

Staff Correspondence Volume II: Chandler

2002

51832-151-1

Chandler

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

July 3, 2002

Ms. Jane M. Stone
110 Dickinson Lane
Wilmington, DE 19807

RE: Waterfront Development on the Rhode River

Dear Ms. Stone:

I apologize for the long delay in responding to your letter forwarded to us by Terry Cummings of the Chesapeake Bay Foundation. Your letter to Frank Ward of the Anne Arundel County Permit Application Center expressed concern about some recent development activity along the Rhode River as well as concern regarding the long-term recovery of the Bay. You may have already received a response from the County addressing your concerns but we wanted you to know that the Critical Area Commission is looking into the situation.

First, in response to the photos you provided, we contacted the County Department of Inspections and Permits. According to the County inspector, what appears as a new deck at 4092 Cadle Creek Road is simply a new railing installed around an older, existing deck. If the deck was already existing, a replacement railing would not require any permits and no reparation would be required. However, the situation at 4128 Cadle Creek Road is quite different. The property owners had received approval only to replace an existing bulkhead. They did not have approval for the extensive retaining walls and the "tiki-bar" structure shown in the photos. The County issued a violation notice in the third week of June and has given the property owners 30 days to correct the situation. This may involve removal of the structures and restoration to the previous condition, or the property owner may apply for an after-the-fact variance to permit the structures to remain. This office would not support such a variance request and would work towards removal of the structures and full restoration of the area.

In your letter, you asked if the County conducts any monitoring of the Critical Area along the waterways. It is our understanding that the County does not monitor activities along the shoreline in any routine manner. Instead, the majority of the work of the Department of Inspections and Permits is complaint-driven. In other words, the County depends on concerned citizens like you to report unauthorized activities such as building structures and removing trees along the shoreline. There are strict regulations concerning building and removing vegetation along the water's edge, especially within 100 feet of the shoreline. For your information, I have enclosed a photocopy of a brochure published by Anne Arundel County that describes the

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Ms. Jane M. Stone

July 3, 2002

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regulations governing development on waterfront properties. While it is somewhat dated, it provides a thorough overview of the various issues that must be addressed when any development along the shoreline is proposed. If, after reviewing this document, you have further specific questions, I suggest that you contact the County's Permit Application Center at (410) 222-7710.

Lastly, your letter expresses your general concern about development "nibbling away" the natural state of the shoreline as well as the inequitable application of the regulations in Anne Arundel County. At their last monthly meeting, the Critical Area Commission invited representatives of Anne Arundel County to discuss the County's Critical Area Program in general as well as specific concerns regarding problems with enforcement. The meeting was very productive, resulted in a number of newspaper articles, and response to enforcement complaints has improved significantly. The County is now posting a list of Critical Area violations on their website (<http://www.co.anne-arundel.md.us/>). Also, if you continue to have concerns, you may wish to contact your County Council person to let him know about your concerns. His name is John J. Klocko and his telephone number is (410) 222-1401. His address is Anne Arundel County Council, 44 Calvert Street, Annapolis, Maryland 21401.

Thank you for your concern about the health of the Rhode River. The effectiveness of the County's Critical Area Program depends on citizens taking notice and taking the time to investigate activities which appear inconsