT

April 3, 2002

APPLICANT: Anne Arundel County

PROPOSAL: Refinement – County Council Bill 105-02
Bog Protection Program

COMMISSION ACTION: Concurrence

STAFF RECOMMENDATION: Concur with Chairman's Determination

STAFF: Lisa Hoerger

**APPLICABLE LAW/
REGULATIONS:** Natural Resources Article §8-1809(p) Adoption of proposed
refinement

DISCUSSION:

Anne Arundel County has submitted a proposed program refinement to Chairman North for consideration. Last month the Anne Arundel County Council passed Bill 105-02, titled the Bog Protection Program. This legislation establishes Bog Protection Areas and a Bog Protection Program by amending several of the County's Ordinances to provide additional measures to ensure the preservation and protection of these resources above those required by the Maryland Department of the Environment (MDE).

In January 2001, at the request of the Anne Arundel County delegation, MDE had emergency regulations adopted to include recently discovered bogs on the Mountain Road peninsula to their list of Nontidal Wetlands of Special State Concern (NTWSSC). The MDE regulations also included required best management practices around bogs when new development activities are proposed. When these emergency regulations were adopted the County was in the process of drafting Bill #105-02.

The Bog Task Force Committee was instrumental in developing the Bog Protection Program and they meet regularly to address issues including land acquisition, restoration, and field surveying. This committee consists of local, state, and federal agencies, local and State officials, not-for-profits and private citizens. Bill 105-02 is a result of this group's efforts. This committee continues to meet to discuss implementation and mitigation issues.

The attached map serves as the County's current working map until ground-truthing of the bogs is completed. The County has requested that the text amendment be approved as a refinement with the understanding that the final maps will come to the Commission later for approval. The interim map is attached.

Outline of the Bog Protection Program

The County has amended the following ordinances in order to incorporate the new bog protections: Article 3, Title 2 Board of Appeals, Zoning Appeals; Article 21 Floodplain Management, Sediment Control and Stormwater Management; Article 26 Subdivisions; Article 28 Zoning. Title 10, Bog Protection Program was added to Article 28, Zoning. The following sections highlight substantive amendments and summarize the significant provisions of the Bill. If you would like to review the Bill itself, please call Lisa Hoerger at (410) 260-3478. (CAPITALS indicate new matter added to existing law, [brackets] indicate matter stricken from existing law, underlining indicates amendments to bill, and ~~strikeover~~ indicates matter stricken from bill by amendment)

Article 3, Title 2 Board of Appeals, Zoning Appeals - The changes to the Zoning Appeals simply inserted the language, "Bog Protection Program" and "Bog Protection Area" into the County's variance standards. The variance standards remain unchanged.

Article 21 Floodplain Management, Sediment Control and Stormwater Management – This article has several changes and amendments.

Section 2-101. Definitions This section has new definitions. They include the following:

"BOG" MEANS AN AREA SHOWN ON THE BOG PROTECTION AREA GUIDANCE MAP THAT CONTAINS:

- (I) AN ECOSYSTEM CONSISTING OF: 1. PEATLAND CHARACTERIZED BY SPHAGNOUS MAT, ORGANIC SOILS, OR ACCUMULATED PEAT; AND 2. SOILS SATURATED TO THE SURFACE THROUGHOUT THE YEAR WITH MINIMAL FLUCTUATION IN WATER LEVEL; AND
- (II) NONTIDAL WETLANDS THAT ARE CONTIGUOUS TO THE ECOSYSTEM DESCRIBED IN SUBPARAGRAPH (I) OF THIS SUBSECTION.

"BOG PROTECTION AREAS" MEANS AN AREA THAT:

- (I) IS SHOWN ON THE BOG PROTECTION AREA GUIDANCE MAP;
- (II) IS LISTED IN ARTICLE 28 § 1D-103 OF THIS CODE; AND
- (III) CONTAINS A BOG, CONTRIBUTING STREAMS, A ONE-HUNDRED FOOT UPLAND BUFFER, A LIMITED ACTIVITY AREA, AND A CONTRIBUTING DRAINAGE AREA.

"BOG PROTECTION PLAN" MEANS A DETAILED PLAN FOR A SITE THAT:

- (I) DELINEATES THE BOG, CONTRIBUTING STREAMS, THE ONE-HUNDRED FOOT UPLAND BUFFER, THE LIMITED ACTIVITY AREA, AND THE CONTRIBUTING DRAINAGE AREA;
- (II) IDENTIFIES ENVIRONMENTAL AND NATURAL FEATURES INCLUDING RARE, THREATENED, AND ENDANGERED SPECIES; AND
- (III) CONTAINS A PLAN SHOWING HOW A PROPOSED DEVELOPMENT THAT WILL DISTURB 5,000 FEET OR MORE WILL COMPLY WITH THE REQUIREMENTS OF THIS ARTICLE AND ARTICLES 26 AND 28 OF THIS CODE.

“BOG PROTECTION WORK SHEET” MEANS A PLAN FOR A SITE THAT:

- (I) DELINEATES THE BOG, THE CONTRIBUTING STREAMS, THE ONE-HUNDRED FOOT UPLAND BUFFER, THE LIMITED ACTIVITY AREA, AND THE CONTRIBUTING DRAINAGE AREA;
- (II) IDENTIFIES ENVIRONMENTAL AND NATURAL FEATURES, INCLUDING RARE, THREATENED, AND ENDANGERED SPECIES; AND
- (III) CONTAINS A DRAWING OR SKETCH, WITH EXPLANATIONS, THAT SHOW HOW A PROPOSED DEVELOPMENT THAT WILL DISTURB LESS THAN 5,000 SQUARE FEET WILL COMPLY WITH THE REQUIREMENTS OF THIS ARTICLE AND ARTICLES 26 AND 28 OF THIS CODE.

“CONTRIBUTING DRAINAGE AREA” MEANS AN AREA SHOWN ON THE BOG PROTECTION AREA GUIDANCE MAP THAT DRAINS TO THE BOG AND CONTRIBUTING STREAMS.

“CONTRIBUTING STREAMS” MEANS AREAS SHOWN ON THE BOG PROTECTION AREA GUIDANCE AREA MAP AS WATERCOURSES OR STREAMS THAT DRAIN INTO THE BOG.

- (13A) (I) “Disturbance” means cutting or removing vegetation or grading or filling activities.
(II) DISTURBANCE DOES NOT INCLUDE LAWN MOWING, GARDENING, OR ROUTINE YARD MAINTENANCE.

“LIMITED ACTIVITY AREA” MEANS AN AREA SHOWN ON THE BOG PROTECTION AREA GUIDANCE MAP AS THE THREE HUNDRED FOOT AREA SURROUNDING THE OUTER EDGE OF A BOG.

“ONE HUNDRED FOOT UPLAND BUFFER” MEANS AN AREA SHOWN ON THE BOG PROTECTION AREA GUIDANCE MAP AS THE ONE HUNDRED FOOT AREA SURROUNDING THE OUTER EDGE OF A BOG AND CONTRIBUTING STREAMS.

“Sensitive area” means:

- (i) a shoreline, or a perennial streams, creek, river, bay, pond, lake, or similar body of water, excluding intermittent bodies of water, as shown on the United States Coast and Geodetic Survey 7.5 minute quadrangle maps; [and]
- (ii) wetlands, INCLUDING BOGS; AND
- (iii) A BOG PROTECTION AREA.

Section 2-201. Permit Required; exceptions. This section adds the following:

2. IN A BOG PROTECTION AREA, DEVELOPMENT THAT DOES NOT DISTURB MORE THAN 5,000 SQUARE FEET AND THAT HAS NOT PREVIOUSLY BEEN GIVEN AN EXEMPTION UNDER THIS SECTION;

2-305. Sensitive Area Criteria.

This section adds language that allows for a 5,000 square foot exemption to a sensitive area study so that applicants that are doing small projects are not required to prepare a study. It also requires an

applicant that is subject to the sensitive area criteria to submit an outfall survey, a topographical survey, a description of existing vegetation photographic or video documentation and a soils study 500 to 700 feet downstream from the outfall. New language to these requirements is as follows:

2-322. Bog Protection Areas Development Criteria.

This section adds language that exempts the following activities from meeting the Bog Protection Areas Development Criteria:

(B) THIS TITLE DOES NOT APPLY TO:

- (1) STRUCTURES, FACILITIES, OR ACTIVITIES IN A BOG PROTECTION AREA ON LAND OWNED OR CONTROLLED BY A GOVERNMENTAL ENTITY;**
- (2) UTILITY LINES THAT ARE INSTALLED, WITH PERMISSION, ON LAND IN A BOG PROTECTION AREA THAT IS OWNED OR CONTROLLED BY A GOVERNMENT ENTITY; OR**
- (3) WORK UNDERTAKEN BY A PUBLIC UTILITY TO UTILIZE, MAINTAIN, OR PROTECT EXISTING ELECTRIC AND GAS TRANSMISSION AND DISTRIBUTION LINES, CORRIDORS, OR FACILITIES IN A BOG PROTECTION AREA, PROVIDED BEST MANAGEMENT PRACTICES ARE USED FOR PROTECTION OF THE BOG PROTECTION AREA.**

This section also prohibits disturbance of any kind in a bog or the contributing stream and states that within the 100-foot upland buffer there can be no new disturbance without a variance. Decks no larger than 288 square feet are permitted and one shed per lot is permitted if the shed is no larger than 144 square feet. The applicant must demonstrate that the distance between each structure and the bog is maximized.

This section also includes provisions that only nonstructural stormwater management techniques are permitted unless they are not feasible, and that all runoff cannot directly discharge into a bog, contributing stream, or 100-foot buffer.

This section includes impervious surface standards that mimic the County's Critical Area impervious surface standards but extends them to its Bog Protection Areas. For parcels or lots that are in a Bog Protection Area outside of the Critical Area, the grandfathering date is December 3, 2001. This section is more restrictive for new subdivisions in Bog Protection Areas by limiting impervious surfaces to only 10% of the site. The impervious surface language also allows an applicant to increase impervious areas just as the County's Critical Area requirements allow an applicant to increase impervious surfaces on their lot or parcel subject to certain limitations.

Forest retention and clearing also mimics the County's Critical Area requirements and requires that reforestation that cannot be located on a site be located on an alternative off-site location within a Bog Protection Area.

A Bog Protection Plan or Worksheet is required for submittal with all affected projects, and must include all appropriate sediment controls. This section also requires that all composting or yard waste be disposed of outside the 100-foot upland buffer

Article 26 Subdivisions

1-101. Definitions. The same definitions as listed above are incorporated into the Subdivision Ordinance.

1-111. Variances and modifications. This section is amended to add language that the Planning and Zoning Officer must find that if a variance or modification is requested, it is consistent with the spirit and intent of the Bog Protection Program and will not adversely affect water quality or existing hydrology or adversely impact fish, wildlife, or plant habitat.

Title 2. Plat Submission and Approval Procedures 2-303. Application requirements. This section outlines the information required from the applicant which include Bog Protection Plans or Worksheets, and describes what information should be included on these plans. This section also requires certain items to appear on the final plat.

Article 28 Zoning Title 1. General Provisions

The definitions are included in this section and the Bog Protection Program is included here. The bogs are identified by name and listed in this section. This section allows the Planning Officer to amend the maps, and includes those activities that are exempt. It also includes the language that appears in the Floodplain Ordinance.

Chairman North has determined these text changes to be a refinement to the County's Critical Area Program and seeks your concurrence.

Anne Arundel County

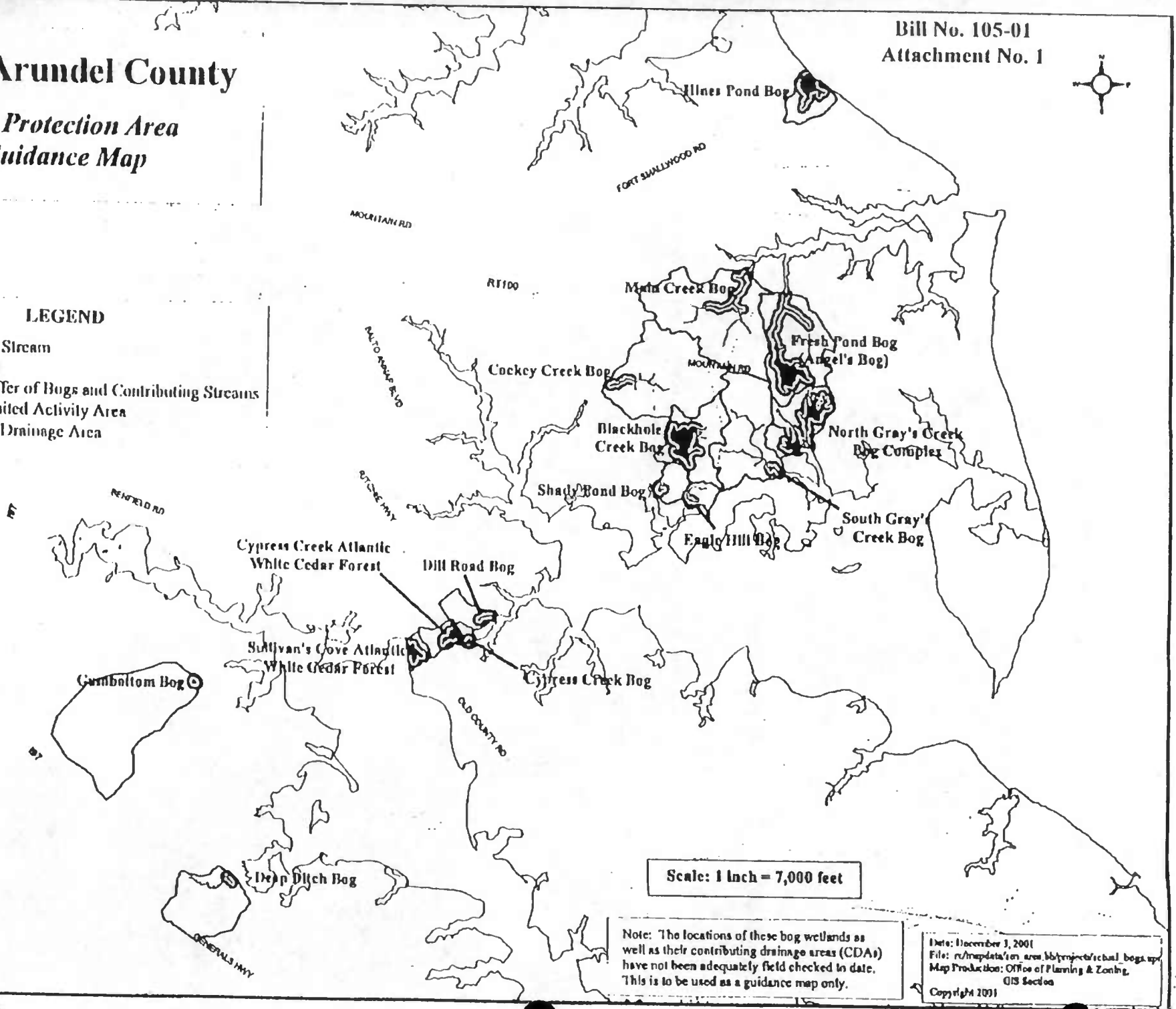
Bog Protection Area Guidance Map

Bill No. 105-01
Attachment No. 1



LEGEND

- Contributing Stream
- Bog Wetland
- 100 Foot Buffer of Bogs and Contributing Streams
- 300 Foot Limited Activity Area
- Contributing Drainage Area



Scale: 1 inch = 7,000 feet

Note: The locations of these bog wetlands as well as their contributing drainage areas (CDAs) have not been adequately field checked to date. This is to be used as a guidance map only.

Date: December 3, 2001
File: r:\map\data\on area\by\mjb\gs\cbal_bogs.apr
Map Production: Office of Planning & Zoning,
GIS Section
Copyright 2001





Judge John C. North, II
Chairman -

Ren Serey
Executive Director

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

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

March 25, 2002

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

Re: Charles L. Delavan/Eileen E. Powers
2002-0061-V

Dear Ms. Plociennik:

Thank you for forwarding the above-referenced variance request to this office for review and comment. The applicants propose to construct a dwelling and deck addition that will require disturbance to the steep slopes and the expanded Buffer.

I have visited this site and am familiar with the topography. The existing dwelling is constructed on the edge of steep slopes; therefore, any attempt to enlarge this dwelling would impact steep slopes. From the site plan provided and through conversations with the owners, it is my understanding the proposed addition will not intrude further into the Buffer than the existing porch and patio. It appears the applicant is minimizing disturbance to the extent possible in this case.

Mitigation in the form of native plantings at a 3:1 ratio is recommended. The accompanying documentation indicates the applicants propose to plant twelve evergreen species (fir and cypress). We recommend they select an alternative, native species to accomplish mitigation. This office can provide assistance.

Thank you for the opportunity to comment. Please submit this letter for the record and please notify this office of the decision made in this case.

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: AA 163-02

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

March 21, 2002

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

Re: Nantucket on the Severn - S 01-074, P 01-196

Dear Ms. Allen:

Thank you for forwarding the resubmittal of the sketch plan for the above-referenced project. I have outlined my comments below.

1. The applicant proposes to combine, reconfigure, and resubdivide several parcels, including an illegal residue parcel, to create thirteen residential lots. Two lots will require several variances. Since these lots are not considered grandfathered, the applicant should quantify the impacts of the proposed subdivision configuration versus the existing parcel configuration. There should be a clear showing that the new configuration will have less environmental impacts and will require fewer variances than would the existing configuration of the parcels.
2. In previous discussions with the applicant, we were told that a plan to restore the Atlantic White Cedar habitat on this site would be a component of the overall subdivision and variance requests. The applicant must provide an illustrated plan of this restoration effort and assurance to the County that this restoration plan has funding for completion. Without demonstrating that a restoration plan is envisioned, this office will not be able to support the requested variances.
3. Proposed lots 1 and 2 will require variances to the Buffer and steep slopes. Some plans submitted appear to show swimming pools that are within the expanded Buffer for steep slopes. This office will not support swimming pools or any other accessory structure in the Buffer, regardless of whether it is attached to the primary dwelling. New lots should not require variances, and the only way this office could support variances for the primary dwelling(s) would be if there were a restoration plan for the Atlantic White Cedar habitat. Those lots considered to be grandfathered lots by the County must demonstrate that impacts to the environment have been minimized.

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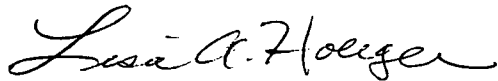
4. The proposed dwellings on lots 1 and 2 must minimize disturbance to steep slopes. The existing dwelling on proposed lot 2 should not intrude any further waterward than its existing footprint. The proposed dwelling on lot 2 exceeds 5,400 square feet. This is too much disturbance over the existing footprint. The size of this structure needs to be reduced as well as minimizing additional impacts to the environment.
5. We understand the existing road that is in the 100-foot Buffer will not be removed since the adjoining property owner uses it for access and has not agreed to use an alternative access road as proposed by the applicant. Due to this circumstance, how will a restoration plan for the Atlantic White Cedar be possible, since it was our understanding that a significant portion of that plan would occur in the 100-foot Buffer by removing the existing road?
6. The applicant shows the location of the Atlantic White Cedar trees on the site plan. In discussion with two other staff members that have also visited the property on several occasions we agree that there are more cedars on this site that do not appear on the plan. Please have this corrected.
7. The County should be in contact with the Department of Natural Resources, Heritage and Biodiversity Division and the Maryland Department of the Environment, Nontidal Wetlands and Waterways Division regarding the Atlantic White Cedar habitat vis a vis the proposed development scenario and any proposed restoration plan.
8. It appears the proposed stormwater management trench is close to and possibly impacts one or two of the Atlantic White Cedars. We recommend all stormwater from the lots near Benfield Boulevard treat all stormwater on-site, and an alternative stormwater management scenario accommodate the road runoff.
9. The proposed fishing pier will not be permitted to have slips since the applicant will be requesting piers for lots 1 and 2.
10. Has a jurisdictional determination been made at this site, and has MDE determined whether a permit will require public notice and a hearing?
11. Why is parcel 347 considered illegal? What density rights, if any, does an illegal residue parcel have with regard to the RCA? It appears the applicant is counting one RCA density right from this parcel.

Ms. Allen
March 21, 2002
Page Three

12. In any case, all newly configured lots are not grandfathered and are subject to all Critical Area requirements of the County's program.
13. The totals in the impervious surface table appear to be incorrect. I get a total of 1,192,559 square feet of lot area and a total of 124,895 square feet of impervious surface.
14. If the open space parcel is used to meet the recreational requirements of the subdivision ordinance, it should be labeled as passive recreation since it is entirely within the Resource Conservation Area. No structures would be permitted.

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

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: Ms. Katherine McCarthy
Ms. Judy Cole
Ms. Karen McJunkin
AA 291-01

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 20, 2002

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

Re: Bog Protection Program
Council Bill 105-01

Dear Ms. Gawel:

The Critical Area Commission has received the above-referenced bill which amends the Anne Arundel County Code to address the protection of bogs both inside and outside the Critical Area.

It is our understanding that the bogs and associated buffers are in the process of being ground-truthed in order to provide the most accurate mapping; therefore, the maps accompanying the Bill are to be used as guidance maps in the interim. When the official, ground-truthed maps are completed they should be submitted to the Critical Area Commission as a change to the County's Critical Area maps.

We are accepting the application as a complete submittal, and Chairman North will make a refinement determination within thirty days of the date of this letter. This issue will be reviewed by the full Commission at their meeting on April 3, 2002. I will notify you following the meeting.

Sincerely,

A handwritten signature in cursive script, reading "Lisa A. Hoerger", followed by a horizontal line.

Lisa A. Hoerger
Natural Resources Planner

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

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Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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March 20, 2002

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

Re: London Town Museum Building
Consistency Report

Dear Ms. Gawel:

Thank you and Mr. McMonigle for meeting me at the London Town project site. I have reviewed this project per the requirements of COMAR 27.02.02 - State and Local Agency Actions Resulting in Development of Local Significance on Private Lands or Lands Owned by Local Jurisdictions. After reviewing the consistency report, and the accompanying Critical Area report, this office agrees that the project is consistent with the Anne Arundel County Critical Area Program.

It is our understanding that all clearing associated with development of this project will occur on-site in the Critical Area. The proposed plantings for the bioretention areas are acceptable with two exceptions. *Aesculus Parviflora* (Bottlebrush Buckeye) and *Physocarpus Opulifolius* (Ninebark) are not native species and could be invasive. Please substitute these species with indigenous species, particularly since visitors to this site may be viewing the bioretention areas for educational purposes.

The proposed plantings list for the landscaping around the new buildings includes all nonnative species. We understand that it is the applicant's wish to create some planting areas that represent species that were historically planted at this site and agree it is appropriate to allow these types of plantings as landscaping features around the new buildings; however, two of the proposed species are also invasive according to the Maryland Native Plant Society. Those species are *Miscanthus Sinensis Purpurascens* (Flame Grass) and *Liriopi Spicata* (Lilyturf, creeping). Ms. Claudia Jones, Science Advisor to the Commission, recommends these species be substituted for noninvasive varieties. It appears that the *Liriopi Muscari* (Lilyturf) is not invasive although it is in the same genus as the one listed above.

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Ms. Gawel
March 20, 2002
Page Two

Finally, I understand from Mr. McMonigle that the proposed clearing will be replanted on-site; however, there does not appear to be a planting schedule on the plans for this planting. Please ensure that all planting associated with the required reforestation consists of native species.

Thank you again for your cooperation and assistance with reviewing this project. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: Mr. Dennis McMonigle.

Judge John C. North, II
Chairman



Ren Serey
Executive 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, 2002

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: Back Creek Landing, Bryan Brothers, LLC
M 1010

Dear Ms. Verdery:

Thank you for forwarding the revised plan for the above-referenced project. I have outlined our comments below.

1. We understand the letter from the Department of Natural Resources, Heritage and Biodiversity Division indicates the potential presence of Forest Interior Dwelling Birds (FID) at this site. It appears that no clearing is proposed in the Critical Area; therefore, there should be no impacts to any FID habitat that may exist.
2. A note should be added to the plat alerting future homeowners on lots 1, 2, 7, 8, 9, 10, 12, 13, 14, and 15 that the portion of their lots that encroach into the RCA cannot support accessory structures or any other type of development activity.
3. The 100-foot Buffer to San Domingo Creek should be reestablished in native vegetation on lot 41. It is not clear from the site plan provided that plantings in the Buffer will occur. All plantings in the Buffer to satisfy reestablishing the 100-foot Buffer can also be used to satisfy the overall afforestation requirement.
4. Although no clearing is proposed in the Critical Area, the County and the applicant may choose to contact the Department of Natural Resources for information regarding the protection of Delmarva Fox squirrels. Mr. Scott Smith is the Department's contact for this species and he can be reached at (410) 827-8612.

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

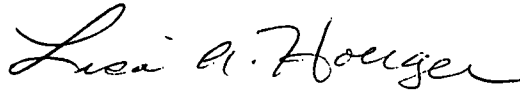
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Ms. Verdery
Page Two
March 19, 2002

5. There is a note on the plan indicating lots 1-41 are approved for community sewer (although not yet signed by the Health Department). Does this mean the subdivision will be served by the St. Michael's wastewater treatment plant, or will there be a separate community sewage station or septic area either on-site or off-site?
6. Does the applicant still intend to provide a trail system and observation tower in the Critical Area portion of the site?

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

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: Mr. Scott Smith, DNR
TC 649-01

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 19, 2002

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: Hidden Bridge Farm, LP
L 877

Dear Ms. Verdery:

Thank you for forwarding the updated subdivision and lot line abandonment requests to this office for review and comment. I have outlined our comments below.

1. In the Critical Area Report, the applicant has identified the wetland types on these parcels and whether they are State or private wetlands. This determination appears to be correct, and there appears to be sufficient acreage to support the requested eleven lots after the parcel boundary line is abandoned.
2. The National Wetlands Inventory maps show more extensive nontidal wetlands on this site that are located between the two nontidal ponds on proposed lots 10 and 11. Will the County require a Jurisdictional Determination prior to subdivision approval?
3. Will the existing driveway in the 100-foot Buffer be removed? This driveway crosses through proposed lots 1, 2, 3, 4, and 11.
4. The 100-foot Buffer from the tidal pond/wetland on lot 1 needs to be shown on the plan.
5. Is there sufficient room on proposed lot 9 to accommodate a dwelling given the lot configuration, required buffers, and the area required for the sewage disposal area? This office will not support variances on newly created lots.

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

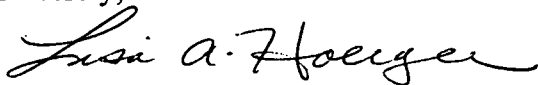
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Ms. Verdery
March 19, 2002
Page Two

6. The County should not grant final subdivision approval until the issue concerning the possible presence of the bald eagle is settled. It is my understanding that the applicant has contacted Mr. Glenn Therres from the Department of Natural Resources to investigate this issue. It appears the applicants are aware that a reconfiguration of the subdivision could be necessary.

Thank you for the opportunity to comment. If you have any questions, or if I can provide you with further assistance, please do not hesitate to contact me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: Glenn Therres, DNR
TC 24-02

Judge John C. North, II
Chairman



Ren Serey
Executive 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, 2002

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

Re: Bay Vista Subdivision – Lot Line Revision

Dear Ms. Verdery:

Thank you for forwarding the above-referenced request to this office for review and comment. I provided comments to the County on the subdivision request for this property and have not received updated information regarding issues outlined in my letter dated February 2, 2001. I have enclosed a copy of that letter for your information. Has the County approved this subdivision? Please clarify since these issues should be resolved prior to final recordation.

In regard to the immediate request for a lot line revision, it appears the applicant is making a correction; therefore, this office has no comment on the lot line revision.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

Enclosure

cc: TC 642-99

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

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Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

March 18, 2002

Mr. James W. Price, Director
Program Open Space, E-4
Tawes State Office Building
580 Taylor Avenue
Annapolis, Maryland 21401

Re: DNR Clearinghouse Review of Local POS Project #4096-2-195
Beachwood Park (Lapidus Trust), Anne Arundel County

Dear Mr. Price:

Thank you for forwarding this project to our office for review and comment. It is not clear from the site plan provided which parcel(s) is proposed for acquisition; however, based on the description I am assuming the parcel may be parcel 100. If so, most of this parcel has a Critical Area designation of Limited Development Area (LDA) with some Resource Conservation Area (RCA) near the headwaters of the creek. The portion of the parcel in the RCA may support a bog wetland system which now requires protection by the Maryland Department of the Environment and Anne Arundel County.

Although not proposed at this time, any future development activities must comply with the requirements of the County's Critical Area program which include protection of Habitat Protection Areas and limits on clearing and impervious surfaces.

Thank you again for the opportunity to comment. If there are any other parcels that are included in this acquisition, we will be happy to provide comments. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: Ms. Elinor Gawel, AA Co.

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

March 14, 2002

Ms. Kelly Krinetz
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

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

Dear Ms. Krinetz:

Thank you for forwarding the revised plans and updated Critical Area report for the above-referenced project. This office has offered several comment letters to the County for this project. It appears the applicant has addressed some of our previous comments. I will outline the outstanding issues below.

1. It is my understanding that the County is meeting with the Army Corps of Engineers and the Maryland Department of the Environment, Wetlands and Waterways Division to address the existing pond and other wetland impact issues. Please keep this office updated on this issue, particularly if the County will need to require any variances.
2. The plan still does not show notes for the following items: alerting future homeowners and the homeowners association that no disturbance is permitted in or on steep slopes; no further impervious areas are permitted; and clearing is prohibited in the areas that are in an easement.
3. The figures in the impervious surface table appear incorrect. I get a total of 623,685 square feet of lot area, and a total of 540,925 square feet of area within the Critical Area. The total impervious surface should be 82,736 square feet which would bring the percent of impervious area to 15.2%. Please have the applicant rework these figures and ensure that the impervious surface does not exceed 15%.

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

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Ms. Krinetz
March 14, 2002
Page Two

4. The proposed planting plan, including the species selection is acceptable.
5. The proposed clearing is 34%. Will the County require a variance to exceed 30% clearing? This office would unlikely support a variance to clearing for new development.

Thank you for the opportunity to comment and for inviting us to met with you in the field to discuss these issues. Please telephone me if you have any questions at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: AA 415-99



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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

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

March 13, 2002

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

Re: Deale/Shady Side, South County, and Crofton Small Area Plans - Rezoning

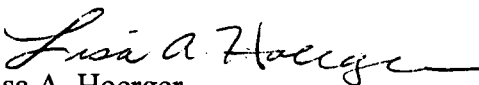
Dear Ms. Gawel:

Thank you for forwarding the zoning changes made in the above-referenced Small Area Plans. We understand there were no zoning changes in the South County and Crofton Small Area Plans. I have outlined our comments below regarding those changes in the Deale/Shady Side Plan.

1. Happy Harbor Restaurant – The proposed change is from R-1 and C-1 to all C-1. We understand the C-1 change will only allow commercial development up to the limit of the existing Intensely Developed Area line; therefore, we do not oppose this change.
2. Rockhold Creek Bridge Parcels – Since the rezoning change from RA to R1 is to allow public sewer hookups, we support this request. The change would not be in conflict with the Limited Development Area designation.
3. Parcel 483 – The proposed change is from a split zone of MC and W2 to all MC in the Intensely Developed Area. This change is not inconsistent with the Critical Area overlay.
4. Franklin Point – This property was changed from R-1 to Open Space. This change is not in conflict with the split Limited Development Area and Resources Conservation Area designations.

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

Sincerely,


Lisa A. Hoerger
Natural Resources Planner

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

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Judge John C. North, II
Chairman

Ren Serey
Executive Director

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

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

March 13, 2002

Ms. Judy Broersma-Cole
Maryland Department of the Environment
Water Management Administration
Nontidal Wetlands and Waterways Division
200 Duke Street, Suite 2700
Prince Frederick, Maryland 20678

Re: 01-NT-0352/200165502
Brookshire Residential Subdivision, Anne Arundel County

Dear Ms. Broersma-Cole:

Thank you for sending us the Notice of Public Information Hearing for the above-referenced property. As you know, I am familiar with this subdivision request. I have received a recent resubmittal and the applicant has reduced the impacts to the nontidal wetlands and their buffers. The nontidal wetlands impacts I am referring to are specifically within the Chesapeake Bay Critical Area on the Dixon Drive extension. It appears there is an opportunity for the impacts along the cul-de-sac to be further reduced or eliminated by reconfiguring the road around the bioretention area.

Thank you for the opportunity to comment. Please submit these comments for the record.

Sincerely,

Lisa A. Hoerger
Natural Resource Planner

cc: AA394-98

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

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Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
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1804 West Street, Suite 100, Annapolis, Maryland 21401
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March 11, 2002

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: Ronald Walden
L-884

Dear Ms. Verdery:

Thank you for forwarding an amended site plan for the above-referenced case. Based on our telephone conversation this morning, it is my understanding Mr. Walden requests the lot line revision to make his property waterfront. As stated in our previous letter, this office has no comment on the request provided there are no conflicts with the County's Critical Area program.

Thank you for the opportunity to comment. If you have any questions, or if I can provide you with further assistance, please do not hesitate to contact me at (410) 260-3478.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: TC 118-02

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

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Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

March 8, 2002

Mr. Stanley Causey
Maryland Department of the Environment
Water Management Administration
P.O. Box 800
Cambridge, Maryland 21613

Re: Alfred Rappetti
02-WL-1157

Dear Mr. Causey:

Thank you for forwarding the above-referenced request to construct eight groins, a marsh creation and replace a bulkhead with stone revetment. I have outlined my comments below.

- 1) We defer to your office regarding the need for the proposed stone revetment. It appears the applicant is installing nonstructural means where feasible and we support this method.
- 2) All vegetation that is removed for the installation of any shore erosion protection device must be mitigated for at a 1:1 ratio with native species.
- 3) We see from the plans that the applicant proposes to grade around an existing pond and plant marsh vegetation. Again, any grading or clearing inside the 100-foot Buffer must be mitigated at a 1:1 ratio if the disturbance is to achieve shore erosion protection.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record. If you have questions, please telephone me at (410) 260-3478.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: Tidal Wetlands File

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

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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

March 7, 2002

Ms. Cynthia D. Simpson, Deputy Director
Office of Planning and Engineering
State Highway Administration
707 N. Calvert Street
P.O. Box 717
Baltimore, Maryland 21203-0717

Re: MD 214 over Glebe Creek, Culvert Repairs - Anne Arundel County

Dear Ms. Simpson:

At its meeting on March 6, 2002 the Chesapeake Bay Critical Area Commission voted to approve the proposed MD 214 over Glebe Creek project as presented at the afternoon meeting. The Commission approved this project with the following conditions:

1. Immediately following project completion, the Critical Area staff will inspect the site with SHA staff to ensure no clearing occurred. If clearing occurs as a result of the repairs, SHA shall provide mitigation at a 1:1 ratio.
2. The applicant will subsequently initiate a Plantings Agreement with Critical Area staff.

Thank you for the assistance provided by your staff. If you have any questions, please call me at (410) 260-3478.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: Meg Andrews, DOT
Peter Merrill, SHA
Regina Esslinger, CBCAC

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

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

Chesapeake Bay Critical Area Commission

STAFF REPORT

March 6, 2002

APPLICANT: State Highway Administration

PROPOSAL: MD 214 over Glebe Creek – Culvert Repair

JURISDICTION: Anne Arundel County

COMMISSION ACTION: Vote

STAFF RECOMMENDATION: Approval with Conditions

STAFF: Lisa Hoerger

**APPLICABLE LAW/
REGULATIONS:** COMAR 27.02.05 State Agency Actions Resulting
in Development on State-Owned Lands

DISCUSSION:

The State Highway Administration (SHA) is proposing to repair an existing culvert under MD 214 over Glebe Creek in Anne Arundel County. The site is located in the Edgewater area of Anne Arundel County, south of the South River and Glebe Bay. The project lies entirely within a Resource Conservation Area of the Chesapeake Bay Critical Area. This project requires Commission approval because it does not meet the current Memorandum of Understanding between the Commission and SHA. A revised MOU with the Department of Transportation is being written which may address this class of SHA activities.

On Monday, February 11, 2002 I visited the site. The banks on the southern side of the culvert under MD 214 at Glebe Creek are densely vegetated with a variety of species. The northern side has more canopy trees with less understory. The surrounding area is heavily vegetated; however, a residential community is currently under construction on the northwest side of the creek.

The proposed remedial repairs are needed to prevent any additional loss of fill from around the existing structure, additional settlement or shifting of the box culvert sections, and continued undermining at the outlet end. This shifting is resulting in public safety issues with the roadway. The proposed scope of work will include sealing the culvert construction joints, filling the voids behind the culvert walls and the undermined area below the outlet end with grout, and placing Class III rip-rap at the downstream end of the outlet.

In order to avoid disturbance to the surrounding vegetation, all work for the proposed project will be conducted from the roadway. A temporary stream diversion will be implemented to complete the joint sealing.

SHA proposes to place rip-rap that will extend approximately 10 linear feet downstream of the outlet end of the culvert and will be approximately 14 linear feet wide. All rip-rap placement will be below the top of the bank and within the confines of the existing stream channel; therefore, there will be no disturbance to the surrounding bank, buffer, and vegetation. The total area of rip-rap placement will be approximately 140 square feet. There will be no additional impervious surface associated with the proposed repairs.

Glebe Creek and all its tributaries in the vicinity of the project area are classified as Use I streams (Water Contact Recreation and Protection of Aquatic Life) with no in-stream work permitted from March 1st to June 15th, inclusive, during any year. The U.S. Fish and Wildlife Service indicate that no federally proposed or listed endangered or threatened species are known to exist within the project's area of impact. The Department of Natural Resources has indicated that no records for Federal or State rare, threatened, or endangered plants or animals occur within the vicinity of the project site.

This project is in compliance with this subtitle, as well as with other State and federal regulations. All disturbances to the Critical Area have been minimized to the maximum extent practicable. The Critical Area staff and SHA staff have reviewed and evaluated this project to ensure that it otherwise meets this subtitle, as well as all other appropriate State and federal regulations.

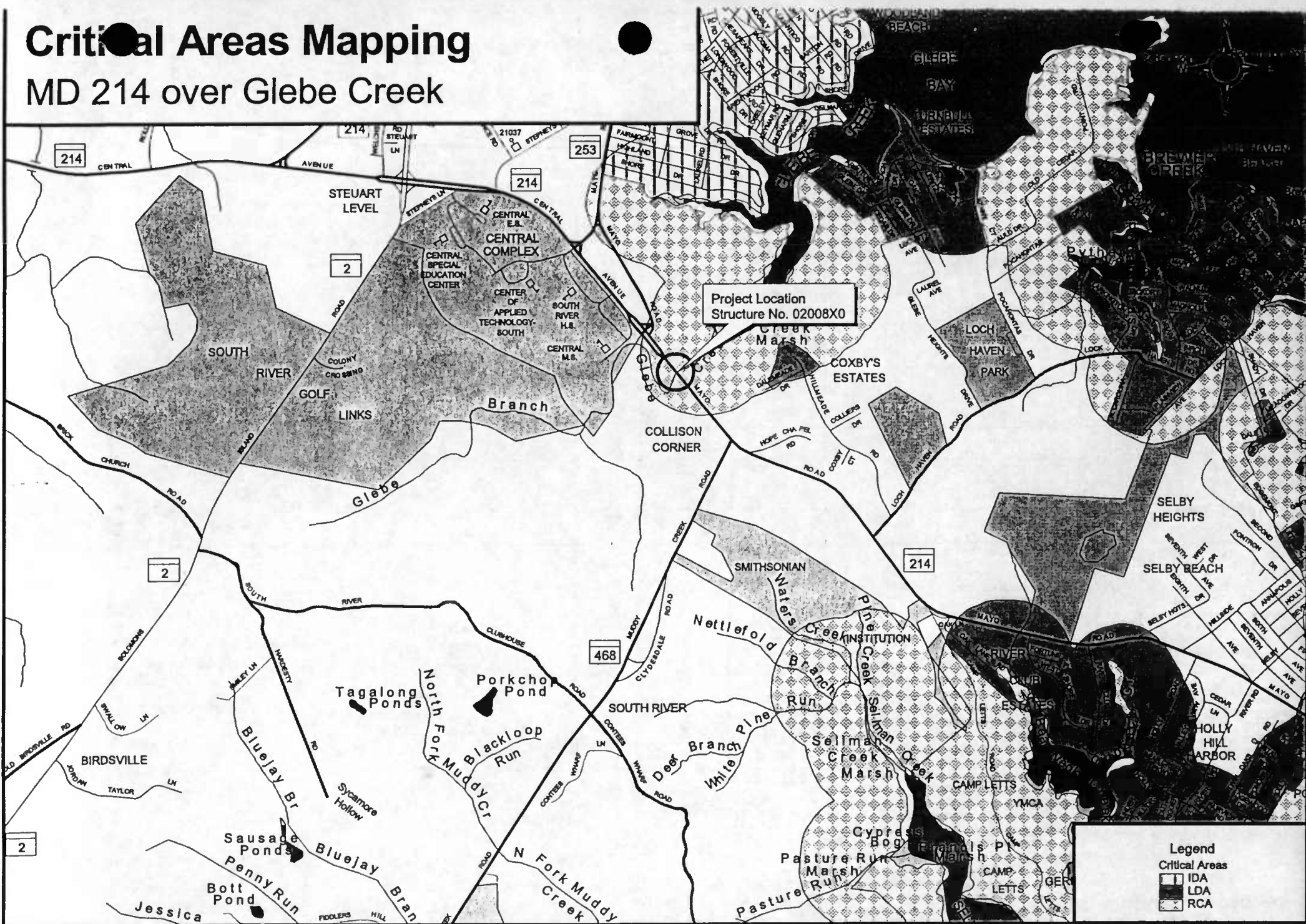
Conditions:

1. Immediately following project completion, the Critical Area staff will inspect the site with SHA staff to ensure no clearing occurred. If clearing occurs as a result of the repairs, SHA shall provide mitigation at a 1:1 ratio.
2. The applicant will subsequently initiate a Plantings Agreement with Critical Area staff.

Please contact me with any questions at (410) 260-3478 or via email at lhoerger@dnr.state.md.us.

Critical Areas Mapping

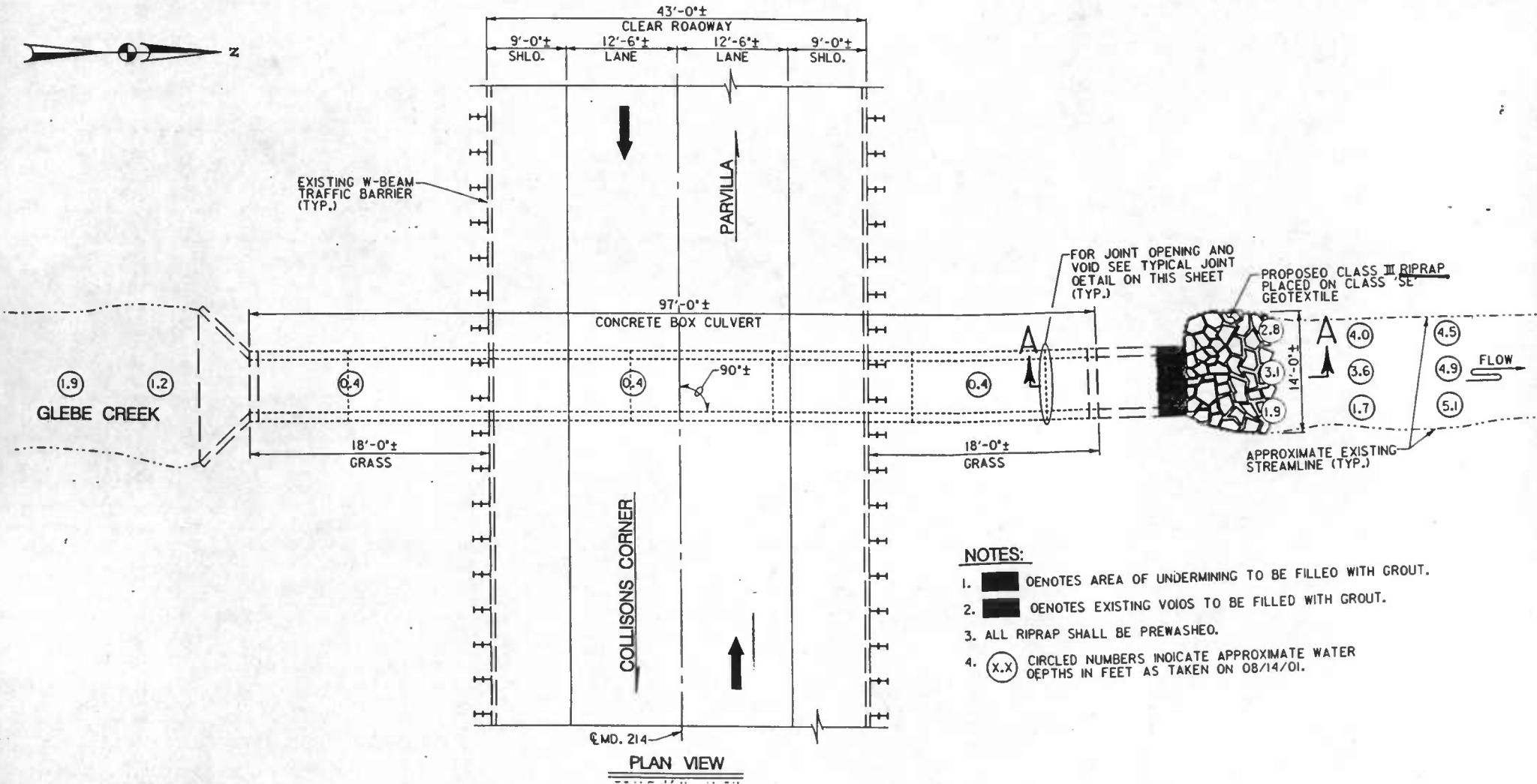
MD 214 over Glebe Creek



Legend	
	IDA
	LDA
	RCA



MD 214 OVER GLEBE CREEK



NOTES:

1. [Solid black rectangle] DENOTES AREA OF UNDERMINING TO BE FILLED WITH GROUT.
2. [Hatched rectangle] DENOTES EXISTING VOIDS TO BE FILLED WITH GROUT.
3. ALL RIPRAP SHALL BE PREWASHED.
4. (X.X) CIRCLED NUMBERS INDICATE APPROXIMATE WATER DEPTHS IN FEET AS TAKEN ON 08/14/01.

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 4, 2002

Mr. Rich Josephson
Anne Arundel County Department of Planning and Code Enforcement
Long Range Planning
2664 Riva Road, MS 6403
Annapolis, Maryland 21401

Re: Rezoning Requests in the Critical Area

Dear Mr. Josephson:

It has come to our attention that not all rezoning applications in the County's Chesapeake Bay Critical Area are being forwarded to this office for review and comment as required by the Code of Maryland Regulations (COMAR) at §27.03.01.03B. This section of COMAR states, "Rezoning, Including Floating Zones. The local approving authority, or the applicant, shall submit a copy of all initial and subsequent applications for rezoning and floating zones that would occur wholly or partially within the critical area."

We are aware of the County's Small Area Planning Process, and that rezonings occur as a result of this process. In fact, we have received rezoning requests in the past for the Deale/Shady Side Small Area Plan; however, we are aware of at least one rezoning in the Broadneck Plan that is partially in the Critical Area and was not sent to this office for review.

Kindly forward this application, along with any others, to this office so that we may provide the County with comments regarding the request. It is my understanding that the County Council may vote on this application as early as next Monday. In lieu of an application, I will make comments without the benefit of the application information.

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

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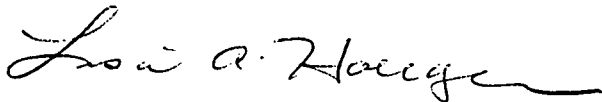
Mr. Josephson
March 4, 2002
Page Two

In the interim, please be advised that COMAR 27.03.01.02F states:

“The local approving authority may not process an application which has been sent to the Commission for notification until it has received notice of receipt from the Commission. To expedite this process, the local jurisdiction may telephone the Commission to verify receipt of any given application. Any action of the local approving authority in violation of this section shall be void.”

We appreciate your attention to this matter. Thank you for your cooperation. If you have any questions or if I can provide you with assistance, please telephone me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: Ms. Elinor Gawel

Judge John C. North, II
Chairman



Ren Serey
Executive 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 4, 2002

Ms. Liz West
Anne Arundel County Department of Planning and Code Enforcement
Long Range Planning
2664 Riva Road, MS 6403
Annapolis, Maryland 21401

Re: Rezoning Request – Tax Map 41, Block 19, Parcel 96

Dear Ms. West:

Thank you for speaking with me the other day and faxing a map of the above-referenced property. I have sent a letter to Mr. Rich Josephson as a reminder that all rezoning applications in the County's Chesapeake Bay Critical Area are required to be forwarded to this office for review and comment. In that regard, I would like to provide you with comments for the above-referenced property.

Since I do not have a copy of the application as of the writing of this letter, I do not know the exact acreage figure of the portion of this parcel that is inside the Critical Area; however, it is my understanding the applicant proposes to change the existing underlying zoning from C2 to C3 or C4. It is also my understanding the Critical Area portion of this parcel has a split designation of Limited Development Area (LDA) and Resource Conservation Area (RCA). Since this change would allow more commercial uses and possibly more intense uses on this parcel the County should reconsider this rezoning request at least on the RCA portion of the property.

The Code of Maryland Regulations at §27.01.05 states, "Resource Conservation Areas are those areas characterized by nature-dominated environments (that is, wetlands, forest, abandoned fields) and resource-utilization activities (that is, agriculture, forestry, fisheries activities, or aquaculture)." It will not be possible to balance the characteristics of the RCA with a more intense commercial zoning.

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

Ms. West
March 4, 2002
Page Two

From the information I have gathered, the applicant intends to use the non-Critical Area portion of this parcel for overflow parking. Therefore, it seems as though the rezoning on the Critical Area portion of the property is not necessary. In any case, any future development on the Critical Area portion will be subject to the County's Critical Area program requirements, including the limitations on clearing and the 15% impervious surface limitation. In addition, the RCA portion will be strictly limited to uses specified in the County's Ordinance which may not accommodate the property owner's intended use even if a C2, C3, or C4 zoning classification would appear to allow it.

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

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: Ms. Elinor Gawel

Judge John C. North, II
Chairman



Ren Serey
Executive 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 4, 2002

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

Re: South River Colony, Hidden Pond
Revised Final Plan S #89-209, P 01-215

Dear Ms. Chalkley:

I have received the revised Final Development Plan and Plat for the above-referenced subdivision. The limits of the Forest Conservation Easement on the plan and plat appear to be consistent with the agreed upon limit. The applicant satisfactorily addressed all other comments of my last letter.

However, we are still concerned about the note regarding piers. We recommend it be removed because it may mislead new property owners into thinking they can have a pier. Based on the information available to us, the water depths in this area may be too shallow for piers.

Thank you for your assistance with this project. The applicant has worked with the County to ensure a sensitive site design for Forest Interior Dwelling Bird (FID) habitat, and we believe the perpetual easement held with the Severn River Land Trust will help to ensure that the habitat remains intact for future generations of people and FIDs.

If you have any questions or need additional information please telephone me at (410) 260-3478.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: Ms. Claudia Jones
AA 524-99

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 28, 2002

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

Re: Galesville Estates, Section 2
S 73-398, P 02-011

Dear Mr. Soldano:

Thank you for forwarding the above-referenced subdivision request to this office for review and comment. The applicant proposes to create three lots in the Limited Development Area. Based on the site plan submitted, it appears the new lots can meet the County's Critical Area requirements. I have outlined my remaining comments below.


1. It is my understanding that a conservation easement exists that protects the nontidal wetland and existing forested area. We recommend a note be added to the plat regarding this easement, and that the area of the easement be shaded on the plan.
2. The plat notes should also alert the homeowners that no new development activities are permitted in the nontidal wetland buffer or the forest easement.
3. Is there sufficient space on proposed lot 36 for a reasonable limit of disturbance to accommodate the stormwater management structure without encroaching into the nontidal wetland buffer? It appears there is less than 3 feet at the closest edge of the stormwater management structure.
4. The newly-created lots should not require any variances to the County's Critical Area program requirements.

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

Mr. Soldano
Page Two
February 28, 2002

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

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger". The signature is written in black ink and is positioned above the typed name.

Lisa A. Hoerger
Natural Resources Planner

cc: AA 50-02

Judge John C. North, II
Chairman



Ren Serey
Executive 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, 2002

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

Re: Mimosa Woods
S 00-122, P 01-256

Dear Mr. Soldano:

I have received a revised site plan for the above-referenced project. The applicant now proposes to create three new lots from one parcel. It appears the development on proposed lot 3 will not impact the Critical Area portion of that lot which has an RCA designation. Since no development is proposed in the Critical Area, this office has no further comment.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: AA 664-01

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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

February 26, 2002

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: Gail Lewis
M-1015

Dear Ms. Verdery:

Thank you for forwarding the above-referenced subdivision request to this office for review and comment. The applicant proposes to create three lots. I have outlined our comments below.

1. Any areas of State-owned tidal wetlands must be deducted from the overall acreage figure to insure the applicant has a minimum acreage required to create three lots.
2. A note should be added to the plat indicating the reestablishment of the 100-foot Buffer along the entire shoreline due to the conversion of the land from an agricultural use to a residential use. The note should also state that disturbance to the Buffer is prohibited except for riparian access.
3. The impervious surface information appears correct. The area of the driveways leading to each lot must be included in the total impervious area.
4. If any clearing will occur as a result of development, the applicant and the County should coordinate with the U.S. Fish and Wildlife Service and the Department of Natural Resources concerning any potential Delmarva Fox Squirrel habitat that may be present on site.

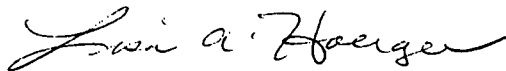
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Ms. Verdery
February 26, 2002
Page Two

5. The County shall ensure the Buffer is properly delineated. This would include any areas that require expansion due to hydric or highly erodible soils, or slopes 15% or greater.
6. The existing structure on lot 4 appears to support a dwelling unit; therefore, the density on this lot is already used.

Thank you for the opportunity to comment. If you have any questions, or if I can provide you with further assistance, please do not hesitate to contact me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: TC 119-02

Judge John C. North, II
Chairman



Ren Serey
Executive 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, 2002

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: Alice Bower
L-882

Dear Ms. Verdery:

Thank you for forwarding the above-referenced lot line abandonment to this office for review and comment. The applicant proposes to abandon lot lines between five lots, and retain one lot. I have outlined our comments below.

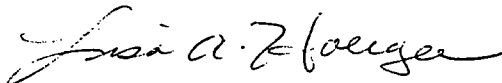
1. It appears there is sufficient acreage for one lot. We would remind the County that this lot should not require the need for any variances. This office will not support variances for newly created lots where there is sufficient room to accommodate a new lot without a variance.
2. It appears the proposed 40-foot right-of-way may be within the 100-foot Buffer to an intermittent stream. This proposed road should be moved to avoid the stream Buffer.
3. The Buffer on proposed lot 6 shall be reestablished in native, Buffer vegetation since the use of the land is converting from an agricultural use to a residential use.
4. The County should ensure that any necessary afforestation for proposed lot 6 is provided. Any required Buffer planting could be used to satisfy any afforestation requirement.
5. Proposed lot 6 is limited to 15% impervious coverage. This would include the area of the driveway.

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

Ms. Verdery
February 26, 2002
Page Two

Thank you for the opportunity to comment. If you have any questions, or if I can provide you with further assistance, please do not hesitate to contact me at (410) 260-3478.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: TC 115-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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

February 26, 2002

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: Stephanie Nourse
M-1020

Dear Ms. Verdery:

Thank you for forwarding the above-referenced subdivision request to this office for review and comment. The applicant proposes to create three lots. I have outlined our comments below.

1. Any areas of State-owned tidal wetlands must be deducted from the overall acreage figure to insure the applicant has a minimum acreage required to create three lots.
2. A note should be added to the plat indicating the reestablishment of the 100-foot Buffer along the entire shoreline where it is not currently vegetated due to the conversion of the land from an agricultural use to a residential use. The note should also state that disturbance to the Buffer is prohibited except for riparian access.
3. The impervious surface information needs to include the area of the road leading into the subdivision.
4. If any clearing will occur as a result of development, the applicant and the County may need to coordinate with the U.S. Fish and Wildlife Service and the Department of Natural Resources concerning any potential Delmarva Fox Squirrel habitat that may be present on site.

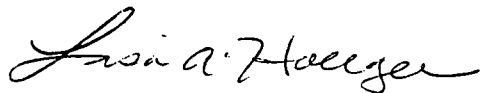
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Ms. Verdery
February 26, 2002
Page Two

5. If clearing will occur as a result of development on these lots, the County should require the applicant to show an area set aside for reforestation. This could include areas within the 100-foot Buffer.

Thank you for the opportunity to comment. If you have any questions, or if I can provide you with further assistance, please do not hesitate to contact me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: TC 117-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

February 26, 2002

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: Winifred & Augustus Dabroski
S-934

Dear Ms. Verdery:

Thank you for forwarding the above-referenced project to this office for review and comment. The applicants proposed to create one intrafamily transfer lot from the existing parcel. The proposed residue parcel will contain the existing dwelling and proposed lot 1 will serve as the intrafamily transfer lot. I have outlined our comments below.

1. It appears the applicant has the requisite amount of acres to create this lot provided it will be transferred to a bona fide family member as described in the Natural Resources Article at §8-1805 and the Talbot County Ordinance.
2. Any areas of State-owned tidal wetlands must be deducted from the overall acreage figure to insure the applicant has a minimum of seven acres as required by law to create an intrafamily transfer lot.
3. A note should be added to the plat indicating the reestablishment of the 100-foot Buffer along the entire shoreline, and that its disturbance is prohibited except for riparian access.
4. Both lots impervious surface coverage may not exceed 15%. The area of the driveways leading to each lot must be included in the total impervious area.

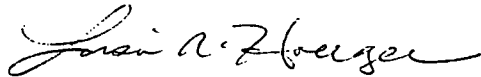
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Ms. Verdery
February 26, 2002
Page Two

5. The plan provided does not show the limits of existing forest. Is there any forest currently on site? If not, the applicant must provide for afforestation of 15% of the lot, and this afforestation area should be identified on the plan.

Thank you for the opportunity to comment. If you have any questions, or if I can provide you with further assistance, please do not hesitate to contact me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: TC 112-02

Judge John C. North, II
Chairman



Ren Serey
Executive 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, 2002

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: Robert Kemp
S-937

Dear Ms. Verdery:

Thank you for forwarding the above-referenced subdivision to this office for review and comment. The applicant proposes to create one lot in the Resource Conservation Area. It appears the only change to the plan since the last submittal is that the total acreage in the Critical Area has changed. The application now reports there is 72.90 acres in the Critical Area portion of this parcel. Therefore, the comments of our last letter dated December 10, 2001 still apply.

Thank you for the opportunity to comment. If I can provide you with further assistance, please do not hesitate to contact me at (410) 260-3478.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: TC 650-01

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 28, 2002

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: Jamaica Point
M 1000

Dear Ms. Verdery:

Thank you for forwarding the above-referenced subdivision request to this office for review and comment. We have reviewed this subdivision request several times and provided comments. The issues in my latest comment letter dated December 11, 2001 need to be addressed in addition to those outlined below prior to final plat approval.

1. It is my understanding the applicant arrived at the requested number of lots given the one dwelling unit per twenty acre density provision in the RCA based on the reported 191.8 acres (although the site plan reports 190.5 acres) in the Critical Area. The density required for the existing lots in the RCA are generated by Critical Area acreage not shown on this plan. These numbers should all be shown on this plan to avoid confusion.
2. The 100-foot Buffer is measured from the top of the bank near the shoreline of the Choptank River. This is not the proper method for expansion of the Buffer in the case of steep slopes. The proper method would be to calculate the four-foot for every one percent of slope.

Thank you for the opportunity to comment. If you have any questions, or if I can provide you with further assistance, please do not hesitate to contact me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: TC 228-01

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

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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(410) 260-3460

Fax: (410) 974-5338

February 26, 2002

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: Perry Otwell
M-994

Dear Ms. Verdery:

Thank you for forwarding the above-referenced subdivision to this office for review and comment. The applicant proposes to create thirteen lots in the Limited Development Area. I have outlined our comments below.

1. It is not clear from the information provided whether the required afforestation figures were based on this parcel or a combination of this parcel and the one across Sinclair Avenue. Please clarify.
2. In regard to planting for either the afforestation requirement or reforestation for any areas cleared, we recommend a contiguous forested area be planted rather than the plan offered.
3. The species selected should all be native to Talbot County. We also recommend there be a more diverse selection of plantings including species type and include a mix of understory.
4. These lots should not require variances for any disturbance to any Habitat Protection Areas (HPA) that may exist on site. The information provided does not include whether any HPAs exist on-site.

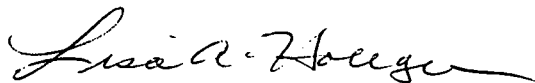
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(410) 822-9047 Fax: (410) 820-5093

Ms. Verdery
February 26, 2002
Page Two

5. How will stormwater be handled from this site?

Thank you for the opportunity to comment. If I can provide you with further assistance, please do not hesitate to contact me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: TC 05-01

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 26, 2002

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: Ronald Walden
L-884

Dear Ms. Verdery:

Thank you for forwarding the above-referenced lot line revision to this office for review and comment. The reason for the lot line adjustment is not clear from the information provided. Absent any conflicts with the County's Critical Area program, this office has no further comment.

Thank you for the opportunity to comment. If you have any questions, or if I can provide you with further assistance, please do not hesitate to contact me at (410) 260-3478.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: TC 118-02

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

Judge John C. North, II
Chairman



Ren Serey
Executive 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, 2002

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: Phillip Foster, II
L881

Dear Ms. Verdery:

Thank you for forwarding the above-referenced lot line revision to this office for review and comment. This office has no comment regarding this request. It appears this action will add more acreage to parcel 89, which will make it less nonconforming with respect to the requirements in the RC zone.

Thank you for the opportunity to comment. If I can provide you with further assistance, please do not hesitate to contact me at (410) 260-3478.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: TC 114-02

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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February 26, 2002

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: Woodstock Farm, LLC - M-991A

Dear Ms. Verdery:

Thank you for forwarding the above-referenced subdivision request to this office for review and comment. The applicant proposes to create two additional lots to this subdivision. The comments contained in my last letter dated January 4, 2001 regarding this subdivision still apply and should be addressed final to prior recordation of this subdivision (letter enclosed). I have outlined additional comments below.

1. I presume the addition of lots 6 and 7 are due to the ability to perc. As stated my previous letter, the area of State-owned tidal wetlands must be deducted from the overall acreage figure to insure the applicant has a minimum acreage required for the density proposed.
2. Will the proposed extension of the existing driveway require variances? Please clarify. The latest plan does not show the limits of wetlands or their buffers.

Thank you for the opportunity to comment. If you have any questions, or if I can provide you with further assistance, please do not hesitate to contact me at (410) 260-3478.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

Enclosure

cc: TC 515-00

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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

February 26, 2002

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: Kim Kaestner
L-880

Dear Ms. Verdery:

Thank you for forwarding the above-referenced lot line revision to this office for review and comment. It appears the lot line adjustment is to accommodate access to several lots; therefore, this office has no comment regarding this application.

Thank you for the opportunity to comment. If you have any questions, or if I can provide you with further assistance, please do not hesitate to contact me at (410) 260-3478.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: TC 116-02

Branch Office: 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 25, 2002

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

Re: Leslie Costello - S 01-083, P 01-227

Dear Ms. Allen:

Thank you for forwarding the revision to the plat for the above-referenced project. It appears the revision is due to the need for a ten-foot widening strip, and the reconfiguration of the dwelling, garage and driveway. I have outlined our comments below.

1. While the overall impervious coverage for both lots remains at 15%, it appears the impervious coverage for lot 1 will be over 15%. This will require the owner of lot 1 to remove additional impervious coverage to meet the 15% limitation.
2. As in my last comment letter, this office still recommends a note be added to the plat to alert future homeowners of the restrictions imposed on these lots by the Administrative Hearing Officer. The notes should include the impervious surface restrictions and that no other improvements are permitted.
3. In my letter of November 1, 2001, we asked what the County is requiring of the property owner of lot 1 since an original condition of the building permit for lot 1 was to hold the remainder of the parcel in a forest conservation easement. Please clarify this for us.
4. When I inquired about how the County would allow subdivision in the place of a forest conservation easement, I was told that these types of easements could be broken if the resulting development met all of the County's requirements. Due to the outstanding impervious surface issue, it appears lot 1 cannot meet the 15% impervious coverage limitation without removing more existing impervious coverage.

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

Ms. Allen
Page Two
February 25, 2002

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: AA 549-01

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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

February 22, 2002

Ms. Tracey Greene Gordy
Regional Planner/Circuit Rider
State Office of Planning
Lower Eastern Shore Regional Office
Salisbury District Court/Multi-Service Center
201 Baptist Street, Suite 24
Salisbury, Maryland 21801-4974

Re: Town of Vienna – Vienna Baseball Park and Playground
Open Pavillion with Handicap Restroom

Dear Ms. Greene Gordy:

Thank you for forwarding the consistency report for the proposed Open Pavillion with Handicap Restroom at the Town of Vienna's Baseball Park and Playground. Based on the information provided, it appears the project is consistent with the Town's Critical Area Program.

Thank you for your continued coordination with this office. If I can provide Mayor Brinsfield or yourself with any additional assistance, please do not hesitate to telephone me at (410) 260-3478.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: Regina Esslinger, Chief, Project Evaluation
Mary Owens, Chief, Program Implementation

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-3093

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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

February 21, 2002

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

Re: Easton Village PUD and Ratcliffe Manor Farm Growth Allocation

Dear Mr. Hamilton:

I am writing this letter to remind the Town that in reviewing the application for growth allocation for Easton Village, the application for growth allocation for Ratcliffe Manor Farm must also be considered. These projects should be handled simultaneously, and the Town should be requesting the appropriate amount of growth allocation from Talbot County that will be required for the Easton Village PUD request and the acreage necessary for the Ratcliffe Manor subdivision.

As you recall, the Ratcliffe Manor subdivision was approved on the basis that the fifteen-lot Resource Conservation Area (RCA) density was generated using the old Lot 16 that is now the Easton Village PUD and considered a separate parcel. If growth allocation is awarded to the Town and granted for the Easton Village PUD, then the Ratcliffe Manor subdivision will need growth allocation at the same time to account for its nonconforming RCA density.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: Daniel Cowee
John C. North, II
Joseph Stevens

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401
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February 21, 2002

Mr. Douglas Stayton
Zoning Enforcement Officer
Talbot County Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: January 30, 2002 letter to Daniel Cowee
Lot #30, New Post Road, Chance Hope Subdivision

Dear Mr. Stayton:

Thank you for returning my call the other day concerning the above-referenced property. Based on our conversation, it is my understanding that you intend on performing a site inspection to determine whether the pool on Lot #30 is within the 100-foot Buffer to the Miles River. We would appreciate a copy of the follow-up letter to Mr. Whelan when it becomes available.

For your information, one of the Commission's local Circuit Riders, Mr. Roby Hurley, accompanied Mr. Whelan to his property to view the pool on the neighboring lot. Mr. Hurley estimated that the pool apron was approximately 89-94 feet from the edge of the shoreline. He also observed what appears to be a tributary stream. The pool is within 25 feet of the stream indicating possible non-tidal and tidal Buffer intrusion.

Thank you for your attention to the matter. Please telephone me at (410) 260-3478 if you have any questions or if I can offer any assistance.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: Daniel Cowee
E. Stephen Whelan
John C. North, II
Roby Hurley

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

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

To: Program Subcommittee

From: Mary Owens, Lisa Hoerger

Date: February 14, 2002

Subject: Florida on the Potomac Growth Allocation Request - Prince George's County

Last month the subcommittee discussed this request for growth allocation of 9.5470 acres to be changed from RCA to LDA. You may recall that the parcel is 23.5 acres of which 13.64 acres are in the Critical Area. There will be 4.0938 acres remaining in RCA. This area is within the 300-foot setback.

The subcommittee discussed and resolved several issues that were unique to this property and application. Since that time counsel has raised some concerns over the lot line issue since she was unable to attend the morning meeting. As you may recall, at the end of the meeting it was agreed that the lot lines could continue to the water since the project was not considered to be using the development envelope concept.

At its March meeting the subcommittee will again discuss this concept of lot lines to the water that are not proposed for deduction and will therefore remain in the RCA. In your Commission Manual you should have a copy of the growth allocation policy which states that, "The development envelope shall include **individually owned lots**, required buffers, impervious surfaces, roads, utilities, stormwater management measures, on-site sewage disposal measures, **any areas subject to human use** such as active recreation areas, and any additional acreage needed to meet the development requirements of the criteria." If the development envelope concept is applied in this case, then the proposal to run lot lines through the 300-foot setback to the water appears to be inconsistent with the Commission's policy.

However, this application could be viewed in an alternative fashion that does not employ the development envelope concept. Dr. Foor offered this alternative view at the last meeting. Since the parcel size is relatively small and there is no opportunity to have a twenty-acre set-aside, the applicant is not proposing to comply with the Commission's policy for development envelopes. The County's Zoning Ordinance requires that new LDOs shall be located at least 300 feet from tidal waters or tidal wetlands, and the concept of having lot lines in the 300-foot setback is not specifically addressed in the Zoning Ordinance or the Commission's policy. The issue is then one of whether it is appropriate for lot lines to extend into a 300-foot setback when the setback is not proposed as part of an RCA area outside of a development envelope.

Judge John C. North, II
Chairman



Ren Serey
Executive 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 21, 2002

Lori Allen
Anne Arundel County Department of Planning and Code Zoning
2664 Riva Road, MS 6303
Annapolis, Maryland 21401

Re: Broomfield Manor/Hugel Property
S 78-114, P 97-269

Dear Ms. Allen:

Thank you for forwarding the resubmittal of the final plans for this subdivision. It appears the applicant has addressed those issues outlined in my last letter to you dated November 16, 2001. The only remaining comment is that the Critical Area Forest Conservation Areas should be placed in perpetual easements and not just subject to the protections under the County's Code. It has been our experience that these easements, if not held in perpetuity, may not necessarily preclude future clearing in these areas.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: AA 40-98

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

February 21, 2002

Lori Allen
Anne Arundel County Department of Planning and Code Zoning
2664 Riva Road, MS 6303
Annapolis, Maryland 21401

Re: Harlequin, Lot 31 Resubdivision
S 87-221, P 02-024

Dear Ms. Allen:

Thank you for forwarding the above-reference subdivision to this office for review and comment. The applicant proposes to create two lots from a 3.47 acre parcel. The parcel is already developed with two residential structures and associated accessory structures. Provided the existing development activities are considered grandfathered, and the overall impervious coverage will be reduced, this office has no objection. However, we recommend that a note be added to the plat to alert present and future lot owners of the impervious surface restrictions.

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

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: AA 102-02

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-3093



Judge John C. North, II
Chairman

Ren Serey
Executive 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 20, 2002

Mr. Michael S. Baker
Environmental Construction Manager
Woodrow Wilson Bridge Center
One Constellation Centre
6009 Oxon Hill Road, Suite 410
Oxon Hill, Maryland 20745

Re: Woodrow Wilson Bridge Project
Paving of Existing Haul Road from MD 210 to Construction Staging Area

Dear Mr. Baker:

This office has reviewed the request to pave the existing haul road from MD 210 to the Construction Staging Area in order to address the community's concerns regarding dust control. It is our understanding that area of the haul road within the 100-foot Buffer will not be paved, and that the current method of sediment and erosion control will continue to be used as required by the Maryland Department of the Environment.

This office approves the request. If any of the above items change, then the request must be resubmitted to this office for review. Thank you for your cooperation. If you have any questions, please contact me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: Mr. Samuel Wynkoop, Prince George's County DER
Ms. Sherry Conway Appel, Prince George's County DER
Mr. Richard Thompson, Prince George's County DER

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

Judge John C. North, II
Chairman



Ren Serey
Executive 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 20, 2002

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

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

Dear Ms. Allen:

Thank you for forwarding the resubmittal for the above-referenced subdivision request. It appears the only remaining issue I am able to identify is the total allowable impervious area for each lot greater than one acre in the Critical Area cannot exceed 15%. This needs to be adjusted in the Critical Area Calculations table.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: AA591-00

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

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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

February 19, 2002

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

Re: Trippe Creek, LLC
Schwaninger, M1006

Dear Ms. Verdery:

Thank you for forwarding the revised site plan for the above-referenced subdivision request. It appears the applicant has addressed most of the comments in our previous letter dated October 25, 2001. I have outlined the status of each of those previous comments below.

- 1) At our meeting on January 22, 2002 with the applicant we confirmed that the development envelope was the same configuration as that approved by the Commission in 1992.
- 2) It was also confirmed that the proposed 50-acre easement was not part of the local approval.
- 3) The applicant has reconfigured proposed lot 25 so that it no longer intrudes into the Critical Area portion of the parcel.
- 4) It is our understanding that proposed lot 1 is on a separate, grandfathered parcel; therefore, it is permitted to have one dwelling unit.
- 5) The information concerning the area of State tidal wetlands still needs to be verified absent any information provided to date. State wetlands cannot be used for density purposes and cannot be included in lot boundaries.

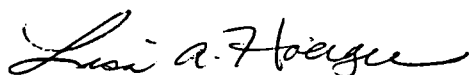
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(410) 822-9047 Fax: (410) 820-5093

Ms. Verdery
February 19, 2002
Page Two

- 6) At our field visit on January 22, it appeared that only one house exists in the Critical Area.
- 7) As stated previously, the 100-foot Buffer shall be reestablished on this site since the use of the land will be changing from an agricultural use to a residential use.
- 8) As stated previously, the County must ensure the Buffer is properly delineated on the plan.
- 9) It appears there will be no clearing for the development of this site. This needs to be confirmed, otherwise the County and the applicant must coordinate with the Department of Natural Resources. Our office will be happy to facilitate any necessary coordination.
- 10) It appears the proposed impervious surface numbers have still not been generated. The County must ensure that individual lots and the entire subdivision do not exceed 15% impervious surface coverage.
- 11) Again, a note should be added to the final plat indicating no private piers are permitted since a community pier is proposed.

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

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: Mr. Scott Smith, DNR

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

February 14, 2002

Mr. John Markovich
Development Review Division, Zoning Section
Maryland National Capital Park and Planning Commission
14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772

Re: Chesapeake Bay Critical Commission Program Subcommittee
Discussion of Florida on the Potomac

Dear Mr. Markovich:

Thank you and Ms. Wallace for attending the Commission's Program Subcommittee meeting last Wednesday to discuss the Florida on the Potomac growth allocation request. At the conclusion of that meeting the Subcommittee directed Commission staff to put in the writing those issues that were resolved at the meeting. I have outlined those issues below.

Deduction Methology- The Subcommittee agreed that although the parcel is less than 20 acres, it does not have to be deducted in its entirety due to the County's Zoning Ordinance language which requires that new LDOs shall be located at least 300-feet from tidal waters. Also, it was agreed that the dwelling in the remaining RCO must be removed.

Development Envelope - The Subcommittee was in agreement that the proposed configuration of the development envelope (i.e. 9.5 acres beyond the 300-foot setback plus an approximately 50-foot wide section through the RCO to the Potomac) is acceptable due to the County's requirement in its Zoning Ordinance that a 300-foot setback shall be provided and that water-dependent facilities are permitted only in LDOs.

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

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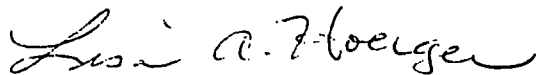
Mr. Markovich
February 14, 2002
Page Two

Lot Lines – Since the Subcommittee meeting, concerns over the lot line issue have been raised with our attorney, and it has been agreed that further discussion of this issue by the Program Subcommittee is warranted. This issue cannot be resolved at this time; however, it will be a discussion item on the Program Subcommittee agenda in March.

Slips – The Subcommittee members expressed concern over the proposed number of slips at a proposed pier. They indicated that the Commission would not support a variance for a greater number of slips than would otherwise allowed under Natural Resources Article §8-1808.5.

Thank you again for your patience and cooperation. If you have any questions, please do not hesitate to contact me at (4100 260-3478).

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: Ms. Careen Wallace, MNCPPC
Ms. Sherry Conway Appel, DER
Mr. Thomas Haller, Esquire



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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

February 12, 2002

C/O Zoning Enforcement
2664 Riva Road
Annapolis, Maryland 21401

Re: Vacant lot on Niagara Road
Oil Tank Storage and Miscellaneous Storage

To Whom It May Concern:

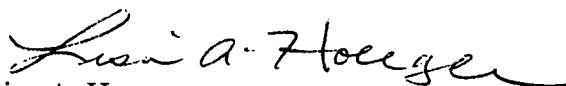
I am writing to report the storage of an oil tank and other miscellaneous items on a waterfront lot in the Arundel on the Bay subdivision. After contacting the County's grading and sediment and erosion control inspections, I was directed to this office for assistance.

The lot in question is an otherwise vacant lot in a residential subdivision. I am requesting that Zoning Enforcement investigate this property to determine whether the storage of these materials are permitted under the County's Land Use Regulations. Also, whether storage of these materials are permitted in the County's 100-foot Buffer to the water. Finally, can I receive a follow-up to this request once it is completed?

I have contacted the Maryland Department of the Environment's Oil Control Division who will be sending out an inspector to investigate the oil container issue early this week. The inspector and myself will be following-up sometime this week on his findings.

Thank you for your attention to this matter. If you have any questions, please do not hesitate to contact me at (410) 260-3478.

Sincerely,


Lisa A. Hoerger
Natural Resources Planner

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

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 11, 2002

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

Re: Project No. AA601A21
US 50/MD 2 South Interchange Project, Anne Arundel County, Maryland

Dear Ms. Simpson:

Thank you for forwarding the above-referenced project to this office for review. From the information provided, it appears the work within the Critical Area will involve no clearing, additional impervious areas or disturbance to wetlands. Therefore, the project as proposed meets the conditions in the Memorandum of Understanding (MOU) between the Maryland Transportation Authority, the Maryland Department of Transportation and the Chesapeake Bay Critical Area Commission. If the proposed activities within the Critical Area portion change, please forward them to this office for review.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: Ms. Heather Amick

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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

February 11, 2002

C/O District Engineer
US Army Corps of Engineers
Baltimore District
P.O. Box 1715
Baltimore, Maryland 21203-1715

Re: CENAB-OP-R (Clarks Landing at Shady Side/Marina IMP & Dredging)
01-64549-1

To Whom It May Concern:

Thank you for forwarding this Public Notice to our office for review and comment. The application indicates the applicant intends to reconfigure an existing commercial marina. As part of that reconfiguration, we understand the applicant proposes to construct timber bulkheading approximately 30 feet landward. Any time the 100-foot Buffer is excavated and removed, and the mean high water line is adjusted, then the 100-foot Buffer is also adjusted on a property. If the excavation is approved in this case, the 100-foot Buffer will be measured from the edge of the newly created shoreline. Any clearing of native vegetation requires 3:1 mitigation.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

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



Judge John C. North, II
Chairman

Ren Serey
Executive 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 11, 2002

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

Re: Levin F. Harrison and Leslie Anne Harrison
Appeal # 1207

Dear Ms. Verdery:

Thank you for forwarding the above-referenced variance request to this office for review and comment. The applicants propose to construct a new dwelling that will be 65 feet from mean high water. The site supports an existing dwelling that is closer to the water than the proposed dwelling. Based on the site plan submitted, it appears the applicant has cited the proposed dwelling as close to the rear property line as possible given the size of the lot. This office does not oppose the requested variance provided mitigation is provided for new areas of impervious surface in the 100-foot Buffer.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: TC 87-02

Judge John C. North, II
Chairman



Ren Serey
Executive 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 11, 2002

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

Re: Easton Village on the Tred Avon River – PUD
Follow-up on the Delmarva Fox Squirrel Issue

Dear Mr. Hamilton:

It is my understanding that the Town Council and County Council will hold a joint hearing on the proposed growth allocation for the Easton Village PUD on Tuesday, February 12, 2002. Since the writing of my last letter to you, our office has met with officials from the U.S. Fish and Wildlife Service and the Department of Natural Resources to discuss the Delmarva Fox Squirrel (DFS) issue. I am writing this letter to provide you with a follow-up of those discussions.

As you know, the Easton Village site was identified by USFWS and DNR as a site that may support DFS. In fact, there have been some sightings and a road kill on MD 33 at this location within the last year. In any case, it appears that due to the impacts of the proposed development on this parcel, mitigation or appropriate compensatory measures may be required. Some initial acreage numbers from the USFWS indicate that as much as 46 acres will be required.

Since that area cannot be located on-site, an off-site location will need to be investigated. In addition, if growth allocation is ultimately awarded to the Town from the County and the Town subsequently grants growth allocation to this project, it will require review and approval by the Chesapeake Bay Critical Area Commission. A component of the Commission's review will be identifying what Habitat Protection Areas (HPAs) exist on site (i.e. Buffers, rare, threatened or endangered species, etc.), and how these HPAs will be protected. The Commission will expect the DFS mitigation to be resolved prior to its review of the growth allocation request.

Branch Office: 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. Hamilton
February 7, 2002
Page Two

Thank you for attention to this matter. If you have additional questions, or need information for the public hearing that we might be able to provide, please do not hesitate to contact our office at (410) 260-3460.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: Mr. Dan Cowee, Talbot County
Ms. Charisa Morris, USFWS
Mr. Scott Smith, DNR
Ms. Claudia Jones, CBCAC



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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

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

February 7, 2002

Mr. Porter Ingrum
Environmental Resources Division
The Maryland-National Capital Park and Planning Commission
14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772

Re: Lot 179 Piscataway Hills, CP-01015

Dear Mr. Ingrum:

Thank you for forwarding the above-referenced variance request to this office for review and comment. The applicant proposes to construct a single family dwelling and sewer connection that would disturb steep slopes and the 100-foot Buffer in the County's Chesapeake Bay Critical Area. Provided this lot is properly grandfathered (i.e. a legally, buildable, recorded lot as of December 1, 1985), this office has no objection to building a dwelling on this lot. However, disturbance to steep slopes and the 100-foot Buffer should be the minimum necessary.

In order to demonstrate that the minimum necessary disturbance is proposed, the applicant should consider minimizing the length of the overall dwelling footprint. Mitigation for all new disturbance to the steep slopes and Buffer should occur at a 3:1 ratio with native species. New disturbance includes grading, footprint and clearing.

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

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: Mr. Richard Thompson, PG Co. DER
PG 78-02

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

Judge John C. North, II
Chairman



Ren Serey
Executive 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 7, 2002

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

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

Re: Construction Staging Area For Contract BR-3
Temporary Use by Current Contractor

Dear Sirs:

At its meeting on February 6, 2002, the Chesapeake Bay Critical Area Commission approved the proposed construction staging area (CSA) for Contract BR-3 as a conditional approval. This approval gives SHA the ability to allow the current contractor to use the site temporarily until the contractor for BR-3 needs the site. At that time, contractor for BR-3 and SHA will submit the proposed layout for the CSA. In the interim, the project was approved based on the following conditions:

1. All structures and associated facilities, including gravel, sediment and erosion control measures, and stormwater measures, shall be removed and the site shall be restored to its pre-construction conditions at the conclusion of use by State Highway Administration and its contractors.
2. Mitigation shall be performed at a 3:1 ratio for all disturbances to the 100-foot Buffer. This mitigation may be in the form of plantings off-site.

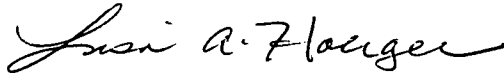
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3. Prince George's County Department of Environmental Resources will assist in the selection of the off-site Buffer mitigation.
4. The Buffer shall be clearly marked in the field using fencing, signs, or some other means in order to clearly delineate the extent of the 100-foot Buffer.
5. State Highway Administration shall report to Commission staff every 30 days.
6. All required federal, State and local permits be obtained.

Thank you for your cooperation. If you have any questions, please contact me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: Michael Baker, PCC
Susan Jacobs, SHA
Samuel E. Wynkoop, Jr., Prince George's Co. DER
Sherry Conway Appel, Prince George's Co. DER
Richard Thompson, Prince George's Co. DER

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION
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February 7, 2002

Mr. Michael S. Baker
Environmental Construction Manager
Woodrow Wilson Bridge Center
One Constellation Centre
6009 Oxon Hill Road, Suite 410
Oxon Hill, Maryland 20745

Re: Woodrow Wilson Bridge Project
Request for Approval to Relocate Haul Road

Dear Mr. Baker:

I have reviewed the request to relocate the existing haul road to accommodate for future fill and ramp construction. It is my understanding the 100-foot Buffer will not be impacted, and that the relocated portion will occur entirely outside the Buffer. Also, I understand that proper sediment and erosion control measures will be provided and the MDE permit is forthcoming.

This office approves the request. If any of the above items change, then the request must be resubmitted to this office for review. Thank you for your cooperation. If you have any questions, please contact me at (410) 260-3478.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: Mr. Samuel Wynkoop, Prince George's County DER
Ms. Sherry Conway Appel, Prince George's County DER
Mr. Richard Thompson, Prince George's County DER

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

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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

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

February 7, 2002

Ms. Elinor Gawel
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6402
Annapolis, Maryland 21401

Re: Clark's Landing at Shady Side – Mapping Mistake

Dear Ms. Gawel:

At its meeting on February 6, 2002, the Chesapeake Bay Critical Area Commission concurred with the Chairman's determination that the mapping mistake on the property known as Clark's Landing at Shady Side is a refinement to the Anne Arundel County Critical Area Program, and it was approved.

The County is required to finalize these changes on the County's Critical Area maps within 120 days of this notice. Please forward a copy of the revisions to this office. If you have any questions, please call me at (410) 260-3478.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: AA Refinement File

Chesapeake Bay Critical Area Commission

STAFF REPORT
February 6, 2002

APPLICANT: Anne Arundel County

PROPOSAL: Refinement - Mapping Mistake
Clark's Landing at Shady Side, Inc.

COMMISSION ACTION: Concurrence

STAFF RECOMMENDATION: Concur with Chairman's Determination

STAFF: Lisa Hoerger

**APPLICABLE LAW/
REGULATIONS:** Natural Resources Article §8-1809(h), §8-1809(p)

DISCUSSION:

Anne Arundel County has submitted a mapping amendment to correct a mapping mistake for a property known as Clark's Landing at Shady Side, Inc. The property is located in southern Anne Arundel County off Parrish Creek and currently supports a commercial marina business. It has a Maritime Group District C zoning classification.

Clark's Landing at Shady Side, Inc. property is 13.33 acres with most of the site designated as a Limited Development Area (LDA), while the western edge of the site is designated as a Resource Conservation Area (RCA). The area of RCA is 1.19 acres. This is the area that is believed to be a mistake and is to be corrected.

Section 27.01.02.07(C) of the Critical Area criteria states that, "For purposes of implementing this regulation, a local jurisdiction shall have determined, based on land use and development in existence on December 1, 1985, which land areas fall within the three types of development areas described in this chapter."

The Criteria further explain that LDAs are those areas which are currently developed in low or moderate intensity uses. They also contain areas of natural plant and animal habitats, and the quality of runoff from these areas has not been substantially altered or impaired. These areas shall have at least one of the following features:

- (1) Housing density ranging from one dwelling unit per 5 acres up to four dwelling units per acres;
- (2) Areas not dominated by agriculture, wetlands, forest, barren land, surface water, or open space;
- (3) Areas meeting the conditions of Regulations .03A, but not .03B, of this regulation;
- (4) Areas having public sewer or public water, or both.

After reviewing the Criteria and the mapping of the subject property, the Administrative Hearing Officer approved the request to amend the zoning map on November 17, 2001. The Hearing Officer believes a mistake was made in the original mapping and that the area should have been mapped LDA based on the following reasons.

1. The County checked the 1984 aerial photographs which show that the area mapped as RCA was used as boat storage for the marina in 1984 (aerial closest to December 1, 1985 and aerial used for initial mapping). Due to the use of the property in 1984, the County maintains a mistake was made on this map. The County found that the use that existed on the property in 1985 is compatible with the LDA designation.
2. The County maintains that there was a drafting error when the zoning line was drawn on this Critical Area map. The adjoining property to the west is a County park. It is zoned Open Space with a Critical Area designation of RCA. The zoning line and Critical Area designation follow the same line. It appears the location of this line was meant to be drawn along the property boundary based on existing land use at the time. The area to the left of the zoning line would be the County park and the area to the right of the zoning line would be the marina property.

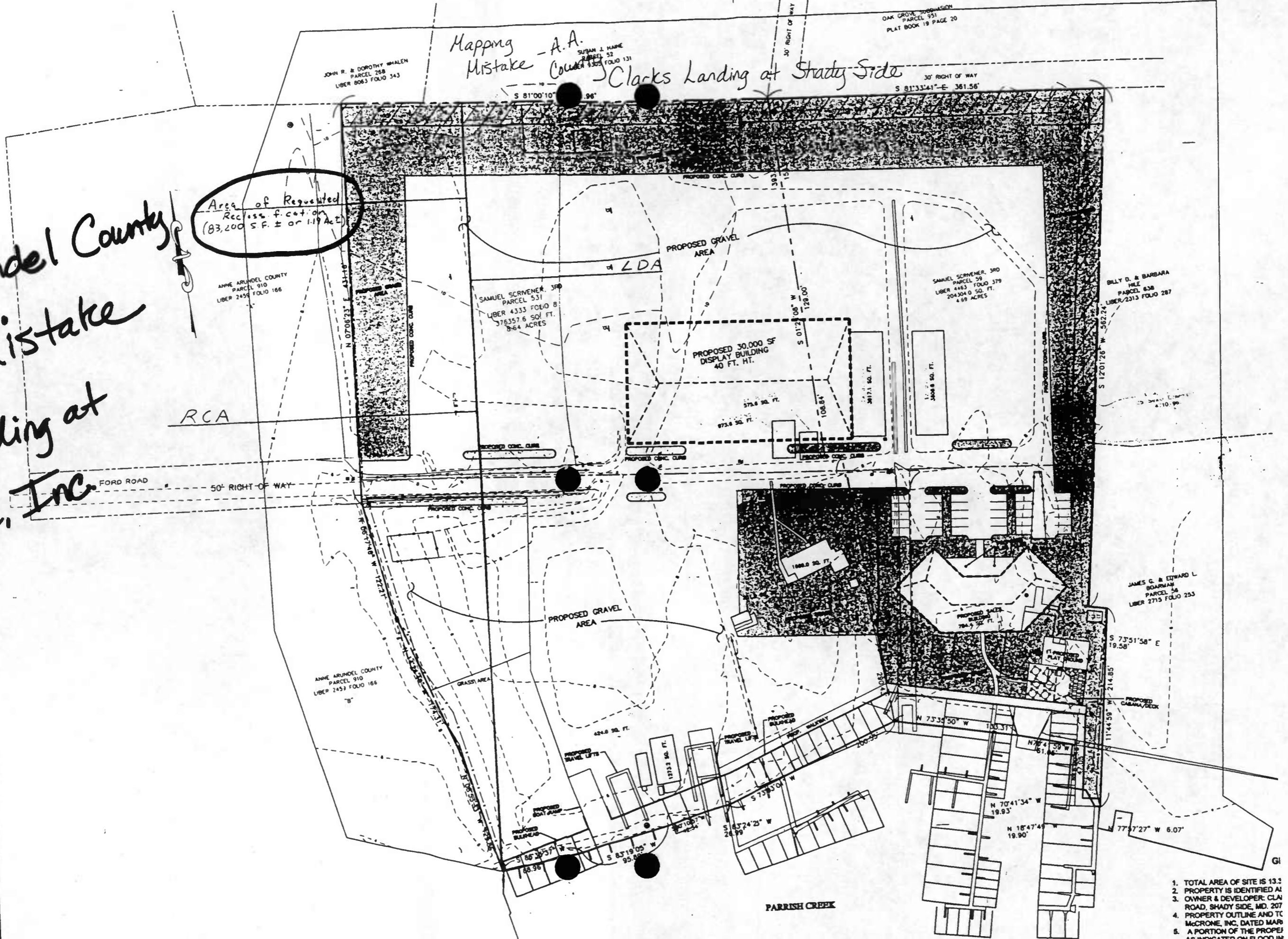
Anne Arundel County completed the comprehensive zoning process for the Deale/Shady Side small area planning area last year. The zoning line between Clark's Landing and the County park was moved to the property boundary line.

Chairman North is seeking your concurrence with his determination that this mapping mistake is a refinement to the County's Critical Area program.

Anne Arundel County
 Mapping Mistake
 Clarks Landing at
 Shady Side, Inc.

Area of Requested
 Reccess. f. cot. or
 (83,200 S.F. ± or 1.19 Ac.)

Mapping - A.A.
 Mistake - County
 Clarks Landing at Shady Side



1. TOTAL AREA OF SITE IS 13.3
2. PROPERTY IS IDENTIFIED AS
3. OWNER & DEVELOPER: CLARK ROAD, SHADY SIDE, MD. 207
4. PROPERTY OUTLINE AND TC McCORME, INC. DATED MAR
5. A PORTION OF THE PROPE AS INDICATED ON FLOOD IN A8 (ELEV 7), AND ZONE B.



Judge John C. North, II
Chairman

Ren Serey
Executive 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, 2002

Mr. Eric See
SEE Environmental Services, Inc.
The Woodbridge Center
2444 Solomons Island Road, Suite 217
Annapolis, Maryland 21401

Re: Patuxent Canoe Launch Facility at the Mt. Calvert Historic Site
Queen Anne's Canoe Launch Facility at the old 4-H Camp in Patuxent River Park

Dear Mr. See:

Thank you for forwarding the above-referenced projects to this office for review and comment. The Maryland National Capital Park and Planning Commission proposes to replace two canoe launch facilities with floating piers and gangways. Based on the information submitted, it appears both projects can be reviewed at the staff level and will not require formal approval by the Chesapeake Bay Critical Area Commission, notwithstanding other State and federal approvals. This decision is based on the scope of the project and that no new clearing or impervious areas are proposed.

I have received correspondence from Ms. Katherine McCarthy of the Department of Natural Resources who has indicated that the projects will have negligible impacts to the environment. This office sees this activity as a method for providing public access to the Patuxent River more safely and with less overall impacts to the shoreline as compared to the current situation.

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

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: Jeff Newhouse, MNCPPC
Rick Thompson, DER
Grace E. Fielder, Grace E. Fielder & Associates
Regina Esslinger, CBCAC

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

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
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February 5, 2002

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

Re: David & Christine Martinelli
Appeal # 1210

Dear Ms. Verdery:

Thank you for forwarding the above-referenced case to this office for review and comment. The applicants allege an allegation of error on the part of the County for citing them with a violation. The alleged violation is clearing in the 100-foot Buffer. In my discussion with Mr. Doug Stayton yesterday, it appears this matter may be resolved since the applicants may be submitting a plantings plan for the property. We encourage this matter to be settled with a plantings agreement between the applicants and the County. If the Board of Appeals still hears this case, we recommend the Board require a plantings agreement.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: Doug Stayton
TC 71-02

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
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February 4, 2002

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: Thomas Hunter Lowe & Jane B. Lowe
L 876

Dear Ms. Verdery:

Thank you for forwarding the above-referenced lot line revision to this office for review and comment. I have outlined our comments below.

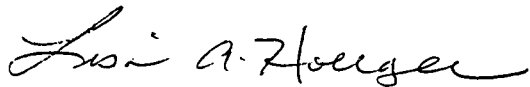
1. The impervious surface table is not correct. The remaining allowable impervious surface figures should be based on 15% of the lot area; therefore, parcel 396/139 is allowed .88 acres, parcel 528/41 is allowed 1.01 acres, and parcel 469/99 is allowed 1.82 acres of impervious coverage.
2. Impervious areas include the footprint of the dwelling, accessory structures and driveways.
3. When construction is undertaken on these lots the County should seek a review letter from the Department of Natural Resources, Heritage and Biodiversity Division to determine whether the lots support any rare, threatened or endangered species.
4. Any required afforestation should be planted in the Buffer to Cummings Creek and the wetland buffers.
5. When the lots become residential and any agricultural uses cease, the 100-foot Buffer to Cummings Creek should be reestablished in native vegetation.

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Ms. Verdery
Page Two
February 4, 2002

Thank you for the opportunity to comment. If you have any questions, or if I can provide you with further assistance, please do not hesitate to contact me at (410) 260-3478.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: TC 26-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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February 4, 2002

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: Warren Clem
S 943

Dear Ms. Verdery:

Thank you for forwarding the above-referenced single lot subdivision to this office for review and comment. The applicant is creating one lot within the Critical Area portion of the parcel. The remaining 6.60 acres in the Critical Area will be part of proposed lot 2 which is partially outside of the Critical Area. The Critical Area portion of lot 2 cannot support any development activity. The final plat should include a note that states no development activities, including accessory structures and septic reserve areas, are permitted in the RC portion of lot 2.

Thank you for the opportunity to comment. If you have any questions, or if I can provide you with further assistance, please do not hesitate to contact me at (410) 260-3478.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: TC 27-02

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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February 4, 2002

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: Hidden Bridge Farm, LP
L 877

Dear Ms. Verdery:

Thank you for forwarding the above-referenced subdivision request to this office for review and comment. I have outlined our comments below.

1. Based on further information from your office, it is my understanding that the lot line shown between the parcels will be abandoned to create one, larger parcel and then the applicant will create ten to eleven building lots. After the lot line abandonment, the larger parcel could support as many as sixteen lots, before deducting for any State wetlands.
2. Therefore, the current proposal for eleven lots is permitted. Before any further subdivision, the area of State tidal wetlands must be determined. It appears there is sufficient upland acreage for eleven lots.
3. Prior to final subdivision approval, the applicant should supply the County with a review letter from the Department of Natural Resources, Heritage and Biodiversity Division indicating whether the site supports any rare, threatened or endangered species.
4. The current plan does not show the limits of the 100-foot Buffer from the Choptank River. This needs to be added to the plan.

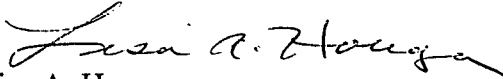
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Ms. Verdery
February 4, 2002
Page Two

5. Also, this area may support Delmarva Fox Squirrel. The letter from DNR can confirm this issue. If so, the applicant must coordinate with DNR if any clearing is proposed for the subdivision.

Thank you for the opportunity to comment. If you have any questions, or if I can provide you with further assistance, please do not hesitate to contact me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: Scott Smith, DNR
TC 24-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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February 4, 2002

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: Duval Farm – Revised Sketch Plan
M 1007

Dear Ms. Verdery:

Thank you for forwarding the revised sketch plan for the above-referenced subdivision. The applicant has reconfigured the lots since our last comments to address the concerns of the County and surrounding community. I have outlined our comments below.

1. The issue of how much acreage are State tidal wetlands still needs to be determined. The applicant must provide the county with the types of wetlands on the parcel in addition to the acreage of each type. Once the area of State tidal wetlands are deducted from the total acreage figure in the Critical Area, then the allowable density in the RC can be calculated.
2. Assuming ten is the maximum number of lots permitted in the RC, only ten dwellings and their associated development activities are permitted inside the Critical Area. Any lots beyond the ten permitted that extend into the Critical Area must have plat notes that do not allow development activities in the Critical Area portion of the lots.
3. It appears the sewage reserve area (SRA) identified for Lot 2 is in the Critical Area; however, the building envelope is located outside the Critical Area. All development activities, including the SRA must be located outside the Critical Area in the RC, otherwise this will count toward the density used in the RC.

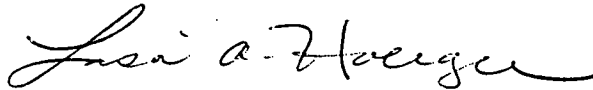
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Ms. Verdery
February 4, 2002
Page Two

4. It appears that the SRA on lot 10 and possibly lot 7 are within the 100-foot Buffer. This is not permitted on newly created lots.

Thank you for the opportunity to comment. If you have any questions, or if I can provide you with further assistance, please do not hesitate to contact me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: TC 27-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
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February 4, 2002

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: Richard Henry
M 1015

Dear Ms. Verdery:

Thank you for forwarding the above-referenced subdivision request to this office for review and comment. The applicant proposes to create two lots from one parcel. I have outlined our comments below.

1. The creation of these lots should not create the need for any variances. This office will not support variances for newly created lots.
2. We understand this site plan is only in the sketch phase and that the applicant may not begin construction on either lot immediately. In any case, a letter from the Department of Natural Resources, Heritage and Biodiversity Division indicating the presence or absence of any rare, threatened or endangered species that may be utilizing this site should be received prior to final plat approval.
3. Also, an environmental report should accompany this plan prior to final approval. Based on the site plan submitted, the parcel has a lot of nontidal and what appear to be tidal wetlands, each requiring a 25-foot and 100-foot Buffer respectively.
4. In regard to the tidal wetlands, the acreage of private versus State tidal wetlands needs to be determined since the portion of the State tidal wetlands cannot count towards density in the Critical Area. The site plan does deduct some acreage on each lot for State tidal wetlands, however, it is not shown what the classifications are and how these figures were determined. Simply reporting the acreage figures is not sufficient. We can assist the County with this issue.

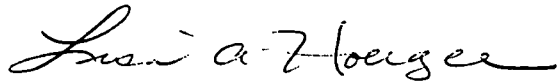
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Ms. Verdery
Page Two
February 4, 2002

5. Any required afforestation should be planted in the Buffer to the Miles River and the wetland buffers.
6. When the lots become residential and the agricultural uses cease, the 100-foot Buffer to the Miles River should be reestablished in native vegetation.

Thank you for the opportunity to comment. If you have any questions, or if I can provide you with further assistance, please do not hesitate to contact me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: TC 514-01



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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February 4, 2002

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: Joseph Foster
M 1011

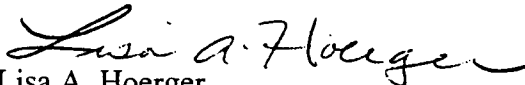
Dear Ms. Verdery:

Thank you for forwarding the above-referenced two-lot subdivision to this office for review and comment. The applicant is creating two lots that are partially within the Critical Area. The site plan provided shows two Critical Area lines. One is labeled "Tidal Wetlands Line as Field verified by the Maryland Department of the Environmental Waterway Division on September 7, 2001". This line shows both proposed lots as outside of the Critical Area 1000-foot boundary; however, this line is not official until MDE and Talbot County hold public hearings to make an official change to this Talbot County Critical Area map.

In the meantime, the current line is the official Critical Area boundary line and it appears the approved sewage disposal area for proposed lot 4 is in the Critical Area. Sewage disposal areas for development that will occur outside the Critical Area are not permitted in the RC zone. Unless the Critical Area boundary line is officially relocated so the sewage disposal area is not within the Critical Area, then the configuration of this lot is not permitted.

Thank you for the opportunity to comment. If you have any questions, or if I can provide you with further assistance, please do not hesitate to contact me at (410) 260-3478.

Sincerely,


Lisa A. Hoerger
Natural Resources Planner

cc: TC 581-01

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

Ren Serey
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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

February 4, 2002

Mr. Bruce Wright
Department of Public Works
Bureau of Engineering
2662 Riva Road, MS 7301
Annapolis, Maryland 21401

Re: Woodland Beach Pumping Station Expansion
Plantings Agreement Form

Dear Mr. Wright:

In October the Chesapeake Bay Critical Area Commission approved the above-referenced project with conditions. One of those conditions required that a site be identified for the mitigation required for clearing. In my October 9, 2001 letter, I requested that the Plantings Agreement Form be completed and returned within 90 days. Please forward that form as soon as possible.

In the meantime, it is my understanding from Ms. Elinor Gawel that your Department is considering identifying a site to serve as a mitigation bank for this and future DPW projects. This office is amenable to this idea; however, the mitigation site for the Woodland Beach Pumping Station Expansion project should be identified now since it is unclear how soon a mitigation bank site will be identified.

Thank you for your cooperation. Please telephone me with any questions or concerns at (410) 260-3478.

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: Ms. Elinor Gawel

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION

1804 West Street, Suite 100, Annapolis, Maryland 21401

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Fax: (410) 974-5338

January 28, 2002

Ms. Jean Weisman
Town of St. Michaels
P.O. Box 206
St. Michaels, Maryland 21663-0206

Re: First Quarter Invoice and Report for FY 2002

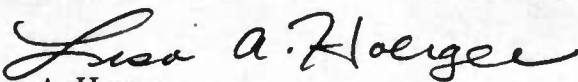
Dear Ms. Weisman;

We are in receipt of a letter from Ms. Tracy W. Smith of your office regarding the personnel change in the Zoning Officer position. We are approving the temporary change in staff assignments, and will process the town's request for reimbursement for this quarter. In the future we will need to know when the position is filled with a permanent person, and what will be the new rate of pay. Also, the Town must confirm that the change in personnel for this position does not change the total grant appropriation for fiscal year 2002, and that the tasks agreed to in the original Scope of Work will continue to be accomplished by this position. These changes must be submitted to the Commission in writing.

In regard to the first quarter report, it appears the tasks you outlined in the report submitted to do not match numerically with those in the Scope of Work. While all tasks agreed to in the Scope of Work appear to be covered in this report, they are given different task numbers. I have enclosed a marked up version of the first quarter report to show you what I mean. In the meantime our office will process this quarter's request for reimbursement; however, subsequent reports need to follow along with the tasks and their relative numbers.

Thank you and Ms. Smith for your patience and assistance. If you have any questions, please do not hesitate to call Ms. Veronica Moulis or myself at (410) 260-3460.

Sincerely,


Lisa A. Hoerger
Natural Resources Planner

Enclosure

cc: Ms. Tracy Smith
Ms. Veronica Moulis

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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January 30, 2002

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

Re: Richard Polm, 2002-0011-V

Dear Ms. Plociennik:

Thank you for forwarding the above-referenced variance request to this office for review and comment. The applicant proposes to construct a pier and pilings with greater length than allowed. The 2000 submerged aquatic vegetation (SAV) surveys indicate the presence of several species. They include *M. spicatum*, *P. perfoliatus*, *R. maritima*, *Z. palustris*. The environmental report included with this application is dated June 1995. It appears to be the one used for the variance request for the dwelling which was granted a few years ago.

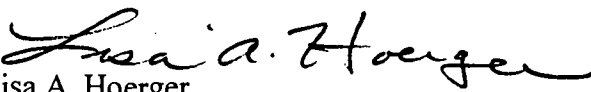
This report does not include information concerning the condition of the shoreline or any SAVs that may be waterward of this property. In other words, the applicant has not made a compelling case that the proposed pier and pilings will not adversely impact the SAV on this site.

In addition, there was no indication from the information provided whether the applicant has secured a permit from the Maryland Department of the Environment (MDE), Tidal Wetlands Division. This agency is best able to determine the impacts to SAV and any required mitigation if a permit is ultimately issued. Without the information from the environmental report and MDE, this office cannot offer substantive comments or support the requested variance.

Finally, how does the applicant intend on accessing the proposed pier? It appears the existing access route (labeled cable car on the plan) accesses a different location to the shoreline than the position of the proposed pier.

Thank you for the opportunity to comment. If you have any questions, or if I can provide you with further assistance, please do not hesitate to contact me at (410) 260-3478.

Sincerely,


Lisa A. Hoerger
Natural Resources Planner

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



Judge John C. North, II
Chairman

Ren Serey
Executive 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, 2002

Mr. James W. Price, Director
Program Open Space, E-4
Tawes State Office Building
580 Taylor Avenue
Annapolis, Maryland 21401

Re: DNR Clearinghouse Review of Local POS Project #4066-20-73
Bellevue Park, Talbot County

Dear Mr. Price:

Thank you for forwarding this project to our office for review and comment. It appears this park is in a Limited Development Area inside of the Chesapeake Bay Critical Area. Therefore, impervious surfaces are limited to 15% of the parcel, any clearing will require replacement, and there should be no new development activities inside of the 100-foot Buffer to the Tred Avon River. Also, all new park development activities must be consistent with any other provisions in the County's Critical Area program.

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

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: Ms. Mary Kay Verdery, Talbot County

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

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Judge John C. North, II
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
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January 30, 2002

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

Re: Annapolis Water Reclamation Facility
Consistency Report

Dear Ms. Gawel:

Thank you for forwarding the above-referenced project to this office per the requirements of COMAR 27.02.02 - State and Local Agency Actions Resulting in Development of Local Significance on Private Lands or Lands Owned by Local Jurisdictions. After reviewing the consistency report, the accompanying Critical Area Study and the decision of the Administrative Hearing Officer dated January 22, 2002 regarding the special exception request, this office agrees that the project is consistent with the Anne Arundel County Critical Area Program.

If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

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

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

January 23, 2002

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

Re: William & Amy Graziano, 2001-0531-V

Dear Ms. Plociennik:

Thank you for forwarding the above-referenced variance request to this office for review and comment. The applicants propose to construct a porch and garage additions that will have less setbacks than required. This office has no comment regarding the request for the setback.

The information regarding the impervious surfaces on this lot is not clear. The accompanying letter indicates the proposed impervious area will be 2,800 square feet; however, the figures provided on the site plan are confusing. For example, the dimensions of the porch and garage should total 705.44 square feet based on the site plan, but the total on the plan is 662 square feet. Also, where is the proposed area of driveway and sidewalk proposed for removal? How will this area not increase the overall impervious surface limitation for this lot? Please ensure that the impervious surface information is correct and under the allowable limits.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: AA 43-02

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



Judge John C. North, II
Chairman

Ren Serey
Executive 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, 2002

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

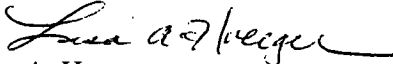
Re: Lee Brothers, LLC

Dear Ms. Verdery:

Thank you for forwarding the above-referenced site plan to this office for review and comment. The applicant proposes to operate a new commercial retail business in an existing residential dwelling. This office has no comment regarding the use issue since the site has a Critical Area designation of Limited Development Area. However, we request that the County ensure the applicant does not increase impervious area since the site is already over the allowable limits. It was unclear from the site plan whether there would be any new impervious areas.

Thank you for the opportunity to comment. Please contact me if you need additional information or assistance from this office.

Sincerely,


Lisa A. Hoerger
Natural Resources Planner

cc: TC 25-01

Branch Office: 31 Creamery Lane, Easton, MD 21601
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Executive Director

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January 18, 2002

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

Re: Clarks Landing at Shady Side, Inc.
Map Amendment

Dear Ms. Gawel:

The Critical Area Commission received the above-referenced map amendment approved by the Administrative Hearing Officer. The map amendment changes 1.91 acres of Resource Conservation Area to Limited Development Area based on a mapping mistake. We are accepting the application as a complete submittal, and Chairman North will make a refinement determination within thirty days of the date of this letter. This issue will be reviewed by the full Commission at their meeting on February 6, 2002. I will notify you following the meeting.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

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Ren Serey
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January 10, 2002

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

Re: Warren Walker, 2001-0508-V

Dear Ms. Plociennik:

Thank you for forwarding the above-referenced variance request to this office for review and comment. The applicant proposes to construct a second floor dormer that will have less setbacks than required. This office has no comment regarding the setback request since it will not impact any Habitat Protection Areas.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: AA 18-02

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January 10, 2002

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

Re: John & Catherine Gillogly, 2001-0498-V

Dear Ms. Plociennik:

Thank you for forwarding the above-referenced variance request to this office for review and comment. The applicant proposes to construct a dwelling addition that will have less setbacks. From the site plan provided, it appears the addition will not impact any Habitat Protection Areas, require any clearing, and will decrease the amount of impervious surfaces on the lot; therefore, this office has no comment regarding the request for the setback.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: AA 14-02

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January 9, 2002

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

Re: Michael and Janis Brown, Appeal # 1202
Revised Plan

Dear Ms. Verdery:

Thank you for forwarding the revisions for the above-referenced special exception request. Again, this office has no comment regarding this request, except to ask whether there is a stream beyond the proposed machinery/equipment shed? If so, a minimum 100-foot Buffer is required.

Thank you for the opportunity to comment. Please telephone me if you any questions or if I can be of further assistance.

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: TC 632-01

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January 9, 2002

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: **ADDENDUM** - Bryan Brothers, LLC, M 1010

Dear Ms. Verdery:

This letter serves as an addendum to the December 11, 2001 letter concerning the above-referenced project. Last fall Ms. Claudia Jones, Science Advisor, and myself accompanied Mr. Bill Stagg to this site. Mr. Stagg requested we perform this site visit to determine whether a stream existed on the property.

The feature in question was determined not to be a perennial or intermittent stream, but rather a drainage ditch that ran from the existing pond to the stream that flows into San Domingo Creek; therefore, a 100-foot Buffer is not required around this feature.

We also walked along the stream that empties into the creek to determine its tidal limits. This was determined in the field and appears to be accurately depicted on the site plan along with the required 100-foot Buffer.

Thank you for the opportunity to comment. If you have any questions, or if I can provide you with further assistance, please do not hesitate to contact me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: Bill Stagg
Claudia Jones
TC 649-01

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January 3, 2002

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

Re: Dianne M. Sullivan, 2001-0486-V

Dear Ms. Plociennik:

Thank you for forwarding the above-referenced variance request to this office for review and comment. According to the variance application, the applicant proposes to construct a dwelling addition that will have less setbacks and Buffer. From the site plan provided, it is unclear whether this lot is within the 100-foot Buffer. If so, it appears the addition will be six feet beyond the existing dwelling. Provided the lot is properly grandfathered, this office does not oppose the requested variance. Mitigation at a 3:1 ratio is required if the construction is within the Buffer.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: AA 700-01

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Ren Serey
Executive Director

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January 3, 2002

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

Re: Ward & Byrne, 2001-0487-V

Dear Ms. Plociennik:

Thank you for forwarding the above-referenced variance request to this office for review and comment. The applicant proposes to construct a dwelling addition and deck that will disturb steep slopes. Provided the lot is properly grandfathered, this office does not oppose the requested variance; however, we have outlined some recommendations below.

1. The applicant should consider keeping the proposed addition within the footprint of the existing stone patio and brick walkway. This might lessen and/or avoid impacts to steep slopes.
2. Any clearing that will be necessary for construction should be mitigated for at a 1:1 basis.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: AA 701-01

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January 2, 2002

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

Re: South River Colony, Hidden Pond
Revised Final Plan S #89-209, P 01-215

Dear Ms. Chalkley:

Thank you for forwarding the final, revised plans for the above-referenced subdivision. I have outlined my comments below.

1. Of primary concern is the area shown on each lot that is not protected by the Forest Conservation Easement and is outside the proposed limits of disturbance (LOD). This would indicate to the homeowner that provided they can find suitable Forest Interior Dwelling Bird (FID) habitat off site, this area is okay to clear. I have discussed this with Ms. Claudia Jones of this office who agrees that the area outside the proposed LODs should also be included in the easement area. Not including these areas would have the potential to impact greater interior habitat than originally intended.
2. Given the restrictions on clearing because of the Forest Conservation Easement, it is unlikely a lot owner could have 15% or more of impervious coverage based on the lot sizes; however, according to the Critical Area Calculations Table, the applicant has indicated that the allowable total impervious surface is 17%. This should be corrected so that no more than 15% is permitted on each lot.
3. Finally, who will hold the easement on this subdivision? We request that the County hold it jointly with another organization that will agree to provide monitoring. Please have the applicant provide this information.

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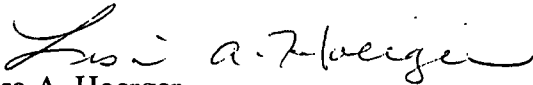
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Ms. Chalkley
Page Two
January 2, 2002

4. Since this site is in the Critical Area and is FID habitat, the easement should be held in perpetuity.

If you have any questions or need additional information please telephone me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: Ms. Claudia Jones
AA 524-99

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
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January 2, 2002

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

Re: Albert Retowsky (Critical Area Report is for Swift Road, Steyer Property)
MS 01-102

Dear Ms. Allen:

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

1. It appears no Habitat Protection Areas will be impacted; however, this site is close to a Wetland of Special State Concern (WSSC). As such, the applicant should limit proposed clearing of the site and provide more detailed information regarding the method of stormwater management for each lot.
2. The site plan provided does not indicate the areas proposed for clearing on each lot. This should be shown on the plan.
3. The final plat should have a table that displays the allowable clearing and impervious surface limitations for each lot.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: AA 680-01

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

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Ren Serey
Executive Director

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January 2, 2002

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

Re: William and Arlene Matthai
S 01-100, P 01-262

Dear Mr. Soldano:

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

1. It appears no Habitat Protection Areas will be disturbed with this subdivision; however, the letter from the Department of Natural Resources indicates the potential for a rare plant species in the project vicinity. The environmental report states this species occurs in open marshes, shallow water or in very wet floodplain forests. I understand the site is at least 300 feet from tidal waters, but is this site in the floodplain?
2. It appears the new lot will meet the impervious surface limitation of 15%; however, what is the resulting impervious surface on the resulting lot of the existing dwelling? It should still meet the 15% limitation.
3. The final plat should include a table showing the proposed and allowable impervious surface areas for each lot.
4. Why is there additional clearing along the driveway? We recommend clearing be further reduced. This will minimize disturbance and result in a small replanting requirement.

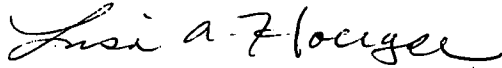
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Mr. Soldano
Page Two
January 2, 2002

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

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: AA 680-01

Staff Correspondence Volume 1: McCleary

2002

S1832-150-3

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

April 29, 2002

Mr. Robert Cuthbertson
Tidal Wetlands Division
Maryland Department of the Environment
2500 Broening Highway
Baltimore, Maryland 21224

RE: Gwynn Falls Trail Project Phase III
Baltimore City Recreation and Parks
200262251\02-GL-1208

Dear Mr. Cuthbertson:

Thank you for the opportunity to review the above project. This office understands that there is a proposal to create a pedestrian trail along the waterfront that includes emplacing a 60 foot stone revetment within a maximum of 7.5 feet channelward of the mean high water line and a 200-foot long bridge over the Middle Branch of the Patapsco River. The purpose of the project is for shore erosion control and recreation.

Since the proposed bridges and trails will take place in the 100-foot Buffer, this project will need Critical Area Commission approval. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

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

Dawnn McCleary
Natural Resources Planner

cc: Beth Strommen
Regina Esslinger
CORP File

Branch Office: 31 Creamery Lane, Easton, MD 21601
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Ren Serey
Executive Director

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April 26, 2002

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

RE: Lighthouse Point
2701 Boston Street

Dear Mr. Stuart:

This office has reviewed the applicant's proposal to build an 86-unit apartment building on top of an existing parking lot. The existing parking lot is located in an Intensely Developed Area and totals 5.50 acres in the Critical Area. This office does not oppose the proposed project, however, it appears on the site plan that several existing stormceptors are currently treating stormwater from a marine repair shop, several parking lots and several retail/commercial and residential buildings. The 10 % Rule calculations require the applicant to address redevelopment for the proposed project. Existing stormceptors cannot be used towards the 1.5 pounds to be removed. An additional best management practice must be incorporated into the site.

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

Sincerely,

Dawn McCleary
Dawn McCleary
Natural Resources Planner

cc: Regina Esslinger
BA 168-02

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Executive Director

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April 25, 2002

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

RE: Harborview Townhouse Project
1201 & 1221 Key Highway

Dear Mr. Stuart:

This office has reviewed the applicant's proposal to build 100 new townhouses on two new piers. The proposed townhouses will extend from the intersection of Key Highway and Cross Street out onto new 70' wide piers. This office understands that Harborview plans to construct a new promenade, platform, and bulkhead for the site. The proposed bulkhead will be constructed along the east side of the proposed promenade along the property line beneath the existing platform. There is a plan to demolish the existing bulkhead, remove the existing piles, drive new piles and construct the proposed bulkhead. The site consists of approximately 3.80 acres and is in an Intensely Developed Area and the 100-foot Buffer.

This office does not oppose the propose development activity, however, it appears that the applicant did not include the two piers in Worksheet A, 2(b) under Post-Development of the 10% calculations. Please revise Worksheet A to reflect this change. When Worksheet A has been completed, please forward it to this office for review.

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Continued, Page Two
Harborview Townhouses
April 25, 2002

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

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
BA 278-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401
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April 15, 2002

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

Re: Cherry Hill Pool Consistency Project

Dear Mr. Stuart:

Thank you for providing "Notification of Certification" that the above project is consistent with Baltimore City's Critical Area Program. This office has reviewed the applicant's proposal to renovate the area surrounding the existing Cherry Hill pool and playground. This project is located at the southwest corner of Reedbird Avenue and Potee Street in South Baltimore. This office understands that the project involves upgrading the existing pool deck, constructing a maintenance road and adding a wading pool for children. This includes the removal of a large impervious parking area. The area proposed for development activity is 1.49 acres of Resource Conservation Area (RCA).

This office does not oppose the project, however, it appears on the site plan that there are additional impervious surfaces in the Critical Area such as several basketball and tennis courts. In order for this office to complete our review, the following information is needed:

1. The total acreage of Reedbird Park in the Critical Area;
2. The total amount of impervious surface that currently exists in the Critical Area at Reedbird Park;
3. The total proposed impervious surface in the Critical Area.

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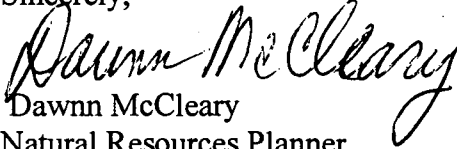
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Continued, Page Two
Cherry Hill Pool Consistency Project
April 15, 2002

Since the proposed development activity is in the RCA, the 10% calculations are not required. However, impervious surfaces are limited to 15%. Because the park was developed pre-Critical Area, any existing development is grandfathered. Therefore, if impervious surfaces currently exceed 15%, we can consider this existing amount as the maximum allowed on site. If the applicant wants to increase the impervious surface beyond the amount that currently exists, the applicant will need a conditional approval. You may remember that the Potee Street bridge received a conditional approval.

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

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
BA 177-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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April 10, 2002

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

RE: Eagles Landing at Waters Edge
Local Case Number: P02058

Dear Ms. Gleisner:

This office has reviewed the applicant's proposal to build a 225 townhouse subdivision. This office understands that this property was submitted previously under the names of Coves at Waters Edge and Riverside South 40. We understand that this project is subject to a Growth Allocation award that was given when the project was known as Riverside South 40 as per Harford County Bill 91-46. All previously preliminary plan approvals have expired. Currently, this project is laid out slightly different than the previous submittals. In order for this office to complete our review, the following information is needed:

1. The revised site plan showing the Growth Allocation lines as approved for Riverside South 40. Critical Area staff wants to make sure that the applicant will not exceed the growth allocation that was awarded in the past;
2. The 10% calculations need to be readdressed since there is a revised proposal;
3. The potential impacts to Habitat Protection Areas;
3. The verification of tidal versus non-tidal wetlands on the revised site plans; and,
4. The location of proposed trails and the amount of clearing required for the trails. This includes clearing for water access.

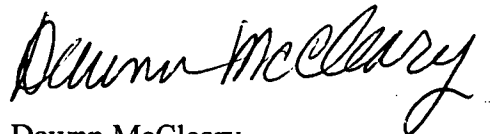
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Continued, Page Two
Eagle's Landing at Waters Edge
April 10, 2002

Please forward the above information to our office for review. I will provide comments at that time. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,



Dawnn McCleary
Natural Resources Planner

cc: Pat Pudelkewicz
Regina Esslinger
HC 196-02

J
Judge John C. North, II
Chairman



Ren Serey
Executive 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, 2002

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

RE: Beason Street Apartments
1501-1509 Beason Street

Dear Mr. Stuart:

This office has reviewed the applicant's proposal to build five infill townhouses. The site is currently a warehouse. The total site area consists of approximately 0.18 acres and is in the Intensely Developed Area. After reviewing the site plan, this office does not oppose the re-development of this site. The site plan and 10% calculations are correct and consistent with the City's Critical Area program. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

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

Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
BA 198-02

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

TTY For The Deaf:
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CHESAPEAKE BAY CRITICAL AREA COMMISSION
1804 West Street, Suite 100
Annapolis, Maryland 21401

MEMORANDUM

TO: Project Subcommittee

FROM: Dawnn McCleary, Natural Resources Planner

DATE: April 3, 2002

RE: Department of General Services
Bloomsbury Square Townhouses

On June 6, 2001, the Chesapeake Bay Critical Area Commission approved as a Buffer Exemption Area the future site for the Bloomsbury Square townhouses in Annapolis next to the St. John's College. The Bloomsbury Square project will replace the existing parking lot. The existing townhouses next to the House of Delegates building will also be torn down. The total site area that will be developed is 3.27 acres. The existing impervious surface area is currently 2.49 acres and the proposed impervious surface area will be 1.61 acres, showing a decrease of 35%.

DGS is proposing to build a bioretention facility, a stormceptor underground treatment facility, and a bioretention/rain garden facility within the Buffer. The on-street parking area will have a porous paving system (Eco-stone) to aid in ground water recharge. The City will monitor the pavers to see how well they function over time. There will be extensive planting in the Buffer and Critical Area for the proposed development. A preliminary site plan for the townhouses and planting plan have been submitted to our office for review. We would like the subcommittee to provide feedback at our April meeting.

Staff has provided the applicant with the Commission's Buffer Exemption Area Policy for Multi-Family Development. We anticipate this proposal will be able to meet the policy.

CLEARINGHOUSE REVIEW

RECEIVED

APR 8 2002

April 3, 2002

CRITICAL AREA PLAN

TO: Arnold Norden, Greenways and Resources Planning (E-4)
 Glenn Therres, Wildlife (E-1)
 Robert Beckett, State Forest and Park Service (E-3)
 John Rhoads, Natural Resources Police (E-3)
 Ray Dintaman, Environmental Review (B-3)
 Matthew Fleming, Education, Bay Policy & Growth Mgmt (E-2)
 Marian Honecny, Forestry (E-1)
 Bill Hodges, Resource Assessment Services (B-3)
 Regina Esslinger, Crit. Area Cmsn. (1804 West St., Suite 100, Annap., 21401)

FROM: James W. Price, ^{JWP} Director, Program Open Space

SUBJ: DNR Clearinghouse Review of Local POS Project #4113-12-193
 Flying Point Park - Playground Equipment, Harford County

This project proposes to further develop this 16.7-acre park by replacing deteriorated playground equipment with ADA accessible playground equipment. Construction will also include a pathway and a small bridge for access to the playground.

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

CHECK ONE AND INITIAL

CHECK

INITIAL

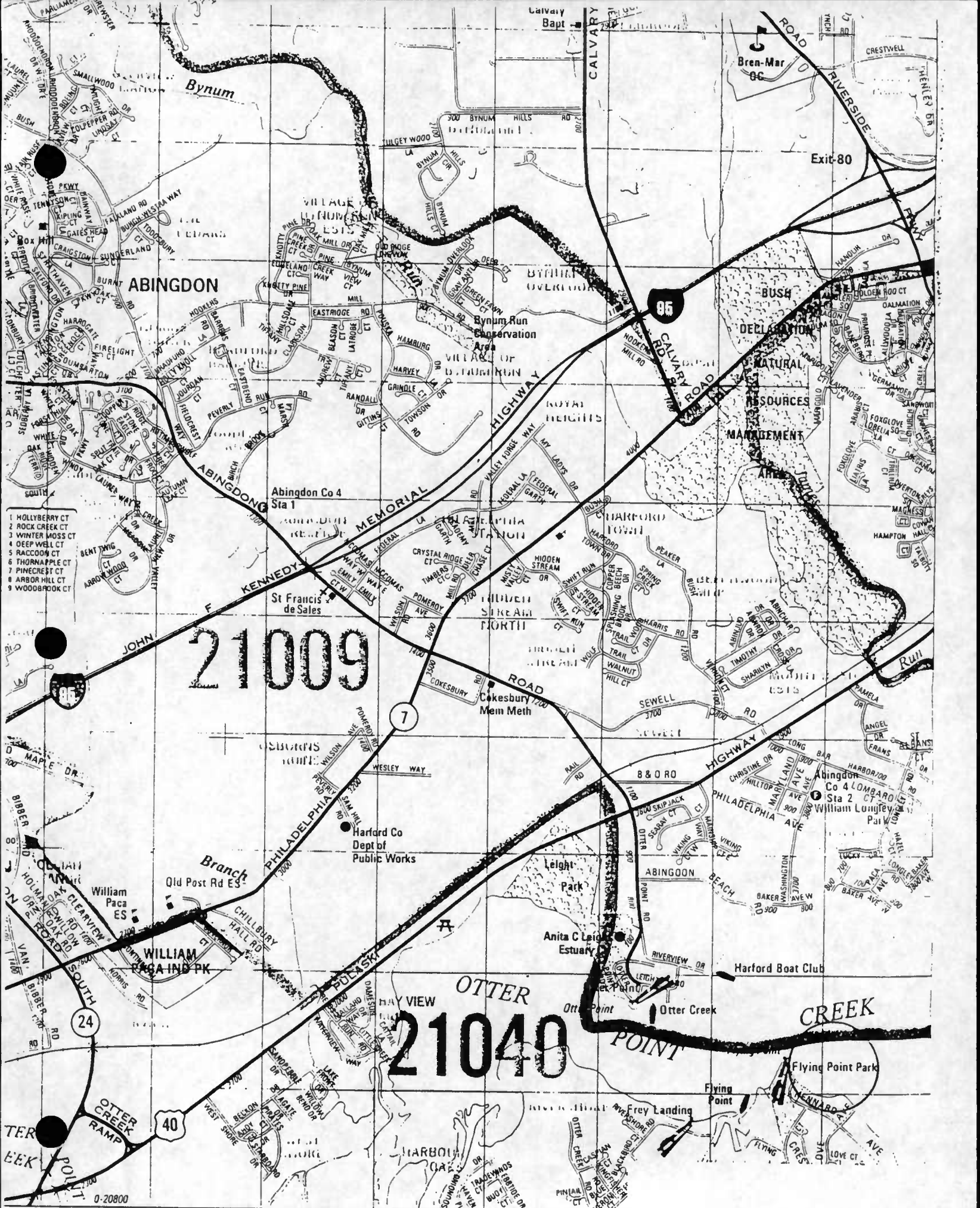
1. The project does not conflict with the plans, programs or objectives of this Agency.

DM 4/8/02

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.



21009

21040



Flying Point Park

Existing
 Proposed



Judge John C. North, II
Chairman

Ren Serey
Executive 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, 2002

Mr. Roby Hurley
Critical Area Circuit Rider
Maryland Department of Planning
27490 West Point Road
Easton, Maryland 21601

RE: Marshyhope Creek Trail Extension
Town of Federalsburg

Dear Mr. Hurley:

Thank you for providing "Notification of Certification" that the above project is consistent with the Town of Federalsburg Critical Area Program. Critical Area staff understands that the Town is proposing to install a 4,000 linear feet or 8-foot wide pedestrian trail and two (2) bridges fifty foot in length. The site is located within the Resources Conservation Area and Intensely Developed Area in the Town's Critical Area.

The proposed construction of the trail and bridges will impact 7,000 square feet of the 100-foot Buffer in three areas. They are the two (2) stream crossings and the end loop of the trail system. There will be no forest clearing proposed. The Town is proposing to mitigate for the Buffer impacts on-site by planting 140 native trees. The site plan shows that the planting will take place in Marshyhope or the adjacent stream buffers.

The purpose of this project is the continuation of an existing trail system designed to provide access to the Marshyhope shoreline area for residents and visitors. This office understands that the proposed project will continue as open space with the trail and trees maintained by the Town.

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

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Continued, Page Two
Marshyhope Creek Trail
March 29, 2002

Commission as major development. (See COMAR: Chapter Two, Regulations for Development in the Critical Area Resulting from State and Local Agency Programs). Therefore, approval of the above project by the Commission is not necessary.

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

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Conway Gregory
Regina Esslinger
FE 149 - 02

Judge John C. North, II
Chairman



Ren Serey
Executive 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 27, 2002

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

RE: Additional Comments for
Baltimore City Council Bill 01-0471

Dear Mr. Stuart:

I have reviewed the latest draft of the Baltimore City Critical Area Management Program (CAMP) dated March 2, 2002 and the Revision to the First Reader of Council Bill 01-0471 which covers changes to the City's Critical Area Program and Zoning Ordinance. It appears that most of the Commission staff's comments have been addressed; however, there are additional minor issues that this office would like your office to address which are outlined below. As you requested, a marked up copy of the pages that require additional editing is included as Enclosure (1).

Baltimore City Council Bill 01-0471 (Revision to the First Reader)

1. In § 8-301. Definitions, paragraph C, the definition for brownfields is not consistent with the definition in Section XIII (7) on Page 74 of the CAMP, of this document.
2. In § 8-301. Definition, paragraph D (1), "Buffer", add, "An existing" before naturally vegetated..." Add after the last sentence, "The Buffer shall be established 100-foot landward from the mean high water line of tidal waters, and the landward edge of tidal wetlands and tributary streams."

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Mr. Stuart
March 27, 2002
Page Two

3. In § 8-303(b), "Buffer", add a new sentence after the first sentence that reads, "The Buffer shall be established 100-feet landward from the mean high water line of tidal waters, and the landward edge of tidal wetlands and tributary streams."
4. In § 8-317(b), the provisions are not clear. This section should read, "Areas for passive recreation such as nature study and for education may be permitted in the Buffer within Resource Conservation Areas. Service facilities for these areas shall be located outside of the Buffer."
5. In § 21-1(q), "Significant development", it appears that the definition does not address disturbance to the Buffer. The definition must be consistent with the "Significant Development" definition used throughout the zoning ordinance and CAMP document.

CAMP Document

1. On pages 9 and 10, in Chapter II, General Development Requirements, Section B (2), the definition of "Significant Development" is different from the definition in the City's zoning code and Section XIII definition section. These definitions should be consistent.
2. On page 11, in Section D, II (D), there appears to be some language at the end of the section that is in the wrong place. It is not clear what it means.
3. On page 16 in Chapter III, Section B(2)(b), in the second sentence , insert "100-feet" after "established."
4. On page 19, in Chapter III, Section C(2)(c), in the second sentence, delete "designated" before "Habitat Protection Areas" and insert "all".
5. On page 31, in Chapter V, Section I, third sentence delete ".01.-.08" in "COMAR 27.02.01 -.08".
6. On pages 31 and 32, in Chapter V, Section I (1-3), 4th sentence, delete "-.08" in COMAR 27.02.02-.08, COMAR 27.02.03 -.80, and 27.02.04-.08.

Mr. Stuart
March 27, 2002
Page Three

7. On page 32, in Chapter V, in Section I (2), in the 3rd sentence, insert "as" after "be" and change "establish" to "established".
8. On page 74, Chapter XIII, (6), Definitions, add, "An existing" before naturally vegetated.
9. On page 81, Chapter XIII, make sure the "Significant Development" definition is the same as the definition in § 8-301 and § 21-1 of the Baltimore City Zoning Ordinance.

Please make changes to the CAMP document and forward a revised copy for our office. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,


Dawnn McCleary
Natural Resources Planner

Enclosure

cc: Susan Williams
Ren Serey
Mary Owens
General Files for Baltimore City

Judge John C. North, II
Chairman



Ren Serey
Executive 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, 2002

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

RE: Back River Treatment Plant

Dear Mr. Stuart:

Thank you for providing "Notification of Certification" that the above project is consistent with Baltimore City's Critical Area Program. Critical Area staff understands that the Department of Public Works is proposing to expand the Back River Wastewater Treatment Plant. This site is 1.11 acres entirely located in an Intensely Developed Area (IDA).

This office understands that the plant is presently using gaseous chlorine and hydrogen sulfide. The liquids will be stored onsite in tanks, with secondary containment walls of reinforced concrete. Within the secondary containment areas, sumps will be installed, directing run-off and chemical spills through the treatment plant process. The new tanks will be situated on existing concrete areas currently occupied by railroad tank cars. These tanks and dam structures are part of the modernization of the plant. The primary objective of this project is to construct new tanks on existing concrete areas, which will reduce the impervious surface on site.

This office does not oppose the proposed development activity, but this office understands that this project will need meet the Department of Public Works, Environmental Engineering Division requirements.

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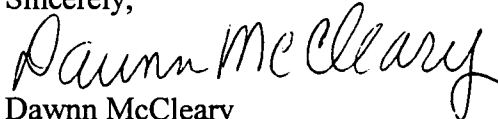
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Continued Page Two
Back River Treatment Plan
March 22, 2002

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

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

Sincerely,



Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
BA 83-02

Judge John C. North, II
Chairman



Ren Serey
Executive 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 15, 2002

Mr. Charles DeRose
Tidal Wetland Division
Maryland Department of the
Environment
2500 Broening Highway
Baltimore, Maryland 21224

RE: Penn Beach Marina Project
Case Number: 200262642/02-WL-1005

Dear Mr. DeRose:

Thank you for the opportunity to review the above proposed project. This office understands that there is a proposal to maintenance an existing marina basin to a depth of minus 5 feet at mean low water and make improvements to the marina.

It appears that the placement of 5,800 cubic yards of dewatered dredged material in dredge material placement sites on and off the applicant's property and the excavation and removal to an offshore breakwater and replace with a 180 foot long by 8 foot wide floating concrete breakwater both will impact the Critical Area.

Based on the information in the joint Corp permit, it appears that the dredge spoil will be placed within the 100-foot Buffer. If this is the case, dredge spoil is not permitted in the 100-foot Buffer or elsewhere in a designated habitat protection area except as necessary for the placement on previously approved channel maintenance spoil disposal areas. Is the proposed location a previously approved disposal area? In order to determine the impacts to the 100-foot Buffer, this office will need additional information concerning its placement.

The proposal to excavate and replace the concrete breakwater may impact the 100-foot Buffer. In order to determine this, this office needs additional information to make that determination.

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Continued, Page Two
Penn Beach Marina Corp Application
March 15, 2002

This office also understands that the proposed development activity may impact anadromous fish spawning areas. This office supports the recommendation outlined in Ray Dintaman's February 28, 2002 letter concerning the appropriate time of year for instream excavation.

Please forward the above information to this office for review. I will provide additional comments. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,



Dawnn McCleary
Natural Resources Planner

cc: Ted Bishop, Havre de Grace
Regina Esslinger, CAC
HG General File

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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

March 13, 2002

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

RE: Reconstruction of Annapolis Road
and Waterview Avenue Interchange
at MD 295

Dear Mr. Stuart:

This office received a letter from David Feske of Jacobs\Sverdrup Civil, Inc. concerning the proposed improvement to the Annapolis Road\Waterview Avenue Interchange at MD 295. The project is located in southwestern portion of the City of Baltimore. This proposed redevelopment is in an Intensely Developed Area and will impact 9, 200 square feet within the Critical Area. The interchange construction project includes:

1. Reconstruction of the southbound on-and off ramps from MD 295\Russell Street to Annapolis Road. The on-ramp will be in the same location and the off-ramp will be relocated 900 feet to the south;
2. Rehabilitation of the abandoned Baltimore and Annapolis (B & A Railroad\tunnel) by widening and repaving the Annapolis Road; and,
3. Replacement of the Waterview Avenue Bridge over MD 295\Russell.

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Continued, Page Two
Annapolis Road\Waterview Avenue
Interchange Project
March 13, 2002

The City's Public Works Department will be responsible for overseeing the reconstruction and rehabilitation of the project. This office does not oppose the redevelopment and rehabilitation of the Annapolis Road\Waterview Avenue Interchange at MD 295. If any vegetation is removed within the Critical Area, the City must replace the vegetation on a 1:1 ratio with native species. It appears from the City's Critical Area maps that there are no impacts to wetlands and threatened and endangered species.

This office also needs the 10% calculations. When they are available, please forward a copy to this office for review. If there are any questions, please feel free to call me at (410) 260 - 3483.

Sincerely,



Dawnn McCleary
Natural Resources Planner

cc: David Feske
Regina Esslinger
BA General File

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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

March 12, 2002

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

RE: Smith Landing Project
Local Case Number: Po2-037

Dear Ms. Gleisner:

Thank you for submitting a revised site plan showing that the proposed mobile home subdivision has been changed to a 32 lot individual single family home subdivision. As stated in my previous letter dated July 10, 2000, this office still needs a letter from the Department of Natural Resources Heritage Division to determine whether threatened and endangered species are in the area. This office also needs the 10 % calculations to satisfy the IDA requirements. When this information is available, please forward it to this office for review. I will provide additional comments. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

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

Dawnn McCleary
Natural Resources Planner

cc: Pat Pudelkelwicz
Regina Esslinger
HC 341-00

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

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Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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

March 7, 2002

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

RE: Annapolis SPCA Special Exception
1815 Bay Ridge Avenue

Dear Mr. Scott:

This office has reviewed the revised site plan in which the applicant is proposing to redevelop an existing animal shelter by expanding one existing building and adding new paving in various areas.

Since the entire site is in the Critical Area, the "City of Annapolis Reforestation" section and the "Forest Conservation Area" section are not needed. Also, change all references on the site plan from "Reforestation Requirements" to "Critical Area mitigation requirements".

This office understands that the City requires mitigation for an additional 15 feet beyond the clearing line. Therefore, the 0.11 acres of mitigation that the City requires plus the 0.21 acres of Critical Area mitigation totaling 0.32 acres should be reflected in one chart.

Please change all references to the "Forest Conservation Planting Easement" on Sheet 2 of 4 to "Critical Area Mitigation Areas", if the "Forest Conservation Planting Easement" areas on the site plan are for Critical Area mitigation.

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Continued, Page Two
SPCA Special Exception
March 7, 2002

Please forward a revised site plan with the additional information. I will provide comments at that time. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,



Dawnn McCleary
Natural Resources Planner

cc: Tom Smith
Regina Esslinger
An 431-01

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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

February 27, 2002

Mr. Dirk Geratz
Urban Design Planner
City of Annapolis Planning and Zoning
160 Duke of Gloucester Street
Annapolis, Maryland 21401

RE: Anderson Residence

Dear Mr. Geratz:

This office has reviewed the applicant's proposal to enclose an existing deck with a screened porch and build a new stone terrace 10-feet from the water and within the 100-foot Buffer. It appears that the property is in an Intensely Developed Area and is located in a Buffer Exemption Area. After reviewing the site plan, this office does not oppose enclosing the deck with a screened porch because it is consistent with City's Buffer Exemption Area provisions. Therefore, no variance is required for the enclosed screened porch.

The proposed new stone terrace must also meet the BEA setback requirements. If the stone terrace goes beyond the City's setback requirements, the applicant will need a variance. This office will not support a variance to build a stone terrace beyond the setback requirements because there is an existing porch which will be enclosed and a deck, providing the same amenities. Findings must be made to demonstrate the applicant's ability to meet the standards, especially the standards of unwarranted hardship. (See Section 21.67.150 of the City's Critical Area ordinance) This office does not believe that the variance standards can be met concerning the proposed stone terrace 10-feet from the water.

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Continued, Page Two
Anderson Property
February 27, 2002

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

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Jon Arason
Regina Esslinger
AN 693-02

See copy of Plan in General file

MEMORANDUM

RECEIVED

FEB 7 2002

CHESAPEAKE BAY
CRITICAL AREA COMMISSION

TO: Ray Dintaman (ER and FS)
✓ Regina Esslinger (CBCAC)
Tim Lamey (WHS)
Marian Honecny (FORS)
Arnold Norden (LWCS)

FROM: Diane R. Evans *DR E*
EBPGM

DATE: February 5, 2002

RE: Local Plan Review – Draft of 2001 Joppa/Joppatowne Community Plan for Harford County, Maryland

The Harford County Department of Planning and Zoning has submitted a draft of their 2001 Community Plan for Joppa/Joppatowne for our review and comment. It would be appreciated if you would review their plan for a determination of consistency within your Department's plans and programs. A copy of the document is available in my office on E-2. If you have technical questions, please call me at 410-260-8722.

In order to facilitate DNR's response to this request, please submit your comments to me no later than Wednesday, February 20, 2002.

CHECK ONE, INITIAL AND DATE

CHECK

INITIAL

DATE

The plan does not conflict with the plans, programs or objectives of this agency.

✓

Dm

2/21/02

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

The plan conflicts with this agency's plans, programs or objectives for the reasons indicated on the attachment.

Thank you for your assistance with this matter.

Judge John C. North, II
Chairman



Ren Serey
Executive 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 21, 2002

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

RE: Annapolis Water Reclamation Facility
Special Exception Application: S.E. 2001-9-508

Dear Mr. Scott:

This office has received the special exception application to expand and upgrade the existing facility for the Annapolis Water Reclamation Facility. Based on the information, this office does not oppose the special exception.

This office has reviewed the revised Critical Area report to the "Proposed Conditions and Calculations" section. This office understands that there is no existing impervious surface in the Limited Development Area, with the applicant proposing 13,068 square feet (9.375%) of new impervious surface. Based on this information, the new impervious coverage is within the impervious surface limit of 15%.

After reviewing the development within the IDA part of the site plan, this office does not oppose the proposed chlorine contact tank No.1, however, the 10% calculations must be submitted to satisfy the IDA requirements. When the calculations have been completed, please forward Worksheet A them to this office for review. I will provide comments at that time.

This office understands that since there is no place to mitigate on site for the proposed tree clearing, fees-in-lieu for the area cleared is proposed. Since the clearing will exceed 30% of the area, the mitigation ratio is 3:1.

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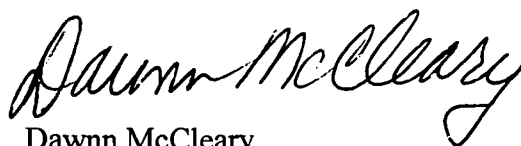
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Continued, Page Two
Annapolis Water Reclamation Project
February 21, 2002

According to my calculations, the total number of trees to be replaced are: 167 (tree replacement) x \$200.00 (County estimate for a 2" diameter) x 3 (ratio for replacement as per Section 17.09.080 C(5) of City Code) = \$100,200 for the proposed fee-in-lieu. This office is available to assist City staff in looking for places to plant trees.

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

Sincerely,



Dawnn McCleary
Natural Resources Planner

cc: Marc Drainville
Jackie Rouse
Regina Esslinger
AN 569-02



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION
1804 West Street, Suite 100, Annapolis, Maryland 21401
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February 21, 2002

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

RE: Michael Price and Mary Frampton
02-06V

Dear Ms. Schmick:

Thank you for providing information on the above variance application. The applicant is proposing to construct a 20 x 22 (440 square feet) room addition in the 100-foot Buffer. The property is 7 acres in size and is designated a Limited Development Area. After reviewing the site plan, this office does not oppose the variance application. Because the addition is in the Buffer, this office recommends that the area disturbed be mitigated at a 3:1 ratio with native plantings, on site if possible.

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

Sincerely,

Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
CR 90-02

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

CLEARINGHOUSE REVIEW

February 7, 2002

RECEIVED

FEB 14 2002

CHESAPEAKE BAY
CRITICAL AREA COMMISSION

TO: Arnold Norden, Greenways and Resources Planning (E-4)
Glenn Therres, Wildlife (E-1)
Robert Beckett, State Forest and Park Service (E-3)
John Rhoads, Natural Resources Police (E-3)
Ray Dintaman, Environmental Review (B-3)
Matthew Fleming, Education, Bay Policy & Growth Mgmt (E-2)
Marian Honecny, Forestry (E-1)
Bill Hodges, Resource Assessment Services (B-3)
Regina Esslinger, Crit. Area Cmsn. (1804 West St., Suite 100, Annap., 21401)

FROM: *J.W.P.* James W. Price, Director, Program Open Space

SUBJ: DNR Clearinghouse Review of Local POS Project #4100-12-189
Twin Oaks, Maxa Woods Acquisition, the City of Aberdeen, Harford County

This project proposes to acquire one residential lot consisting of .39± acres located in the Maxa Woods, Twin Oaks subdivision. In addition to the property providing recreational opportunities, this acquisition will protect a 100-year old oak tree.

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

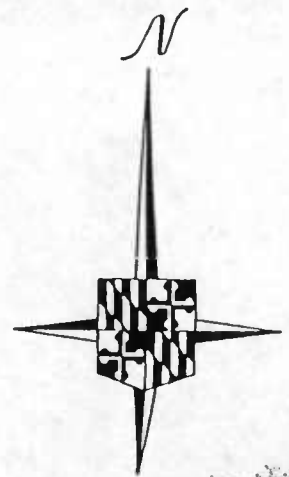
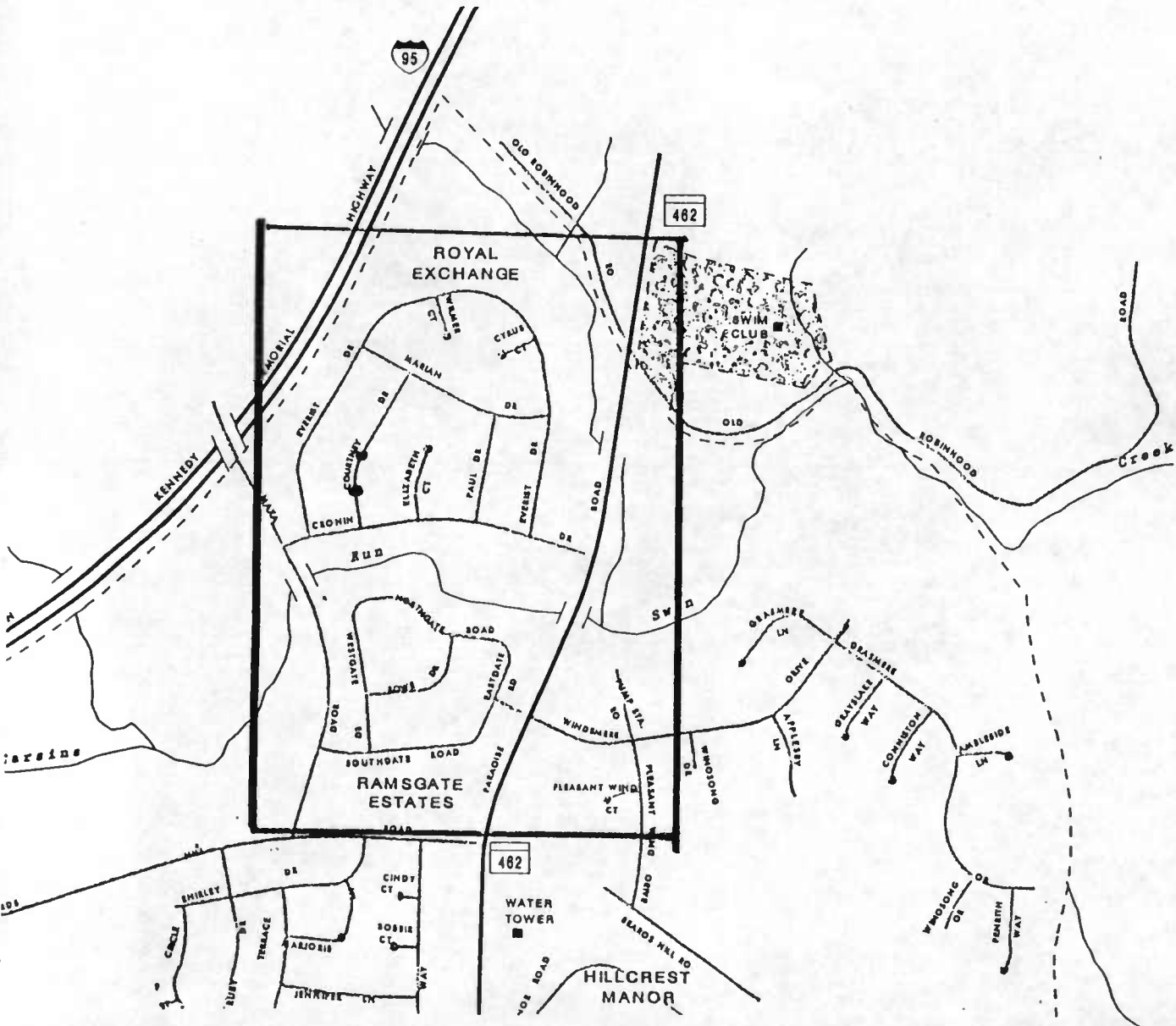
CHECK

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|---|-------------------------------------|-------------------|
| 1. The project does not conflict with the plans, programs or objectives of this Agency. | <input checked="" type="checkbox"/> | <i>Dm 2/20/02</i> |
| 2. The project does not conflict with this Agency's plans, programs or objectives, but the attached comments are submitted for consideration. | <input type="checkbox"/> | _____ |
| 3. The project conflicts with this Agency's plans, programs or objectives for the reasons indicated on the attachment. | <input type="checkbox"/> | _____ |

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

Attachment



Attachment #2



MAP 202
P/O P 34

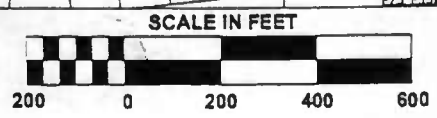
M 202
P/O
P 37

MAP 202
P/O P 61

M 202
P/C
P 2636

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Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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

February 14, 2002

Mr. Joseph Kocy
Harford County Planning and Zoning
220 South Main Street
Bel Air, Maryland 21014

RE: Harford County Comprehensive Review
Amendment for Bills 01-35 & 01-36 Refinement

Dear Mr. Kocy:

On February 6, 2002, the Chesapeake Bay Critical Area Commission concurred with the Chairman's determination that a minor amendment to Bill 01-35 was a refinement to Harford County's Chesapeake Bay Critical Area program, and was approved

The change clarifies the application of the pollutant reduction requirements in the Intensely Developed Areas. The clarification specifies that the 10% Rule applies to the construction of accessory structures and minor additions that disturb greater than 250 square feet and result in permanent construction of an improved surface area greater than 250 square feet.

In accordance with §8-1809(p)(4), please incorporate the refinement into the Harford County Program within 120 days of the date of this letter. Please provide two copies of all required documents or revised pages to Commission staff as soon as they are available.

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

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

Continued, Page Two
Harford County Comprehensive
Review Refinement
February 14, 2002

Finally, Critical Area staff would like to thank Janet Gleisner for all her help and patience in getting this change approved. If you have any questions, please feel free to call me at (410) 260-3483.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Pat Pudelkewicz
Janet Gleisner
Ren Serey
Mary Owens
Amendment File

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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

February 8, 2002

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

RE: Annapolis WRF Expansion
Edgewood Road

Dear Mr. Scott:

The purpose of this letter is to respond to the February 4, 2002 letter from Mr. Marc Drainville of Stearns and Wheler. The letter outlined in detail why the ponds at this Water Reclamation Facility (WRF) should be considered pervious. Based on the information in the letter, this office has determined that the new emergency holding pond at the WRF can be considered pervious. The holding ponds will collect and store rainwater in which the rainwater will either evaporate or be retreated through the plant's treatment process.

This office understands that the consultant will revise the "Proposed Conditions and Calculations" section in the WRF Critical Area report and send our office a revised copy for review and comments. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Marc Drainville
Jackie Rouse
Regina Esslinger
AN 569-02

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

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

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Chairman



Ren Serey
Executive Director

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, 2002

Mr. Dirk Geratz
Urban Design Planner
City of Annapolis Planning and Zoning
160 Duke of Gloucester Street
Annapolis, Maryland 21401

RE: Special Exception
Bates High School Redevelopment Project

Dear Mr. Geratz:

This office has reviewed the applicant's request for a special exception. In order to complete our review, this office needs to know from the City what the special exception request is for.

After reviewing the site plan, this office understands that the applicant is proposing to redevelop the existing Wiley Bates High School into an institution for the aged. It appears on the site plan that the applicant is proposing to rehabilitate an existing building, build two parking lots, and build a courtyard and garden. This office does not oppose the proposed project, but in order for this office to complete its review, the following information is needed:


1. The total amount of acres in the Critical Area, Intensely Developed Area (IDA), Limited Developed Area (LDA) and Resource Conservation Area (RCA);
2. The existing and proposed impervious surfaces in each designation (e.g. IDA, LDA, RCA);
3. The Critical Area line and IDA, LDA and RCA line on the proposed site plan; and,
4. The 10 % pollutant reduction calculations for development in the Intensely Developed Area by providing Worksheet A and the type of bioretention being proposed.

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

Continued, Page Two
Special Exception for Bates High School
Redevelopment Project
February 8, 2002

Is the City of Annapolis the applicant for this project? If so, this project will fall under our COMAR 27.02.02 and will require consistency review. Please forward the above information to our office for review. I will provide comments at that time. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Jon Arason
Regina Esslinger
AN 46-02

Judge John C. North, II
Chairman



Ren Serey
Executive 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, 2002

Mr. Dirk Geratz
Urban Design Planner
City of Annapolis Planning and Zoning
160 Duke of Gloucester Street
Annapolis, Maryland 21401

RE: Minor Subdivision
Kosmas Property
Chester Avenue

Dear Mr. Geratz:

This office has reviewed the applicant's proposal to subdivide an existing lot into two additional lots, totaling three lots. The existing lot is currently 0.733 acres in size, designated an Intensely Developed Area and is within a Buffer Exemption Area. The site plan shows that the applicant is creating two lots in which Lot 2 will fall entirely within the 100-foot Buffer and Lot 3 will fall partially within the 100-foot Buffer. After reviewing the minor subdivision, the City's code in Section 21.67.065 of the City's Buffer Exemption Area (BEA) requirement states that:

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

Based on the above information, this office cannot support the creation of Lots 2 and 3 because the proposed lot creation is not consistent with the City's BEA provisions.


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Continued, Page Two
Subdivision for Kosmas Property
February 8, 2002

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

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Jon Arason
Regina Esslinger
AN 48-02



Judge John C. North, II
Chairman

Ren Serey
Executive 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, 2002

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

RE: 2906-2910 Pulaski Highway
Local Case Number: 02-010

Dear Ms. Gleisner:

This office has reviewed the applicant's proposal to remove an existing 2,720 square foot building and replace it with an one story 11,083 square foot steel fabrication building. The proposed project is on an existing 1.667 acre site and is within an Intensely Developed Area. After reviewing the above site plan, this office does not oppose the proposed project, however, the 10 % calculations must be submitted to satisfy the IDA requirements. When the 10% calculations have been completed, please forward them to this office for review. I will provide comment at that time. If there are any questions, please feel free to call me.

Sincerely,

Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
HC 51-02

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



Judge John C. North, II
Chairman

Ren Serey
Executive 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 29, 2002

Mr. Duncan Stuart
Environmental Planner
Baltimore City Department of Planning
Baltimore, Maryland 21202

RE: U.S. Gypsum Company
Critical Area Buffer Mitigation Plan

Dear Mr. Stuart:

This office has received the revised Buffer mitigation plan dated January 2002 from the consultant. According to the site plan, the consultant was able to provide the required mitigation for the Buffer impacts. The applicant is required to mitigate 66,502 square feet. After reviewing the revised site plan showing the seven (7) mitigation areas and its proposed planting, this office does not oppose this project. The proposed re-development, 10% calculations and Buffer mitigation are consistent with the local Critical Area Program. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
Claudia Jones
BA 62-96

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

Judge John C. North, II
Chairman



Ren Serey
Executive 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, 2002

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

RE: Thames Street Garage & Wrapper Buildings
Fells Landing: Parcel D on 1500-1528 Thames Street

Dear Mr. Stuart:

This office has reviewed the applicant's proposal to build a four story residential building, a five story mixed-use, which includes residential and retail and a 750-space garage. The total site area consists of approximately 1.4378 acres and is in the Intensely Developed Area. The entire site exists as a surface parking lot. The proposed development activity will eliminate 19,600 square feet of parking spaces. Critical Area staff understands that there is a reduction of 0.02 acres or 875 square feet of impervious surface which will be replaced by a grassed area.

After reviewing the site plans, this office does not oppose the re-development of this site. The applicant has no area on site to mitigate and had offered to pay an offset fee. The site plan and 10% calculations are correct and consistent with the City's Critical Area program. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in black ink that reads "Dawnn McCleary".

Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
BA 688-01

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

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Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

January 23, 2002

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

RE: Lombard Garage Project
204-212 East Lombard Street

Dear Mr. Stuart:

This office has reviewed the applicant's proposal to build a new garage building. After reviewing the revised site plan and consulting with STV, Inc, this office has determined that the proposed underground sandfilter is considered an acceptable best management practice (BMP) in accordance with the Maryland Department of the Environment's 2000 Stormwater Manual. Therefore, the proposed redevelopment activity and 10 % calculations are correct and consistent with the local Critical Area Program.

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

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
BA 659-01

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

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

January 22, 2002

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

RE: Fells Landing Consistency Report
1400-1411 Thames Street

Dear Mr. Stuart:

Thank you for providing "Notification of Certification" that the above project is consistent with the City of Baltimore's Critical Area Program. As per our phone conversation in early January, 2002, your office informed us that the applicant awarded the Transportation Enhancement Program (TEP) funds is the Department of Public Works for Baltimore City. Critical Area staff understands that the Department of Public Works is proposing with TEP funds to extend the pedestrian waterfront promenade in the Fells Point area around the Baltimore Harbor. Critical Area staff understands that the promenade project is part of the Fells Landing mixed-use project. The proposed promenade extension will add 1,400 feet to the public promenade, and will connect two existing sections, located at Brown's Wharf to the east and the Living Classroom's Maritime Museum site to the west.

Critical Area Commission staff also understands:

1. That the proposed promenade will be located along the waterfront within the Intensely Developed Area;
2. That there is no existing forest or significant vegetation in the area;
3. That other parts of the mixed-use project includes a landscape urban park;
4. That the existing, failing bulkhead with a relieving platform structure will be replaced; and,

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Continued, Page Two
Fells Landing Consistency Report
January 22, 2002

5. That the design will be consistent with the City's promenade plan and the Fells Point Urban Renewal Plan.

The City is requesting that the best management practice (BMP) methodology under the 10% Rule for Pollutant Reduction for phosphorous loading for the promenade be postponed until the entire site design has been completed and submitted. According to the City, the site BMP is to take into account the promenade. The City hereby agrees that no building permit for 1401-1411 Thames Street will be issued until the BMP requirements for the 10 % Pollutant Reduction has been approved by the City Critical Area staff. Critical Area Commission staff concurs with this request.

As stated in the City's current Critical Area Program, this office understands that "the portion of any site which has been dedicated for the public pedestrian promenade or access to the promenade will be excluded when calculating the net Buffer land area for a given development site". (*See City's Critical Area Program, Section III, Development Requirements, Letter D (1)(b)*).

This office does not oppose the proposed development activity, but this project will need to meet Army Corps of Engineers and the Maryland Department of the Environment permitting requirements. These requirements must be consistent with the Critical Area provisions of the City's program.

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

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

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Sue Williams
Regina Esslinger
BA 689-01

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 22, 2002

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

RE: North Shore@ Canton Revised Project
Case Number: 000881

Dear Mr. Stuart:

This office has reviewed the applicant's proposal to build 64 townhouse condominiums instead of the two seven story retail\office buildings. After reviewing the site plan and 10% calculations, this office does not oppose this project. The proposed re-development activity and 10% calculations are correct and consistent with the local Critical Area Program.

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

Sincerely,

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

Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
BA 41-01

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

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Chairman

Ren Serey
Executive Director

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

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January 22, 2002

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

RE: Swann's Point Promenade
Consistency Report - 951 Fell Street

Dear Mr. Stuart:

Thank you for providing "Notification of Certification" that the above project is consistent with the City of Baltimore's Critical Area Program. As per our phone conversation in early January 2002, your office informed us that the applicant, awarded the Transportation Enhancement Program (TEP) funds is the Department of Public Works for Baltimore City. Critical Area understands that the Dept. of Public Works is proposing with TEP funds to extend the Pedestrian Waterfront Promenade in Swann's Point mixed-use project proposed. The proposed promenade extension will add approximately 700 feet to the promenade and will extend the existing section at 1001 Fell Street. The end of the promenade will allow for a future connection along the adjacent property to the north.

Critical Area Commission staff also understands:

1. That the proposed promenade will be located along the waterfront within Intensely Developed Area;
2. That there is no existing forest or significant vegetation in the area;
3. That other parts of the mixed-use project includes a landscape urban park; and,

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

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Continued, Page Two
Swann's Point Consistency Report
January 22, 2002

4. That the promenade will have several streetscape features which will allow for docking private recreational boats, existing and commercial centers, and residential neighborhoods.

The City is also requesting that the Best Management Practice (BMP) methodology under the 10% Rule for Pollutant Reduction for Phosphorus loading for the promenade be postponed until the entire site design has been completed and submitted. The City hereby agrees that no building permit for 951 Fell Street will be issued until the BMP requirements for the 10% Pollutant Reduction has been approved by the City Critical Area Commission staff. Critical Area Commission staff concurs with this request.

As stated in the City's Critical Area Program, this office understands that "the portion of any site which has been dedicated for the public pedestrian promenade or access to the promenade will be excluded when calculating the net Buffer land area for a given development site". (*See City's Critical Area Program, Section III, Development Requirements, Letter D (1)(b)*).

This office does not oppose the proposed development activity, but this project will need to meet Army Corps of Engineers and Maryland Department of the Environment permitting requirements. These requirements must be consistent with the Critical Area provisions of the City's program.

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

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

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Sue Williams
Regina Esslinger
BA 672-01



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 22, 2002

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

RE: Fells Landing Consistency Report
1400-1411 Thames Street

Dear Mr. Stuart:

Thank you for providing "Notification of Certification" that the above project is consistent with the City of Baltimore's Critical Area Program. As per our phone conversation in early January, 2002, your office informed us that the applicant awarded the Transportation Enhancement Program (TEP) funds is the Department of Public Works for Baltimore City. Critical Area staff understands that the Department of Public Works is proposing with TEP funds to extend the pedestrian waterfront promenade in the Fells Point area around the Baltimore Harbor. Critical Area staff understands that the promenade project is part of the Fells Landing mixed-use project. The proposed promenade extension will add 1,400 feet to the public promenade, and will connect two existing sections, located at Brown's Wharf to the east and the Living Classroom's Maritime Museum site to the west.

Critical Area Commission staff also understands:

1. That the proposed promenade will be located along the waterfront within the Intensely Developed Area;
2. That there is no existing forest or significant vegetation in the area;
3. That other parts of the mixed-use project includes a landscape urban park;
4. That the existing, failing bulkhead with a relieving platform structure will be replaced; and,

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

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

Continued, Page Two
Fells Landing Consistency Report
January 22, 2002

5. That the design will be consistent with the City's promenade plan and the Fells Point Urban Renewal Plan.

The City is requesting that the best management practice (BMP) methodology under the 10% Rule for Pollutant Reduction for phosphorous loading for the promenade be postponed until the entire site design has been completed and submitted. According to the City, the site BMP is to take into account the promenade. The City hereby agrees that no building permit for 1401-1411 Thames Street will be issued until the BMP requirements for the 10 % Pollutant Reduction has been approved by the City Critical Area staff. Critical Area Commission staff concurs with this request.

As stated in the City's current Critical Area Program, this office understands that "the portion of any site which has been dedicated for the public pedestrian promenade or access to the promenade will be excluded when calculating the net Buffer land area for a given development site". (*See City's Critical Area Program, Section III, Development Requirements, Letter D (1)(b)*).

This office does not oppose the proposed development activity, but this project will need to meet Army Corps of Engineers and the Maryland Department of the Environment permitting requirements. These requirements must be consistent with the Critical Area provisions of the City's program.

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

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

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Sue Williams
Regina Esslinger
BA 689-01



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, 2002

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

RE: Maryland Port Administration
World Trade Center Brick Pedestrian Walkway
200260987\02-PR-0825

Dear Mr. Cuthbertson:

Thank you for the opportunity to review the proposed above project. This office understands that there is a proposal to construct a 55- foot long by 30 to 60-foot wide concrete and brick pedestrian walkway. The walkway will be within a maximum of 120 feet channelward of the mean high water line. The purpose of this project is for the security of the World Trade Center.

Since the proposed activity will take place in the Critical Area, the development activity will need Critical Area review. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

Dawnn McCleary
Natural Resources Planner

cc: Mike Hild
Ren Serey
Regina Esslinger
BA ACOE File

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

TTY For The Deaf:
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Judge John C. North, II
Chairman

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Executive Director

STATE OF MARYLAND
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January 14, 2002

Mr. Michael Hild
Chief Engineer
Engineering Division
Maryland Port Administration
2310 Broening Highway, Suite 220
Baltimore, Maryland 21224

RE: Dundalk Marine Terminal
Shed 5B Construction\Area 600 Surcharge
and Reconstruction of Berths 5 and 6

Dear Mr. Hild:

On January 9, 2002, the Chesapeake Bay Critical Area Commission unanimously approved with conditions the Maryland Port Administration's (MPA) proposals for the construction of Shed 5B in Area 500, the moving of surcharged soils from Area 500 to Area 600, and the reconstruction of Berths 5 and 6.

For Berths 5 and 6, the MPA is proposing to replace the existing wharf structure and utilities with a new wharf structure and utilities. The width of the proposed new structure will be increased by 30 feet to 74 feet wide, will be supported on concrete piles, and will consist of a low level concrete deck with approximately 3.5 feet of fill and asphalt pavement. The Commission understands that Berths 5 and 6 are the first of a three-phase effort to reconstruct all six berths at the Dundalk Marine Terminal. The first phase of construction involving 1,300 linear feet of Berths 5 and 6 expansion is scheduled to start in the early part of year 2002.

The conditions that the Commission approved for Shed 5B and Berths 5 and 6 are:

- 1) That all required Maryland Department of the Environment permits be obtained prior to any construction;

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*Continued, Page Two
Dundalk Marine Terminal
Shed 5B\Area 600 surcharge
& Reconstruction of Berths 5 and 6
January 14, 2002*

- 2) That MPA revise the 10% calculations for approval by Commission staff; and,
- 3) That the Commission staff continues to work with MPA on the proposed offsets to meet the 10 % pollutant reduction requirements.

Commission staff will report back to the Commission within 60 days regarding the suitability of the proposed offsets to meet the pollutant removal requirements. Our office is looking forward to meeting with your staff and consultants to visit the proposed mitigation sites to determine the degree to which the sites are currently degraded and the effectiveness of the proposed restoration strategy. If there are any questions, please do not hesitate to call me at (410) 260-3483.

Sincerely,



Dawnn McCleary
Natural Resources Planner

cc: K. Nedilsky
P. Vasanth
Ren Serey
Regina Esslinger
State File: 41-01

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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January 14, 2002

Mr. Joseph Kocy
Director
Harford County Dept. of Planning and Zoning
220 South Main Street
Bel Air, Maryland 21014

RE: Bills 01-35 and 01-36 for
Refinement Request

Dear Mr. Kocy:

Thank you for providing information regarding a change to Harford County's Critical Area Program. On December 18, 2001, the Harford County Council approved Bills 01-35 and 01-36. This legislation addresses the conditions established by the Critical Area Commission as part of the approval of Harford County's Comprehensive Review.

Based on the information provided by the County, this office understands that there was one change to the conditions established by the Commission. This language change was in Section 267-41.1F(3)(a)(2) of the Harford County Development Code. This revision to Bill 01-35 was reviewed and approved by Commission staff prior to approval by the County Council.

Staff has determined that the information you have submitted is complete. Chairman North will make refinement determination and this matter will be scheduled for presentation in front of the full Critical Area Commission at their regular meeting on February 6, 2002. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

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

Dawnn McCleary
Natural Resources Planner

cc: Janet Gleisner
Pat Pudelkiwicz
Mary Owens
Amendment File

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CHESAPEAKE BAY CRITICAL AREA COMMISSION

STAFF REPORT

January 9, 2002

APPLICANT: Maryland Port Administration (MPA)

PROPOSAL: Dundalk Marine Terminal:
Shed 5B Construction and Area 600 Surcharge
Reconstruction of Berths 5 and 6

JURISDICTION: Baltimore City

COMMISSION ACTION: Vote

STAFF RECOMMENDATION: Approval with Conditions

STAFF: Dawnn McCleary

**APPLICABLE LAW/
REGULATIONS:** COMAR 27.02.05 - State Agency Actions Resulting in
Development on State-Owned Lands

DISCUSSION:

The project site is located on the Patapsco River in the southeast sector of Baltimore City at the Maryland Port Administration's Dundalk Marine Terminal off of Broening Highway. The Maryland Port Administration is proposing two development projects within the Critical Area and the 100-foot Buffer.

Shed 5B Construction and Area 600 Surcharge

1. Area 500 at the Dundalk Marine Terminal contains approximately 45,000 cubic yards of surcharged material that was placed on the formerly paved cargo storage lot. After two years of surcharging, the soils beneath this lot have been properly consolidated and primed for the development of the Forest Products handling facility. The proposed work consists of the following elements:
2. Construction of a 110,000 square foot single-story, pre-engineered metal building with a concrete pile foundation and associated concrete end ramps; a 15,000 square foot truck loading area canopy; a 2,200 square foot truck loading area canopy, and 10,300 square feet of rail loading dock at Area 500.

3. Demolition and removal of an existing electrical substation and miscellaneous site utilities and structures.
4. Site work associated with the installation of underground utilities including electric power and communications duct bank, electrical switchgear and transformer, domestic and fire supply water mains, sanitary gravity and force main, sanitary ejector pit, and storm sewer; and the installation of protective concrete bollards, bituminous concrete paving, and approximately 3,895 track feet rail siding with rail stops and traffic signals;
5. Site demolition at Area 600, in preparation for the associated relocation of temporary surcharge from Area 500 to Area 600.
6. Incidental related utility work necessary to integrate new power, lighting, ventilation and fire protection systems into existing systems at Dundalk Marine Terminal.

Reconstruction of Berths 5 and 6

Berths 2 through 6 were constructed in the late 1920's to early 1930's and were rehabilitated in the 1960's. Berth 1 was constructed in the late 1960's. The 41-foot wide wharf structure is supported on timber piles and consists of a low level deck with approximately 6 feet of fill and hot mix asphalt pavement. Berths 1 through 6 consist of approximately 3,800 linear feet of marginal bulkhead wharf long Colgate Creek. Berths 1, 2, and 3 are primarily used for loading and unloading of roll-on/roll-off cargo such as automobiles whereas Berths 4, 5, and 6 are used primarily to handle "breakbulk" cargo such as paper rolls. The Cruise Terminal is also located at Berth 5.

The proposed work consists of replacement of the existing wharf structure and utilities in the area with a new wharf structure and utilities. The new wharf structure will accommodate bigger ships because the wharfside channel depth will be increased and the live load capacity of the wharf structure will be increased from 600 pounds per square foot to 1000 pounds per square foot. The width of the proposed structure will be increased by 30 feet to 74-feet wide, will be supported on concrete piles, and will consist of a low level concrete deck with approximately 3.5 feet of fill and asphalt pavement.

This project is the first phase of a three phase effort to reconstruct all six berths at the Dundalk Marine Terminal. The construction will be accomplished two berths at a time starting from the south corner of Berths 6. The first phase of construction involving 1,300 linear feet of Berths 5 and 6 is scheduled to start in the early part of year 2002.

10 % Pollution Reduction Requirements For Stormwater

This fall, Commission staff met with representatives from the Maryland Port Administration (MPA) to discuss the MPA's problems with compliance with the 10% pollutant removal requirement by constructing best management practices (BMPs) on-site. After much discussion Commission staff agreed that at the Dundalk Marine Terminal, the use of on-site BMPs for 10% Rule compliance is generally not feasible for the following reasons:

1. The dynamics of the marine terminal are such that the land is in a constant state of change based upon tenant needs. This makes the location of permanent on-site BMPs impractical.
2. Surface BMPs generally require too much leasable space, effectively making them too costly to construct in terms of lost State revenues.
3. The subsoils at the site contain chromium ore contamination, and disturbance and excavation should be minimized.
4. Underground structural BMPs are subjected to extremely heavy wheel loads, often in excess of 100 kips. These loads make it prohibitively expensive to construct an underground BMP.
5. Soils at the Dundalk Marine Terminal are extremely compacted underneath the impervious paving, making the use of infiltration-type stormwater systems unfeasible.

Commission staff also discussed the inherent problems with the constant redevelopment of various portions of the site and continued compliance with the 10% pollutant reduction requirement. It was agreed that for this project and future projects, the MPA would address the project area (i.e. Area 500, Area 300, etc.) and would perform the calculations based on a post-development condition of 100% imperviousness. The MPA would then address the resulting pollutant load, most likely through the use of offsets or off-site BMPs. If the Area is redeveloped in the future, additional compliance with the 10% pollutant reduction requirement would not be necessary because the site would already be considered 100% impervious and would be determined to have already met the requirement during the previous redevelopment.

The applicant has completed the 10% Rule worksheets for both projects and determined that the total pollutant load that needs to be removed is 7.027 pounds with 3.97 pounds of phosphorus removal for Shed 5B and 3.12 pounds of phosphorus removal for Berths 5 and 6.

Earlier this year, the Critical Area staff was asked to approve MPA's request to bank and apply one pound of phosphorus removed towards future projects. The one-pound credit was left over from the Colgate Creek Shoreline Protection Project that the Commission approved back in July 2001. The Critical Area staff and Commission agreed that MPA could bank the one-pound of phosphorus for future projects in the Critical Area at the port. It was also agreed that when a project was selected, MPA would notify Critical Area staff that they intended to use the one pound credit for pollutant reduction.

After deducting the one-pound credit, the total remaining removal requirement for both projects is 6.09 pounds of phosphorus. The MPA would like to address this removal requirement through two offset projects involving marsh restoration and intertidal wetland plantings at Fleming Park and North Point State Park, which are located in Baltimore County. The Commission's Applicant's Guide to 10% Rule Compliance contains a list of acceptable offset options that includes the restoration of a degraded tidal or non-tidal wetland that has been disturbed by previous urban or agricultural drainage activity. The restoration may be accomplished through removal of fill, restoration of original water circulation patterns, and marsh plantings. The applicant has submitted some preliminary calculations relating the

offset projects to the outstanding phosphorous removal requirement; however, the calculations need some revisions. Commission staff also would like to visit the proposed mitigation sites to determine the degree to which the sites are currently degraded and the effectiveness of the proposed restoration strategy.

Commission staff recommends approval of Shed 5B Construction and Area 600 Surcharge and the Reconstruction of Berths 5 and 6 with the following conditions:

1. That all required Maryland Department of the Environment permits be obtained prior to any construction;
2. That Commission staff continue to work with MPA staff on the proposed offsets to meet the 10% pollutant reduction requirement. Commission staff will report back to the Commission within 60 days regarding the suitability of the proposed offsets to meet the pollutant removal requirement.



Judge John C. North, II
Chairman

Ren Serey
Executive 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, 2002

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

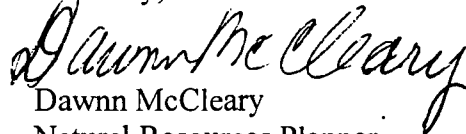
RE: Hobleman Port Services Project
Chesapeake Avenue

Dear Mr. Stuart:

This office has reviewed the applicant's proposal to build a 45,000 square feet building, re-condition the entire existing paved areas and build and treat the site with a very large sediment basin trap within the 100-foot Buffer. The entire site is approximately 25.36 acres and is in an Intensely Developed Area. The proposed impervious surface will be slightly less than the existing impervious surface.

After reviewing the site plan and the additional information you e-mailed to me about the proposed large sediment basin trap as a Best Management Practice, this office does not oppose the development plan. The proposed re-development and the 10 % calculations are correct and consistent with the local Critical Area Program. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Ren Serey
Regina Esslinger ✓
BA 642-01

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January 8, 2002

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

RE: Lombard Garage Project
204-212 East Lombard Street

Dear Mr. Stuart:

The applicant is proposing to remove existing building and construct a new garage building. The total site area consists of approximately 0.482 acres or 20,996 square feet. Under the existing and proposed conditions, the site is covered with 100 % of impervious surface (roofs and sidewalks). Under the proposed conditions, the same impervious surface will be maintained. The total 0.482 acres of the site is in the Intensely Developed Area.

After reviewing the site plans, this office does not oppose the re-development of this site. However, we would like to know whether the "Sandfilter" in the site plan is consistent with the sandfilter in the Maryland Department of the Environment's 2000 Stormwater Manual. The only sandfilter that uses an efficiency removal of 40% is the "Pocket Sandfilter". Where in MDE's manual is the proposed sandfilter that is currently on the site plan? Please forward this information as soon as possible. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

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

Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
Ren Serey
BA 659-01

Branch Office: 31 Creamery Lane, Easton, MD 21601
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Chairman



Ren Serey
Executive Director

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

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January 7, 2002

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

RE: Gwynn's Fall Trail Consistency Report
Carroll Park and Washington Blvd.

Dear Mr. Stuart:

Before the Critical Area Commission staff can determine that the above project is consistent with COMAR 27.02.02, Worksheet A, Step 5 of the 10% calculations and the Buffer mitigation requirements must be resolved.

The proposed Buffer disturbance for this project is 21,719 square feet. Since the disturbance is in the Buffer, mitigation should be at 3:1 for the area disturbed for a total of 63,837 square feet. It is our understanding that the City is proposing several ways to meet the mitigation requirements:

- To establish a no-mow zone between the trail and the stream in an area that is currently being mowed. The amount of area that is to be left un-mowed needs to be determined. This area can be deducted in its entirety from the mitigation amount.
- To fix erosion problems along two areas of the trail. The City needs to describe how the erosion problems will be rectified and propose an amount to be subtracted from the mitigation requirements.
- To re-establish the Buffer at the Maisel Street site. It is our understanding that the City proposes to do the remaining mitigation for the Gwynn's Falls Trail at the Maisel Street site.

Please let us know if our understanding of what is proposed for Buffer mitigation is correct and provide additional information as indicated above.

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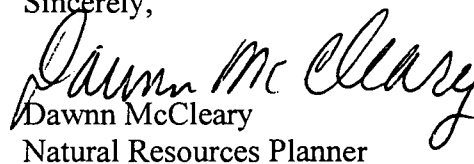
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Continued, Page Two
Gwynn's Falls Trail Consistency Report
January 7, 2002

According to the consistency report, the City of Baltimore 's Parks and Recreation Department proposes to use "Sheet Flow to Buffer" as part of a stormwater treatment strategy for the Gwynn's Falls Trail project. This office has determined that it is an acceptable concept, however, the 10 % Rule calculations have not been performed correctly. The "Sheet Flow to the Buffer" is not a Best Management Practice (BMP) and should not be included in Worksheet A, Step 5. Instead, all areas of the sites that drain to the Buffer should be excluded from the pre-development load and post-development load calculations. If a removal requirement is still needed once Worksheet A has been revised, this office recommends that some other type of BMP be used as an acceptable method to treat a relatively small pollutant load.

Please forward a revised Worksheet A to our office for comments. I will provide comments. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Beth Strommen
Ren Serey
Regina Esslinger
BA 589-01

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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January 7, 2002

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

RE: Northshore@ Canton Revised Project
Case Number: 000881


Dear Mr. Stuart:

This office has reviewed the applicant's new proposal to build 64 townhouse condominiums instead of the two seven story retail\office buildings. The proposed development currently sits on 3.75 acres of land and is in an Intensely Developed Area.

According to a March 7, 2001 letter from Mr. Richard Ayella at the Maryland Department of the Environment (MDE), MDE requires stormwater for the upland site as well as the pier to be managed on-site. (See attached letter) The Critical Area regulations also require that stormwater management be provided to improve the water quality of existing stormwater runoff from the project site into adjoining waters. This is generally accomplished through compliance with the 10 % Rule. Therefore, excluding both the existing and proposed piers from the Critical Area Analysis is not correct. The applicant must meet both MDE and Critical Area stormwater management requirements for both the upland and pier areas of the project.

Please forward a revised Worksheet A to our office for comments. Make sure the applicant includes the pier as part of the calculations. I will provide comments. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Rick Ayella
Gary Setzer
Ren Serey
Mary Owens
Regina Esslinger
BA 41-01

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Judge John C. North, II
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January 7, 2002

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

RE: Liquid Transfer Terminals Project
6101 Pennington Avenue

Dear Mr. Stuart:

The applicant is proposing to buy the old Amoco Oil Company and redevelop the site as a bulk liquid storage and handling facility. The owner will store food products such as molasses, caustic soda and molasses feed liquids in the proposed renovated or new above ground storage tanks. The entire site is approximately 45 acres with the applicant redeveloping 14 acres and disturbing only 3.03 acres within an Intensely Developed Area. The proposed impervious surface after redevelopment will be less than the existing impervious surface.

The site will be equipped with truck scales and a loading/unloading area to serve the various tanks on the property. This office understands that the soils and groundwater are contaminated as a result of the chemicals handled on the site. The proposed improvements to the site will be phased in.

After reviewing the site plan, this office does not oppose the redevelopment of this site. The proposed redevelopment and the 10% calculations are correct and consistent with the local Critical Area Program. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Jessie Linsey
Regina Esslinger
BA 630-01

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



Ren Serey
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401
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January 5, 2002

Ms. Lori Schmick
Environmental Planner
Caroline County Planning and Zoning
403 South 7th Street, Suite 200
Denton, Maryland 21629

RE: Jonathan and Deneen Calloway
02-04V

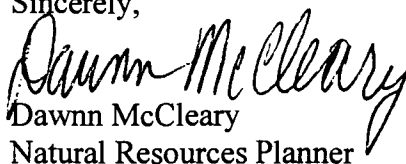
Dear Ms. Schmick:

Thank you for the opportunity to review the above variance application. This office has reviewed the applicant's proposal to enlarge an existing porch to 19' x 30' (570 square feet) which will be attached to the existing house. The property is 8.5 acres, designated a Resources Conservation Area and is located in the 100 foot Buffer.

After reviewing the site plan, this office does not oppose the variance for the enlargement of the porch. This office recommends that, if the variance is granted, additional disturbance to the 100-foot Buffer be mitigated at a 3:1 ratio, using native plantings, on site if possible.

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

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Ren Serey
Regina Esslinger
CR 1-02

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Judge John C. North, II
Chairman



Ren Serey
6/6
Ren Serey
Executive Director

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

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January 4, 2002

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

RE: Hobleman Port Services Project
Chesapeake Avenue

Dear Mr. Stuart:

This office has reviewed the applicant's proposal to build a 45,000 square foot building, re-condition the entire existing paved areas and build and treat the site with a very large sediment basin trap within the 100-foot Buffer. The entire site is approximately 25.36 acres and is in an Intensely Developed Area. The proposed impervious surface will be slightly less than the existing impervious surface.

After reviewing the site plan, this office would like to know whether the proposed large sediment basin trap, as a Best Management Practice (BMP) within the 100-foot Buffer, has been approved by the City's Public Works Department. I understand that the closer you get to the water, any stormwater management structure going into the ground may impact the water table causing water to interfere with the BMP. This office would like the City's Public Works Department to review and approve this type of BMP for the site. Once you have received comments, please forward them to this office for review.

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

Sincerely,

Dawnn McCleary
Dawnn McCleary
Natural Resources Planner

cc: Ren Serey
Regina Esslinger
BA 642-01

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Staff Correspondence Volume 1 : Serey

2002

S 1832-150-4

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
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June 13, 2002

Mr. John Jessup
24360 Widgeon Place
St. Michaels, Maryland 21663

Dear Mr. Jessup:

I was pleased to participate in the River Roundtable and concur with you that it was a great success. I always appreciate receiving any questions and will attempt to address those you forwarded, starting with the easiest ones.

Mr. Robert Wieland asked, "who monitors the trading of growth allocation...?" The Critical Area law and Criteria do not provide for the actual trading of growth allocation, such as between one county and another. I am not sure that the Critical Area Commission members would look favorably on such a transaction, and it seems fraught with uncertain political ramifications. If, however, Mr. Wieland meant to ask, "who monitors the use of growth allocation," the answer is the Critical Area Commission. Our records are open to the public, and our staff would be most willing to provide assistance and answer questions. For your information, I have enclosed a table of growth allocation used to date by the Critical Area counties.

Mr. George Meyer asked if "we really know how much runoff enters the Bay each year?" The quantity of runoff fluctuates due to the amount of annual rainfall, increases in impervious surfaces and additions to local stormwater management systems. However, we do have a fair idea, based on computer models, of the annual pollution loads associated with runoff. I have enclosed the latest data from the Environmental Protection Agency's Chesapeake Bay Program. The nutrient pollution table shows approximately 16 million pounds of phosphorous and 250 million pounds of nitrogen entering the system each year from all sources including stormwater runoff. If you would like additional information, please contact Mr. Ren Serey, the Commission's Executive Director, at (410) 260-3462. Mr. Serey can direct you to various sources of more technical information.

Mr. Brian Brown asked about the research used to develop regulations for the 1,000-foot Critical Area and its 100-foot Buffer. Unfortunately, we no longer have the

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

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Mr. John Jessup
June 13, 2002
Page 2

original scientific studies. However, federal, state and private entities continually update data of this nature. We maintain some of this material in our library and would be happy to share it with the Association. We can direct you to other sources at the Department of Natural Resources and elsewhere, if you wish.

Mr. Edward Seibert asked if the Critical Area Commission has subpoena power. While we are not expressly authorized by the Critical Area law to subpoena witnesses or compel testimony, I have asked our counsel, Assistant Attorney General Marianne D. Mason, to look into the matter a little more closely. I will provide you with her advice when it is forthcoming.

Finally, Mr. Al Goetze asked about Smart Growth in general and the Ratcliffe Farm proposal specifically. Mr. Goetze correctly identifies the central question in any growth management discussion: How can citizens, elected officials, planners, land owners and the many other necessary parties collectively decide how much growth is appropriate, and where it should be directed. Obviously, it is not a simple question and there is no simple answer. I am encouraged, however, by the number of people who are willing to help search for solutions. The tremendous turnout for the River Roundtable was indeed inspiring in this regard.

If I can be of further service on this or any other matter, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink that reads "John C. North, II". The signature is written in a cursive style with a large, sweeping initial "J".

John C. North, II
Chairman

**STATUS OF GROWTH ALLOCATION RESERVES
CHESAPEAKE BAY CRITICAL AREA
as of 6/13/2002
(in acres)**

Jurisdiction	Original Amount	Amount used as of 6/02	Amount Remaining	Percent of Total Remaining
Anne Arundel	918.00	794.70	123.30	13%
Baltimore City	22.00	0.00	22.00	100%
Baltimore County	462.00	153.02	308.98	67%
Calvert	684.00	300.99	383.01	56%
Caroline	436.22	16.89	419.33	96%
Cecil	996.12	189.70	806.42	81%
Charles	1130.10	9.00	1121.10	99%
Dorchester	2900.00	1342.32	1557.68	54%
Harford	278.00	155.02	122.98	44%
Kent	1397.41	78.18	1319.23	94%
Prince George's	328.00	164.10	163.90	50%
Queen Anne's	1529.08	621.95	907.13	59%
St. Mary's	1689.75	138.05	1551.70	92%
Somerset	1517.43	297.80	1219.63	80%
Talbot	2568.95	479.60	2089.35	81%
Wicomico	894.23	216.92	677.31	76%
Worcester	411.52	63.57	347.95	85%
Total	18162.81	5021.81	13141.00	72%



Chesapeake Bay Program
A Watershed Partnership

Chesapeake 2000 and the Bay

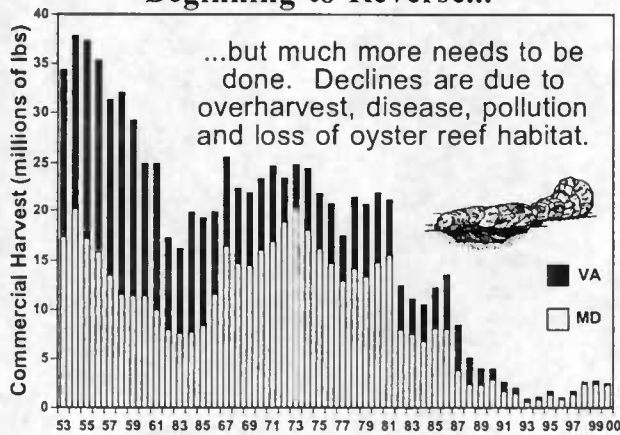
Where Are We and Where Are We Going?

The Bay and its rivers are doing better than they were when the first Chesapeake Bay Agreement was signed in 1983, but we still have a way to go before we reach our goals for a restored Chesapeake. Last year the Bay Program partners took stock of new challenges and technology and set a bold new course into the 21st Century. The latest agreement, *Chesapeake 2000*, is a comprehensive blueprint for restoring the Bay and its living resources over the next decade.

Living Resource Protection and Restoration

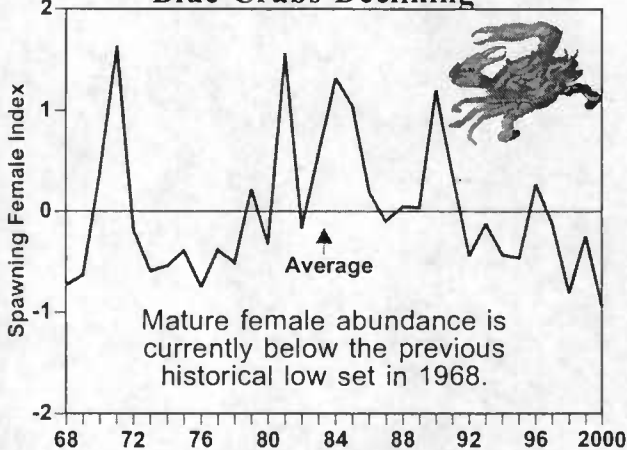
Goal: Restore, enhance and protect the finfish, shellfish and other living resources, their habitats and ecological relationships to sustain all fisheries and provide for a balanced ecosystem.

Declines in Oyster Harvest are Beginning to Reverse...



The new agreement commits to increase native oysters tenfold by 2010.

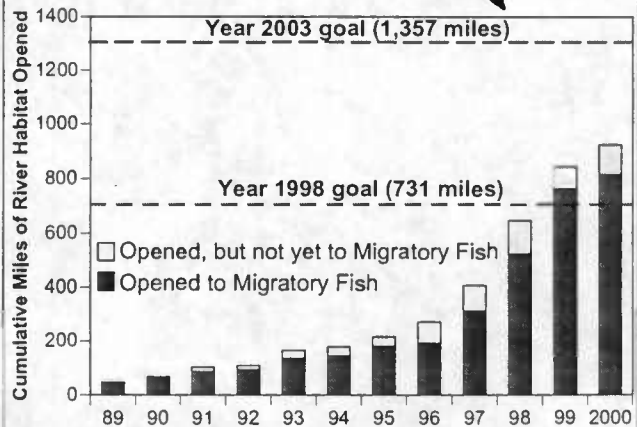
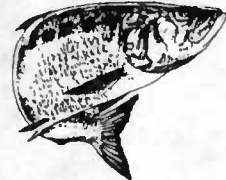
Blue Crabs Declining



The new agreement commits to establish harvest targets for the fishery by 2001. Bay partners met this commitment by agreeing to increase spawning potential by reducing current harvests 15% by 2003.

Progress Made Getting Migratory Fish Past Dams and Blockages

816 miles reopened to migratory fish and an additional 107 to resident fish between 1988 and 2000.



The new agreement commits to set a new goal for additional fish passages and to revise fishery management plans to include habitat and target population sizes for migratory fish.



Chesapeake Bay Program
A Watershed Partnership

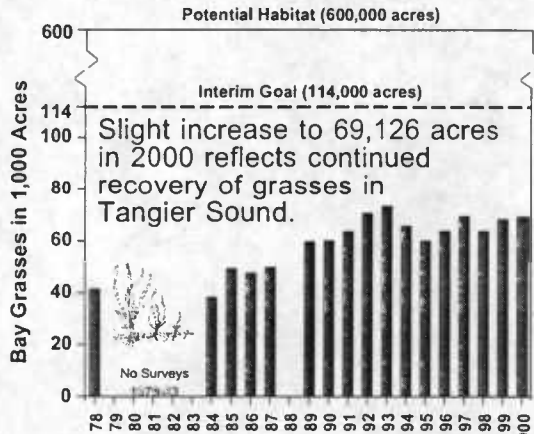
Chesapeake 2000 and the Bay

Where Are We and Where Are We Going?

Vital Habitat Protection and Restoration

Goal: *Preserve, protect and restore those habitats and natural areas that are vital to the survival and diversity of the living resources of the Bay and its rivers.*

Underwater Bay Grasses Have Increased Since 1984



The new agreement recommits to the existing goal and commits to revise goals to address water clarity, water quality and bottom disturbance.

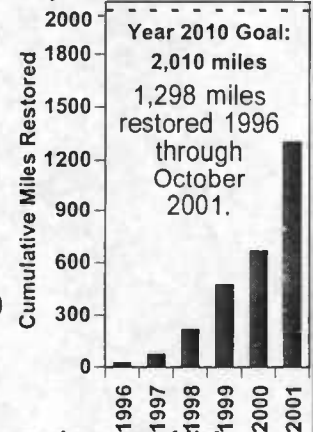
Streamside Forests Being Restored

Streamside (riparian) forest buffers help reduce pollutant loads to the Bay and rivers.



Approximately 118,000 miles of the basin's 199,000 miles of streambank and shoreline are buffered by riparian forests.

The new agreement commits to establish a new goal to expand buffer mileage and to conserve all existing mileage.



Water Quality Protection and Restoration

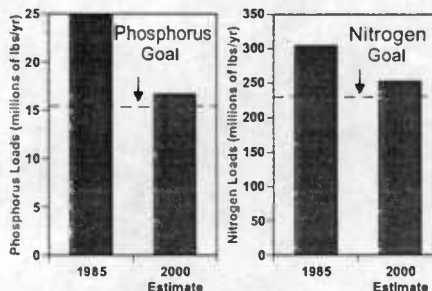
Goal: *Achieve and maintain the water quality necessary to support the aquatic living resources of the Bay and its tributaries and to protect human health.*

Nutrient Pollution Declining but We Still Need to Do More

The new agreement commits to:

- Correct all nutrient and sediment-related problems in the Bay and its tidal tributaries by 2010.
- Achieve and maintain the 40% nutrient reduction goal agreed to in 1987.

Total Nutrient Loads Delivered to the Bay from All Bay Tributaries (MD, PA, VA, DC)



Annual phosphorus loads delivered to the Bay from all of its tributaries decreased by 8.1 million lbs between 1985 and 2000. Annual nitrogen loads decreased by 52 million lbs.

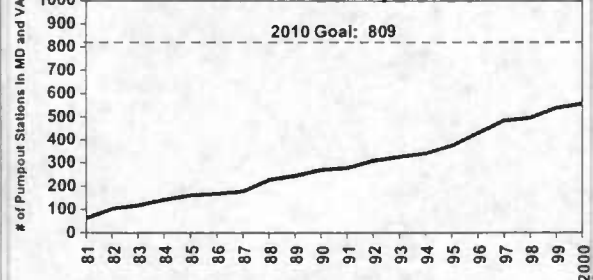
Maintaining reduced nutrient levels after 2000 will be a challenge due to expected population growth in the region.

New goals will be established soon for additional reductions of nutrients, as well as sediment, to be achieved by 2010.

Source: CBP Watershed Model. Data include total nutrient loads from point and nonpoint sources delivered to the Bay from Bay Agreement jurisdictions.

The new agreement commits to by 2003, establish appropriate areas within the Bay and its tributaries as "no discharge zones" for human waste from boats and by 2010, expand by 50% the number and availability of waste pump-out facilities.

Boat Waste Pump-out Facilities

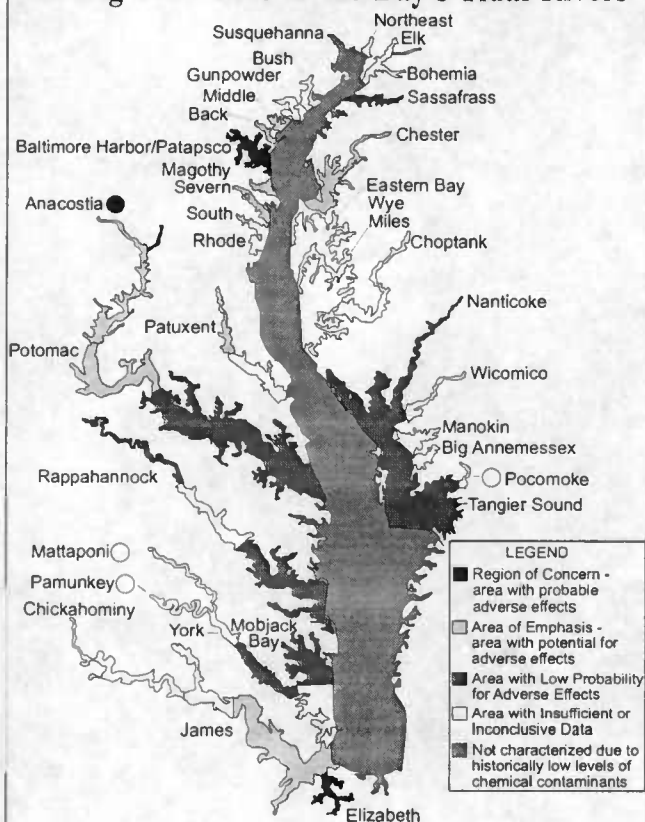


As of December 2000 there were 556 pump-out facilities in MD and VA portions of the Bay. In order to achieve the goal we need 253 more by 2010.



A Snapshot of Chesapeake Bay: How's it Doing?

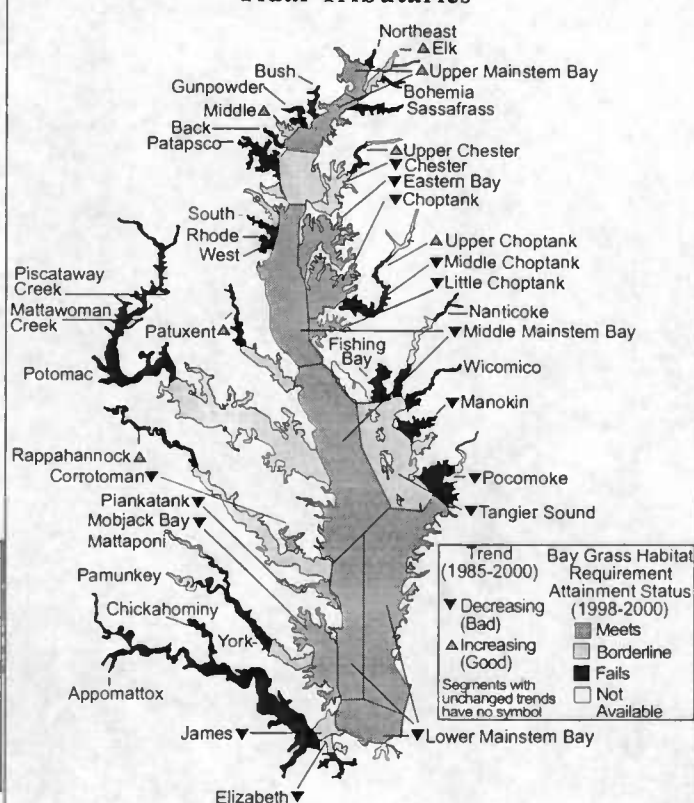
Status of Chemical Contaminant Effects on Living Resources in the Bay's Tidal Rivers



Chesapeake 2000 commits to:

- Reduce chemical contaminants to levels that result in no toxic or bioaccumulative impact on living resources that inhabit the Bay or on human health.
- Through voluntary means, strive for zero release of chemical contaminants from point sources, including air sources.

Water Clarity in the Bay and Its Tidal Tributaries



Chesapeake 2000 states that in pursuing the restoration of vital habitats throughout the watershed, we will continue efforts to improve water clarity in order to meet light requirements necessary to support underwater Bay grasses.

Nutrient Pollution Levels are Declining in Non-tidal Portions of the Rivers

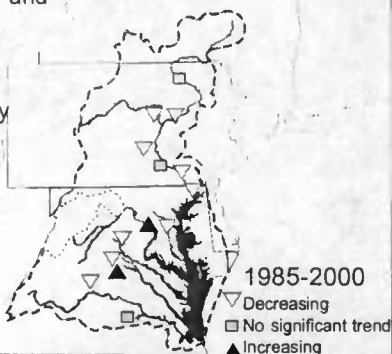
These results measure the success of management programs being implemented throughout the watershed.

Phosphorus

Concentrations are decreasing in portions of the Susquehanna River, in the Patuxent, Rappahannock and James rivers and in the Mattaponi (a tributary to the York).

The Potomac River and the Pamunkey (a tributary to the York) show increasing trends.

Portions of the Susquehanna and the Appomattox (a tributary to the James) show no trend.

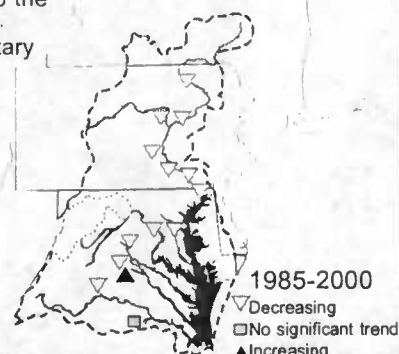


Nitrogen

Concentrations are decreasing in the Susquehanna, Potomac, Patuxent, Rappahannock, Mattaponi (a tributary to the York) and James rivers.

The Pamunkey (a tributary to the York) shows an increasing trend.

The Appomattox (a tributary to the James) shows no trend.



Results are shown for flow adjusted trend analyses of monitoring data using the earliest complete data set collected since 1985 through 2000.

For more information, visit the Chesapeake Bay Program website at www.chesapeakebay.net or call 1-800-YOUR BAY.



Chesapeake 2000 and the Bay

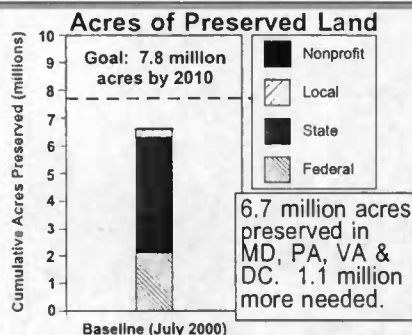
Where Are We and Where Are We Going?

Sound Land Use

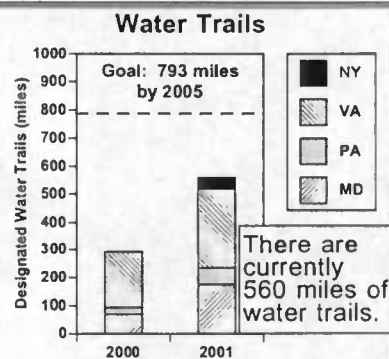
Goal: Develop, promote and achieve sound land use practices which protect and restore watershed resources and water quality, maintain reduced pollutant loadings for the Bay and its tributaries, and restore and preserve aquatic living resources.

The new agreement commits to:

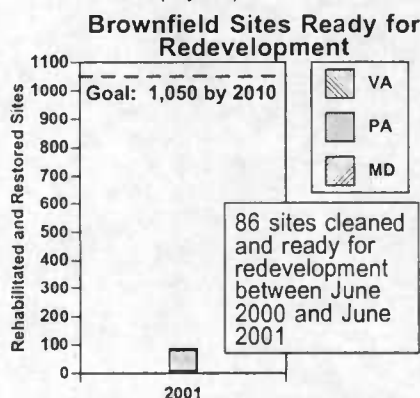
Permanently preserve from development 20% of the land area in the watershed by 2010.



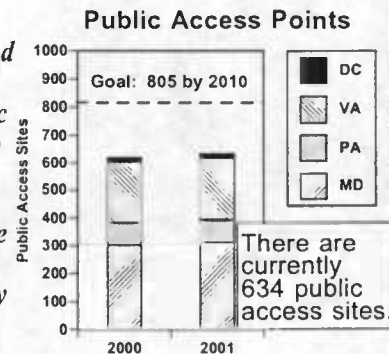
Increase the number of designated water trails in the Chesapeake Bay region by 500 miles by 2005.



Rehabilitate and restore 1,050 abandoned industrial sites (brownfields) to productive use by 2010.



By 2010, expand by 30% the system of public access points to the Bay, its tributaries and related resource sites in an environmentally sound manner.



Stewardship and Community Engagement

Goal: Promote individual stewardship and assist individuals, community-based organizations, businesses, local governments and schools to undertake initiatives to achieve the goals and commitments of the new agreement.

What can you do to help restore the Bay?

Prevent pollution from entering the Bay and rivers by planting trees, especially along streams and shorelines.

Conserve electricity and water and reduce the amount of miles you drive.

Plant native vegetation that requires the use of less fertilizer, pesticides and water.

Limit fertilizer use and apply at appropriate times.

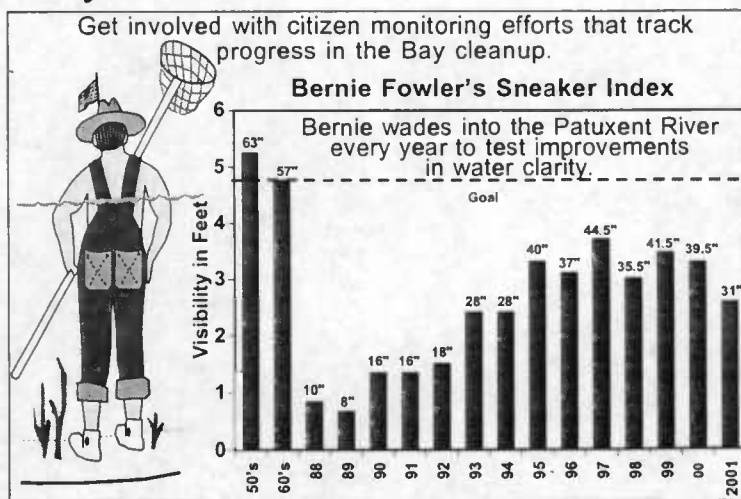
Use safer, nontoxic alternatives for cleaning and for controlling pests and weeds.

Properly dispose of household hazardous waste, antifreeze, oil and boat waste.

Prevent pollution by reducing, reusing and recycling.

Get involved in community groups and watershed organizations to develop and implement watershed management plans.

For more ideas, call 1-800-YOUR BAY



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

MEMORANDUM

To: Betty Dixon, Deputy Land Use Officer

From: Ren Serey, Executive Director

Date: June 3, 2002

Subject: Polm Property (Variance Case No. 2002-0103-V)

We recently commented on a variance application for a pool in the expanded Buffer for the above-referenced property. We asked the zoning reviewer to investigate the variance that was granted for the new dwelling that exists on the lot.

What we received was a series of three plans that show a different dwelling (i.e., size and location) and a different Limit of Disturbance on each plan. At the time of the hearing for the dwelling, we asked for a site plan showing the topography and size and location of the proposed dwelling, but no site plan was ever sent. The hearing officer approved the plan that is labeled December 1997 (Variance Case No. 1997-0427-V). The subsequent plans show the progression to what exists on the ground today.

I am calling this to your attention because we would like to discuss it with you and our Program Subcommittee at their meeting on Wednesday morning. We have not been able to fully investigate how the last plan, apparently approved by the permit reviewers, was allowed since it was not what the hearing officer originally approved. We need to understand what happened in this case, and why the applicant was not required to receive a subsequent variance since his plans had significantly changed compared to the original, approved plan. It would be helpful if you could bring with you relevant information on these matters from the County's files.

I have attached the three plans referenced above. Please feel free to call me (410-260-3462), or Lisa Hoerger (410-260-3478), with any questions. Thank you for your assistance with this matter. I look forward to seeing you on Wednesday.

Attachments



Judge John C. North, II
Chairman

Ren Serey
Executive 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, 2002

Honorable K. Bennet Bozman
Lowe House Office Building
Room 413
Annapolis, Maryland 21401

Dear Delegate Bozman:

I'm sorry for the delay in getting this information to you. You asked about the impervious surface requirements in HB 301, the Atlantic Coastal Bays Protection Act, and how they might affect the Ocean Pines community.

Although the General Assembly did not specify in the bill that Ocean Pines would receive a Critical Area designation of Intensely Developed Area (IDA), it is likely that Worcester County will apply that designation to the area. The Critical Area Commission staff have recommended such a designation to the County officials. If the County designates the area as IDA and the Commission approves the designation, there will be no impervious surface limits in Ocean Pines, except whatever limits may exist now or in the future under the local zoning codes. Instead, with an IDA designation, the County's review of potential stormwater impacts in Ocean Pines will focus primarily on managing the effects of runoff on adjacent water quality.

Although not directly related to your question, there will be certain Buffer considerations concerning waterfront parcels in Ocean Pines. I expect that the County will design a special Buffer Management Program for Ocean Pines that will allow development within 100 feet of tidal waters and tidal wetlands where such development is unavoidable, such as on a shallow grandfathered lot. A special Buffer Management Program for these lots would be consistent with local Critical Area programs implemented along the Chesapeake Bay and would ensure in most cases that individual lot owners would not need to obtain a variance to construct a dwelling.

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

TTY For The Deaf:

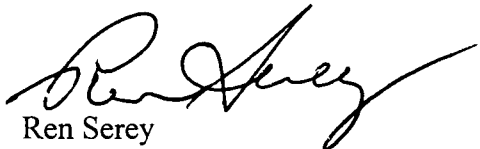
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Honorable K. Bennet Bozman
May 29, 2002
Page 2

For your information concerning impervious surface limits in other Critical Area designations, I have enclosed a copy of the Commission's guidance paper on that subject. This paper discusses the requirements of COMAR and Section 8-1808.3 of the Critical Area Act. It includes a table which summarizes the Act's impervious surface limits for grandfathered lots under ½ acre, and for lots between ½ acre and one acre in size. As above, these limits do not apply in the IDA.

As you requested, I have enclosed a copy of the full Chesapeake Bay Critical Area Criteria, found at COMAR 27.01 et. seq. If you have questions or need additional information, please contact me at (410) 260-3462.

Sincerely,



Ren Serey
Executive Director

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

MEMORANDUM

April 22, 2002

TO: Project Subcommittee
Program Subcommittee

FROM: Ren Serey

SUBJECT: Briefing on the NorthBay Camp at Elk Neck State Park (Cecil County)

The Department of Natural Resources and the Erickson Foundation have selected an alternative site for the proposed NorthBay Camp at Elk Neck State Park. As you recall, the subcommittees were briefed on this project during our meeting at the Naval Academy in December, 2001.

The new site is south of the previous site and is located at the Bowers Conference Center. Those who attended one of the site visits will recall parking at the Bowers Center.

We have scheduled another Joint Subcommittee meeting for the morning of our May 1st regular meeting in Crownsville. The Department and the Erickson Foundation will brief the subcommittees on their proposal for the new site. This meeting is for informational purposes; we do not have a site plan at this time for you to review.

If you have any questions before the meeting, please contact me or Julie LaBranche, Regina Esslinger or Mary Owens at 410-260-3460. Thank you.

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

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

April 9, 2002

Honorable Janet S. Owens
County Executive
Arundel Center
44 Calvert Street
Annapolis, Maryland 21404-1831

Re: Anne Arundel County's Critical Area Program

Dear Ms. Owens:

I write this letter to inform you of several significant issues of concern to the Chesapeake Bay Critical Area Commission. As Chairman of the Commission, I am responsible to ensure that each Critical Area Program is enforceable at the local level. While the Commission has enjoyed a long and generally productive working relationship with Anne Arundel County, several important matters have remained unresolved over the years, and cause me to write at this time.

Issues that require the County's immediate attention to assure the Commission that the local Program is enforceable include an explanation of the following:

- County enforcement staff are not responding to inquiries made by Commission staff or citizens regarding violation calls when a follow-up call is requested. Unfortunately, this is becoming a more frequent occurrence.
- The County's interpretation of grandfathered lots and developer's interest lots still remains unclear.
- It appears the County is not forwarding all projects required under the Commission's notification regulations found in the Code of Maryland Regulations at 27.03.01.03.

We are working on the County's required four-year comprehensive review with staff of the Planning and Zoning office and will be meeting next week with Mr. Robert Walker. He was kind enough to suggest a meeting in order to introduce himself.

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

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

Honorable Janet S. Owens
April 9, 2002
Page 2

Issues under discussion with the County, including those outlined above, will need to be resolved before the comprehensive review can be completed.

In the meantime, I am scheduling time on the Commission's next Program Subcommittee agenda to discuss the Anne Arundel County Critical Area Program. I request that a representative from your office or Planning and Zoning, the Permit Application Center or Inspections and Permits be present to respond to the inquiries of the Commission members. That meeting will take place on Wednesday, May 1, 2002 at 9:00 a.m. at the Department of Community Development, 100 Community Place, in Crownsville.

Thank you for your prompt attention to this matter. If I can provide you with assistance or can answer any questions, please contact me or Mr. Ren Serey, the Commission's Executive Director, at (410) 260-3462.

Very truly yours,



John C. North, II
Chairman

cc: Robert L. Walker, Land Use & Environment Officer
Betty L. Dixon, Land Use & Environment Coordinator
Denis D. Canavan, Director, Planning and Zoning
Bob Ray, Director, Permit Application Center/Inspections and Permits
Marianne Mason, Assistant Attorney General
Ren Serey, Executive Director

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

April 6, 2002

Honorable K. Bennett Bozman
413 Lowe House Office Building
Annapolis, Maryland 21401

Re: SB 247: YMCA Development in Worcester County

Dear Delegate Bozman:

I am writing about the development of a YMCA center on property located off of Gum Point Road in Worcester County. The property is identified on the conceptual site plan dated March 25, 2002 as Lands of Steen Associates, Inc. From my review of the site plan and aerial photographs, it appears that the property's initial Critical Area designation would be Limited Development Area (LDA). Such a designation would be consistent with mapping in other Critical Area jurisdictions and would not need to use a portion of Worcester County's growth allocation.

I have drawn on the site plan the farthest possible extent of the 1,000-foot Critical Area. As you will note, the only portions of the proposed project within the Critical Area include 39 parking spaces associated with the YMCA, and a 10-space parking lot and small building located on the southern portion of the property and identified for use by the Chamber of Commerce. If the project as proposed would exceed the Critical Area impervious surface limits for the LDA, it appears that the project could be easily redesigned and brought into full compliance with only minor changes. However, if redesign is not desirable, the County could use approximately three-four acres of its growth allocation to change the designation of the Critical Area portion of the property to Intensely Developed Area (IDA). As you know, there are no impervious surface limits in the IDA.

If you have questions or need additional information, please contact me at (410) 260-3462.

Sincerely,

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

Ren Serey
Executive Director

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

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

April 6, 2002

Honorable K. Bennett Bozman
413 Lowe House Office Building
Annapolis, Maryland 21401

Re: SB 247: Future YMCA Development

Dear Delegate Bozman:

I am writing in regard to the possible development of a YMCA center in Worcester County under a local Coastal Bays Critical Area Program. My understanding is that the YMCA has an option on a property located within 1,000 feet of tidal waters. Therefore, if the General Assembly enacts legislation including the Coastal Bays in Maryland's Critical Area Program, the development of the center would be regulated by Worcester County's local program.

I wanted to outline for you some provisions of a local Critical Area program that likely would apply to a YMCA center, and some of the options for this type of development. If the center were to be located on land designated Resource Conservation Area, Worcester County would need to use a portion of its growth allocation. However, depending on the size of the parent parcel, it may be that only a small portion, perhaps three-four acres, would need to be deducted from the County's growth allocation total. The Maryland Department of Planning has estimated that Worcester County will have available to it approximately 1,400-1,500 acres of growth allocation.

Although the Critical Area Commission would need to approve Worcester County's use of growth allocation, the Commission's decision would be based on whether the County has sufficient growth allocation remaining at the time, and whether all wetlands and other sensitive habitats have been identified. Additionally, the Commission needs to be assured that new development is not proposed in the 100-foot Buffer. The County Commissioners decide whether to grant growth allocation to a property owner and where the new development should be located. Likewise, the County Commissioners must approve any necessary rezoning.

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

Honorable K. Bennett Bozman
April 6, 2002
Page 2

If a new YMCA center were to be proposed in the Critical Area on land designated Limited Development Area, the project would be subject to impervious surface, forest clearing and steep slope requirements. The Intensely Developed Area is not covered by these regulations, but instead is subject to the requirement to reduce pollution from surface runoff by 10% below existing levels. Locating a YMCA center in the Limited Development or Intensely Developed Areas would not require the County to use its growth allocation.

I hope this information is helpful. If you have questions, please contact me at (410) 260-3462.

Sincerely,

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

Ren Serey
Executive Director

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

April 4, 2002

Mr. William Rickman, Jr.
c/o Ocean Downs Racetrack
Berlin, Maryland

Re: SB 247: Atlantic Coastal Bays Protection Program

Dear Mr. Rickman:

I am writing in response to your questions concerning the potential application of SB 247 to the Ocean Downs Racetrack property in Worcester County. Specifically, you have asked about the possible designation of the property under a Worcester County Critical Area Program for the Coastal Bays.

In my opinion, the Ocean Downs Racetrack property would most appropriately be designated as Intensely Developed Area (IDA). The Critical Area Criteria, at COMAR 27.01.02.03 A, establish this designation for areas of at least 20 acres that exhibit one of the following characteristics:

- Housing density equal to or greater than four dwelling units per acre;
- Industrial, institutional, or commercial uses are concentrated in the area;
or
- Public sewer and water collection and distribution systems are currently serving the area and housing density is greater than three dwelling units per acre.

The provisions of SB 247, as amended and passed by the Maryland Senate, call for the designation of a property to be based on land uses and development in existence on June 1, 2002. I have examined aerial photography of the site and, in my opinion, the 168-acre property meets the mapping standards for IDAs set out above. Designation by Worcester County of the Ocean Downs Racetrack as IDA, and approval of that

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Mr. William Rickman, Jr.

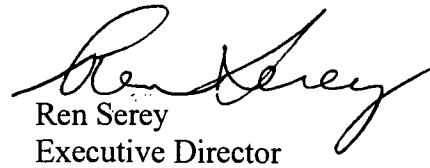
April 4, 2002

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designation by the Critical Area Commission, would be consistent with IDA designations for areas of similar size and intensities of use in the Chesapeake Bay Critical Area.

If you have other questions or need additional information, please contact me at (410) 260-3462.

Sincerely,


Ren Serey
Executive Director

cc: Honorable Jeanne Lynch
Mr. Ed Tudor
Mr. Sandy Coyman
Ms. Denise Hill
Ms. Margaret G. McHale
Mr. Joe Bryce
Ms. Diane Shaw
Ms. Mary Owens

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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April 4, 2002

Ms. Margaret G. McHale
Legislative Counsel
Environmental Matters Committee
Room 161
Lowe House Office Building
Annapolis, Maryland 21401

Re: SB 247: Atlantic Coastal Bays Protection Act

Dear Ms. McHale:

I am writing in response to your question concerning proposed amendments to SB 247. You have asked whether the Critical Area Commission considers two parcels of land separated by tidal water to be adjoining parcels for regulatory purposes. Although one jurisdiction may decide a specific situation differently than another jurisdiction, the answer, in general, is yes.

The Commission finds analogous support for this position in the annexation laws. Article 23A, section 19 (a) of the Annotated Code permits a municipal body to enlarge its corporate boundaries only to land "which is contiguous and adjoining to the existing corporate area" and only if it does not leave a parcel of land surrounded on all sides by the municipality, i.e., an enclave. In Anne Arundel County v. City of Annapolis, 721 A.2d 217 (Md. 1998), the Court of Appeals reviewed a City of Annapolis annexation, the result of which left the Bywater peninsula in Anne Arundel County surrounded on one side by the City and on three sides by water. The County argued that the peninsula was effectively an enclave and that the annexation was therefore ineffective.

The Court disagreed. As part of its opinion, the Court noted that while "no Maryland case ever has specifically held that a municipality cannot annex across a navigable body of water, "other states "have concluded that municipal corporations may extend their boundaries across a waterway even if the annexed land would be separated completely from the original city or town limits by that body of water." Anne Arundel County, 721 A.2d at 230. The Court adopted the rule in these other jurisdictions, holding that "the Bywater Peninsula remains contiguous to the remainder of Anne Arundel

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Ms. Margaret G. McHale

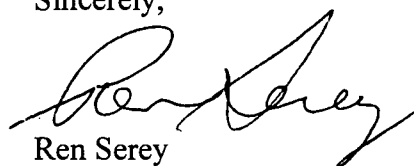
April 4, 2002

Page 2

County notwithstanding that it is separated from other County fast land by water on three sides." Id. at 231. The opinion concluded, "Separation of fast land areas by a body of water does not alter the County's jurisdiction of all the lands, including the waterways, in question. Those segments of fast land remain contiguous." Id.

I hope this information is useful. Please contact me at (410) 260-3462 if you have additional questions.

Sincerely,

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

Ren Serey
Executive Director

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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March 19, 2002

The Honorable Kenneth D. Schisler
House of Delegates
Lowe House Office Bldg., Room 415
Annapolis, Maryland 21401

RE: HB 528 - Chesapeake Bay Critical Area Protection Program

Dear Delegate Schisler:

You have asked for my view about the options available to a local jurisdiction under HB 528, when a local jurisdiction considers a variance application that presents an issue of first impression in that jurisdiction. In my view, a local jurisdiction can, and should, look to its Critical Area program, to other jurisdictions' Critical Area programs, to the State Critical Area law, criteria, and cases, to general principles of zoning and land use, and to cases decided under zoning law principles. In fact, this is what local jurisdictions had to do in the first years of implementing the Critical Area program. These ordinances, statutes, cases, and principles should continue to provide guidance for decision-makers who are asked to consider issues of first impression.

If I can be of further assistance, please call me at (410) 260-3462.

Sincerely,

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

Ren Serey
RS/vm

Cc: Margaret McHale
Diane Shaw

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Judge John C. North, II
Chairman

Ren Serey
Executive Director

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March 19, 2002

The Honorable Kenneth D. Schisler
House of Delegates
Lowe House Office Bldg., Room 415
Annapolis, Maryland 21401

RE: HB 528 - Chesapeake Bay Critical Area Protection Program

Dear Delegate Schisler:

This letter responds to your request for confirmation of the response I gave to your inquiry at yesterday's meeting of the Agriculture, Environment, and Natural Resources Subcommittee. At the meeting, we discussed the language on page 5, lines 36 - 39, of HB 528. That language provides:

- (III) WITHOUT A VARIANCE, THE APPLICANT WOULD BE DEPRIVED OF A USE OF LAND OR A STRUCTURE PERMITTED TO OTHERS IN ACCORDANCE WITH THE PROVISIONS OF THE JURISDICTION'S CRITICAL AREA PROGRAM.

We discussed a concern about whether this language would affect or limit a local jurisdiction's ability to consider a variance request for a project that had no comparable precedent in that local jurisdiction. You asked my view about whether striking the word "jurisdiction's" in line 38 would clarify that a local jurisdiction has the flexibility and authority to consider variances approved in the Critical Area of other local jurisdictions, in the event that a local jurisdiction is faced with a variance request of first impression. In my view, the answer is "yes". In fact, the Critical Area Commission has supported this flexibility for local jurisdictions in just these circumstances.

I trust that this letter responds fully to your inquiry. Please call me at (410) 260-3462 if you have other questions about this matter.

Sincerely,

Ren Serey
RS/vm

Cc: Margaret McHale
Diane Shaw

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Ren - Serey



Judge John C. North, II
Chairman

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February 25, 2002

Mr. Michael Whitson
The Sotterley Foundation
P.O. Box 67
Hollywood, Maryland 20636

RE: Sotterley Creek and Patuxent River Shoreline Project

Dear Mr. Whitson:

I would like to thank you, Carolyn Laray, and John O'Rourke for meeting with Ren Serey and me to discuss the Sotterley Creek and Patuxent River Shoreline Project. It is my understanding that the project involves erosion control of the shoreline, improvements to the access road and landing area; construction of a pier; construction of an outdoor learning pavilion and school bus parking area; and the development and installation of exhibit panels and directional signage.

This project is consistent with the spirit and intent of the Critical Area Program to provide public access to the water and to create and enhance opportunities for public water-oriented recreation and education. Based on the conceptual plans that have been developed by the Sotterley Foundation and the Department of Natural Resources staff, it appears that the project will fully comply with the Critical Area Act and Criteria. When the project design is completed, the project will be presented for review and approval by the Chesapeake Bay Critical Area Commission. It is likely that the project can be placed on the Commission's agenda for either the April or May meeting.

Thank you for taking the time to show us the project site and go over the concept plan with us. The staff of the Critical Area Commission fully supports the project and look forward to working with the Sotterley Foundation and Department of Natural Resources staff on this exciting opportunity. If you have any questions, please feel free to call me at (410) 260-3460.

Sincerely,

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

Ren Serey
Executive Director

Branch Office: 31 Creamery Lane, Easton, MD 21601
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February 25, 2002

MEMORANDUM

TO: Diane Shaw

FROM: Ren Serey

SUBJECT: Worcester County Provisions for Residential Planned Communities

You have asked for information concerning Residential Planned Communities in Worcester County in response to questions raised by Delegate Billings. Worcester County treats Residential Planned Communities (RPC) and Planned Unit Developments (PUD) identically in the local approval process.

The Worcester County Zoning Ordinance states that the RPC "is intended to encourage the best possible design of building forms and site planning for tracts of land under a unitary plan of development." The RPC zoning district is established as a floating zone, which means it is pre-approved as compatible with several of the County's residential and business zones. The district permits several types of residential development including single-family, multi-family and townhouses. Motels, hotels, golf courses, county clubs, churches, office uses, governmental buildings and public facilities are among the variety of permitted uses. Certain base zones require a minimum of 50 acres for an RPC; other base zones require a minimum of 25 acres.

A maximum of 70% of the RPC may be devoted to residential uses. The remaining 30% must be split among open space, retail and other uses. There are no minimum lot sizes.

The approval process is in three steps. Step I approval is a rezoning and is approved by the County Commissioners following a public hearing. This approval means that the proposal fits the base zoning district and that a more detailed analysis may proceed.

Step II approval must be obtained within one year from Step I approval unless extended by the County Commissioners. Step II involves the development of a detailed site plan including the design features of the project. Approval is by the Planning Commission.

Step III is the final implementation step. The project is handled as a major subdivision, approved by the Planning Commission, and lots are not recorded until completion of this step. There is no time limit to the County's review of a project in its Step III review.

According to Worcester County officials, there are at least one dozen RPCs and PUDs waiting for Step III approval. I was not able to obtain the names of the projects or their sizes. The Riddle Farm project is the largest, with 650-900 acres within 1,000 feet of tidal waters or tidal wetlands. Assuming that Step III approval of the Riddle Farm will require the County to deduct growth allocation, there may not be much, if any, growth allocation remaining to cover the other projects in the approval process or future projects not located in the Intensely Developed Area or Limited Development Area.

February 19, 2002

MEMORANDUM

TO: Joe Bryce

FROM: Ren Serey

SUBJECT: Coastal Bays: Jay Schwartz's Testimony on Harford County Project

Diane Shaw asked me to provide you with some background information on the Harford County project Jay Schwartz mentioned during his testimony on the Coastal Bays bill. He gave out former Harford County Executive Habern Freeman's phone number and said Mr. Freeman's tale was one of the true horror stories of the Critical Area program.

It is correct that Mr. Freeman has been trying, off and on, to develop his property for many years. He is part owner of the 31-acre Old Trails site on the Gunpowder River and Foster Branch. In 1986, the partnership tried to obtain subdivision approval but did not qualify under the County zoning ordinance, which required both sewer service and sufficient school capacity. In 1988, **while Mr. Freeman was County Executive**, his administration and the County Council argued forcefully for the Critical Area Commission to designate the site Intensely Developed Area (IDA). The Commission rejected the County's proposed designation and told the County to use a portion of its growth allocation if it wanted the site to be IDA. The Commission determined that 1) because the site was undeveloped, it was too large to stand alone as an IDA, 2) there was no existing sewer service, which might have qualified part of the site for Limited Development Area (LDA), and 3) many of the surrounding parcels were LDA, with only some designated IDA. The County ultimately subtracted growth allocation for the site in the final version of its program and the property became IDA.

Due to the presence of ravines, steep slopes, wetlands and highly erodible soils, almost the entire property is in the Buffer or expanded Buffer. The site also has three endangered plant species. It received sewer service later and now the partnership wants to develop 56 houses by variance. Their arguments focus on the "approvals" they received over the years: designation as a growth area in the County's Comprehensive Plans; zoning for high density dating to the 1970s; and the growth allocation which granted the property IDA status. However, the Critical Area Criteria, incorporated into the County zoning ordinance, do not grandfather any site from Habitat Protection Area requirements, including the Buffer. That is why the partnership is in a lengthy (six nights so far) variance hearing.

The current County administration opposes 56 houses and probably would support a variance for approximately 12. The County Department of Planning and

Zoning asked for our support and participation. We have attended all of the hearings. We testified last week that an IDA designation does not guarantee any particular amount of development or number of dwelling units; it just represents the maximum amount of development possible given existing site constraints. We will testify at the next hearing (March 6th) regarding the sensitivity of the site. I think the Zoning Hearing Examiner may grant a modified variance, either for a certain number of dwellings or for a certain area that can be developed. If so, I doubt that the Commission will appeal his ruling, and I would recommend against an appeal. It is difficult to tell whether the applicant is serious about the 56 houses or is actually hoping for a variance allowing only one house, a result that he can appeal as a taking.

Under no zoning scheme in Maryland, or probably in the U.S., does zoning automatically trump environmental regulations. Under the Critical Area Criteria, density would be guaranteed if grandfathered lots existed, although some reconfiguration of the lots might be necessary. But the Old Trails site has no grandfathered lots. The partnership says it is not their fault because the County would not approve a subdivision plat until the sewer line was approved. This is not, however, a Catch-22 situation. The project simply was not grandfathered by the grandfathering dates. These dates were December 1, 1985, or approval of the local program in 1988. The site did not receive sewer service until 1994. It had growth allocation, but that is not the same as grandfathering; growth allocation represents a maximum development, not a minimum.

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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February 11, 2002

Honorable John Adams Hurson
Chairman, Environmental Matters Committee
Room 161
Lowe House Office Building
Annapolis, Maryland 21401

Re: HB 528- Chesapeake Bay Critical Area Protection Program

Dear Chairman Hurson:

Thank you for meeting with Judge North and me last week to discuss the Critical Area variance bills. I have enclosed copies of variance decisions from Anne Arundel County based on the recent opinions by the Maryland Court of Appeals that we discussed. If you have questions or if you would like additional information, please let me know.

Sincerely,

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

Ren Serey

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Judge John C. North, II
Chairman



Ren Serey
Executive Director

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February 4, 2002

Honorable Jacob Mohorovic
Room 305
Lowe House Office Building
Annapolis, Maryland 21401

RE: Senate Bill 249 and Senate Bill 326
Chesapeake Bay Critical Area Protection Program- Variances

Dear Delegate Mohorovic:

Thank you for meeting with me and other members of the Chesapeake Bay Critical Area Commission staff last week. As we discussed at the meeting, the Commission supports the language regarding Buffer Management Plans in Senate Bill 326 and would support adding the language to Senate Bill 249. This language reads as follows:

"This subsection does not apply to building permits or activities that comply with a Buffer Exemption Plan or Buffer Management Plan of a local jurisdiction which has been approved by the Commission."

The above provision clarifies that the legislation, which pertains to variances, does not affect development proposals that comply with a local Buffer Exemption or Buffer Management Plan. This would generally be the case for development in the Buffer at marinas in Baltimore County.

During the meeting we discussed Baltimore County's outstanding effort to streamline the development review process in the Critical Area on small, grandfathered lots and at marinas. The County has worked diligently to develop and implement an effective Buffer Management Program. The Commission has recognized on more than one occasion that Baltimore County's Buffer Management Program, in effect since 1996, is an excellent program that is effectively administered by the County. In fact, the Commission uses the Baltimore County Buffer Management Program as an example for other jurisdictions, and in 2001 incorporated some of the County's provisions into the Commission's policy revisions for Buffer Management Areas. The Commission strongly supports the continued implementation of the County's Program as it is currently being administered

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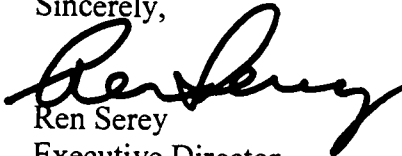
Honorable Jacob Mohorovic

February 4, 2002

Page 2

Thank you again for meeting with us to discuss the Critical Area bills and the issues of concern to Baltimore County. If you have any questions, please feel free to contact me at (410) 260-3460.

Sincerely,



Ren Serey
Executive Director

cc: Honorable Norman R. Stone, Jr.
Honorable Roy Dyson
Honorable Michael H. Weir
Ms. Pat Farr, DEPRM
Mr. Pat Roddy, Office of Law
Mr. Bob Palmer
Ms. Diane Shaw, Governor's Office
Ms. Mary Owens, CBCAC
Ms. Regina Esslinger, CBCAC
Marianne D. Mason, Esq.

**CHESAPEAKE BAY CRITICAL AREA
PROTECTION PROGRAM – VARIANCES**

(Senate Bill 249)

Senate Education, Health, and Environmental Affairs Committee

February 5, 2002

INTRODUCTION

Governor Glendening is sponsoring Senate Bill 249 in order to restore the original intent of the Chesapeake Bay Critical Area Protection Act, and reverse the weakening of the Act brought about by rulings of the Maryland Court of Appeals. The legislative intent behind the Critical Area Protection Act of 1984 and the General Assembly's 1986 approval of the implementing Criteria by Joint Resolution was crystal clear: local variances to Critical Area regulations were not to be granted lightly. For more than 50 years Maryland zoning law has emphasized this principal. But three recent decisions by the Maryland Court of Appeals have undermined the law and threatened the continued success of our common interests.

BACKGROUND

Since 1984 we have witnessed the exemplary efforts by 16 Maryland counties and 44 municipalities to protect our treasured Chesapeake Bay through implementation of local Critical Area Programs. These efforts have resulted in improved water quality and preservation of innumerable acres of valuable wildlife habitat. Far from hindering development, as many predicted, locally administered Critical Area programs have created opportunities for residential and commercial projects of the highest quality, while continuing to respect the Bay's fragile shoreline ecosystem.

The accomplishments of the local Critical Area Programs have been threatened by recent opinions of the Court of Appeals.

In the *Belvoir Farms* (1999), *White* (1999) and *Mastandrea* (2000) cases, the Court has ruled that

- A local Board of Appeals may grant a variance for development in the Critical Area Buffer even if the applicant has alternative locations on site.
- When deciding if denial of a variance for new development results in the loss of a right commonly enjoyed by others, comparison now can be made to development which predates the Critical Area Program, as if the law never existed.
- An applicant for a variance no longer needs to satisfy all of the standards in a local zoning ordinance, such as the standard against self-created hardship, but now may generally satisfy the standards.

KEY PROVISIONS OF THE BILL

Senate Bill 249 restores the interpretation of Maryland's law on local variances to its position prior to the recent decisions by the Court of Appeals. No additional change to the law is proposed.

Senate Bill 249

- Defines "unwarranted hardship" in local variance law as denial of reasonable use of an entire property, not simply the use of the portion proposed for development.
- Establishes that comparisons must be made only to development approved since implementation of a local Critical Area Program.
- Requires an applicant for a local variance to satisfy each standard under a local Critical Area Program.

All Marylanders are proud of our State's efforts to protect the quality and productivity of the Chesapeake Bay. The Critical Area Program has served us well. The original Act and its Criteria achieved an appropriate balance between resource protection and responsible land use. The Court of Appeals has misinterpreted the law and needlessly upset this balance. We must restore these essential protections; the Administration seeks your favorable consideration of Senate Bill 249.

TESTIMONY BY: Joseph Bryce, Chief Legislative Officer
Office of the Governor

J. Charles Fox, Secretary
Maryland Department of Natural Resources

Judge John C. North, II, Chairman
Chesapeake Bay Critical Area Commission

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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January 30, 2002

Honorable Kenneth D. Schisler
Lowe House Office Building
Room 415
Annapolis, MD 21401

Re: Critical Area Variances

Dear Delegate Schisler:

I am writing in regard to your request for information concerning variances to local Critical Area Programs. Margaret McHale informed me that you asked for variance decisions with which the Critical Area Commission disagreed, particularly those from rural jurisdictions issued since the three Court of Appeals cases that are the focus of proposed legislation. The decisions I supplied last week to Ms. McHale are the only decisions that provide a written explanation of the variance requests and the issues the Commission believes were decided in error.

When we appeared before the Critical Area Oversight Committee last fall, you asked for the number of local variances approved over the Commission's objections and based on the Court of Appeals rulings in the Belvoir, White and Mastandrea cases. At that time we had not counted the decisions and I answered that I thought there were between eight-ten. Our research indicates that there were five written decisions and these I supplied to Ms. McHale. Last week I again searched our variance records for the rural jurisdictions, but did not find additional written decisions clearly based on the Court's recent opinions. There are three likely reasons for this.

The Commission has been actively working with local jurisdictions, including Talbot County, to reduce the number of situations that require a property owner contemplating development to apply for a variance. We have done this primarily by helping local governments identify potential Buffer Exemption Areas. These stretches of shoreline are sometimes called Buffer Management Areas or Special Buffer Areas. They represent areas of grandfathered development where alternative Buffer provisions are in place and where new development can be allowed without a variance if mitigation is provided.

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Honorable Kenneth D. Schisler
January 30, 2002
Page 2

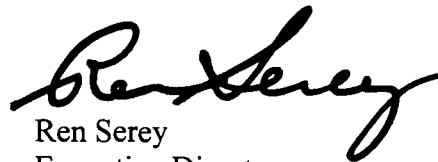
Second, there are relatively few Critical Area variance cases from these jurisdictions compared to Anne Arundel County, which is the source of the decisions I forwarded previously. In addition, most jurisdictions do not provide written decisions with the degree of explanation and legal analysis contained in the Anne Arundel County cases.

Lastly, in regard to Talbot County, the County Code allows for new development in the Buffer on grandfathered lots if the development does not extend shoreward of the existing primary structure. The Commission is working with the County to incorporate these existing procedures into a formal Buffer Exemption program.

The Critical Area Commission has made clear its goal to continue to assist all local jurisdictions in developing Buffer Exemption Programs in order to further minimize the need for variances. The Commission believes however, that where alternatives exist and new development can be moved away from the immediate shoreline, especially on new lots created since implementation of a local Critical Area Program, the law of variances should be as originally intended by the General Assembly.

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

Sincerely,



Ren Serey
Executive Director

cc: Members, Legislative Oversight Committee
on the Chesapeake Bay Critical Area

Judge John C. North, II, Chairman

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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January 25, 2002

Honorable Harry R. Hughes
24800 Pealiquor Road
Denton, MD 21629

Dear Governor Hughes:

There are two Critical Area Variance Bills being heard on February 5, 2002 in the Senate Education, Health, and Environmental Affairs Committee:

Senate Bill 249 is the Administration bill.

Senate Bill 326 is Senator Roy Dyson's bill. Senator Dyson is Co-Chair, along with Delegate Michael Weir, of the Joint Legislative Oversight Committee on the Chesapeake Bay Critical Area.

Both bills have the same goal: to reverse three recent opinions of the Maryland Court of Appeals concerning variances to local Critical Area regulations. Most variances are for proposed development in the 100-foot Buffer, although variance applications can be made for relief from any type of Critical Area or other regulation.

Both bills define "unwarranted hardship." They say it means that, "without a variance, an applicant would be denied reasonable and significant use of the entire parcel or lot for which the variance is requested." The Critical Area Act and Criteria never defined this term. It had been defined in a manner similar to the above throughout many years of reported zoning cases until the Court of Appeals started redefining it in 1999. The three cases involved are Belvoir Farms v. North (1999); White v. North (1999); and Mastandrea v. North (2000).

In the Belvoir case, the Court said unwarranted hardship was below the standard of a regulatory taking, and was the denial of reasonable and significant use of a property. This implied looking at a property as a whole. One month later, in the White case, the Court added an "a" to the mix. The Court said unwarranted hardship was the denial of "a reasonable and significant use of property." This changed the scope of a local Board of Appeals' review. Under the White decision, the denial of any use deemed reasonable and significant by an applicant, and therefore by a Board of Appeals, could be deemed an

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unwarranted hardship. Judge Cathell, the author of both opinions, announced to the Worcester County Bar Association later that he made the change deliberately.

The definition in the bill would allow for analysis of alternatives elsewhere on a property. This is important because when alternatives exist a Board should be allowed to consider them in deciding the merits of a variance application. The Mastandrea decision further limited local Boards by stating that the proper scope of analysis is the exact place on a lot where an applicant proposes development, not any alternative sites that may exist.

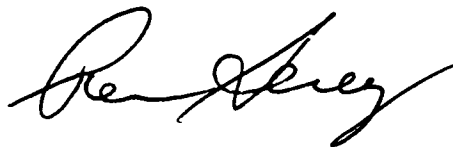
The Critical Area Act and Criteria establish a 100-foot Buffer from tidal waters and the landward edge of tidal wetlands. All development in the Buffer must be water-dependent; e.g. piers, marinas, public access points and water-intake pipes. Any other disturbance can be allowed only by a variance approved by a local Board of Appeals.

The other differences in the bills are minor, but important to a group of very active marina owners in Baltimore County. The Critical Area Criteria authorize local jurisdictions to propose certain already developed areas as Buffer Exempt Areas. These areas actually are not exempt from regulation; instead the Criteria require alternative Buffer protections. If a development proposal in one of these areas is consistent with a local Buffer Exemption program, no variance is needed. Senator Dyson's bill says that specifically, which is what the marina owners want. Governor Glendening's bill does not include this provision, but we have been consulting with his staff and they have assured Senator Dyson and us that they are willing to add the language.

Senator Dyson's bill is the version that passed the Senate last year. It also includes a provision to change the local periodic review of a Critical Area Program from a four-year cycle to a six-year cycle. The Governor's Office apparently has no problem with this provision either, and we are told they are willing to add it. The Commission supported both provisions last year; they are truly minor.

I have also included a chart, which outlines the three cases, prepared by Marianne Mason, our Assistant Attorney General.

Thank you, Governor, for making this effort again this year. We really do appreciate it.

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

Judge John C. North, II
Chairman



Ren Serey
Executive 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 14, 2002

Dr. Ross Simons, Director
Smithsonian Environmental Research Center
647 Contee Wharf Road
Edgewater, Maryland 21037

Dear Dr. Simons;

I am writing this letter to introduce you to our organization and request the use of your facilities for our annual spring workshop. The Chesapeake Bay Critical Area Commission is a 27- member commission appointed by the Governor. The Commission and its staff work cooperatively with 61 local governments whose jurisdictions are partially or entirely within the Critical Area. These local governments administer their Critical Area programs through local ordinances with oversight from the Commission.

Each year we sponsor a workshop whose audience includes local government planners, state and federal resource personnel and private consultants. These workshops provide updated information, guidance and training for people involved with the Critical Area regulations. I have attached a copy of the agenda from our last workshop. This year we hope to include topics that include greenroofs, buffers, vernal pools, and the Greenprint programs.

I spoke with Ms. Myers and understand that use of your facilities involves a minimum \$200 fee. Since we try to provide our workshops at no cost to the local governments to encourage attendance and participation, we would ask if you would consider a fee reduction for use of your facilities. We have tentatively scheduled Tuesday, May 14 as the date of the workshop and understand the facilities are presently available for that date.

Thank you for your consideration. Please feel free to contact me at (410) 260-3460 if you have additional questions about our Commission or the workshop.

Sincerely,

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

Ren Serey
Executive Director

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

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

CRITICAL AREA COMMISSION

Spring Workshop

June 21, 2001

9:00 a.m. – 3:00 p.m.

Agenda

9:00 – 9:15 Coffee and Registration

9:15 – 9:30 Welcome and Introductions

Mary Owens

9:30 – 10:30 Delmarva Fox Squirrels

Mary Ratnaswamy (U.S. Fish and Wildlife Service)

This session will explore all aspects of the endangered Delmarva Fox Squirrel including its appearance, characteristics, habits, and habitat requirements. Experts on the species will describe how to determine if a site is potential habitat for the Delmarva Fox Squirrel and provide guidance on how recommendations for the conservation of habitat are developed and on what factors recommendations are based.

10:30 – 10:40 Break

10:40 – 12:10 Buffer Management Plans

Claudia Jones, Regina Esslinger and Mary Owens

This field session will examine how to develop and implement Buffer Management Plans including how to analyze a site to determine the best way to enhance the Buffer, how to address the desires of property owners, how to eradicate vines and invasive species, and how to ensure that Plans are properly implemented. Issues to be discussed include the components of a Buffer Management Plan and how to review them. Access through the Buffer on public and private properties and how paths can be accommodated will also be covered.

12:10 – 12:30 Wetland Creation Project at Adkins Arboretum

Eli Altman (Adkins Arboretum)

This session will provide information on the new Wetland Creation project at Adkins Arboretum that involved the conversion of an existing pond into a wetland. Wetland hydrology, wetland plants, and the enhanced biodiversity of wetlands will be discussed.

12:30 – 1:10 Lunch

(Lunch to be provided by the Critical Area Commission.)

1:10 – 1:55 **Compliance with the New MDE Stormwater Manual and the 10% Rule**
Stew Comstock (Maryland Department of the Environment), Mary Owens

This session will review how the new MDE Stormwater Manual will affect 10% Rule compliance within the Critical Area. Topics to be covered include when worksheets need to be submitted, which provisions apply in certain situations, answers to frequently asked questions, and what process should be followed when local governments make changes to their local code and ordinances.

1:55 – 2:05 **Break**

2:05 – 3:00 **Innovative Projects**

Mary Ann Skilling and Roby Hurley (Maryland Department of Planning), Katherine Munson (Worcester County Department of Comprehensive Planning)

This session will provide an overview of some innovative planning efforts that involve a creative approach to dealing with Critical Area issues such as public access, enforcement of the Buffer provisions, and long range planning to address unique ecological areas. Issues to be discussed include how to form effective partnerships, utilize grant funds, and ensure project implementation.

Please dress for the field and bring hats, sunscreen, and insect repellent.



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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January 16, 2002

Ms. Melissa B. Cook-MacKenzie
Town Administrator
106 S. Main Street
North East, Maryland 21901

Re: North East Isles Community Marina – Deed Restriction Language

Dear Ms. Cook-Mackenzie:

I have reviewed the proposed language for deed restrictions at the North East Isles Community Marina. The language appears to provide adequate assurance that only owners of North East Isles Condominium units will hold boat slips at the marina. As I stated in my letter of November 7, 2001, this is appropriate in order for the marina to maintain its status as a community marina under the Town's Chesapeake Bay Critical Area Program.

You also provided a copy of a letter to you from Daniel U. Dygert, President of PFG Capital Corporation, dated December 18, 2001. In the letter, Mr. Dygert indicated that the Developer/Declarant would be "supportive of an easement on the common elements of the Marina Condominium to the benefit of the owners or leasees" of the assessable lots in North East Isles. I recommend that such an easement be granted in perpetuity, to assure that all residents of North East Isles maintain access to the marina area and common grounds as they do now.

If you have questions or need additional information, please contact me.

Sincerely,

Ren Serey
Executive Director

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

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



Judge John C. North, II
Chairman

Ren Serey
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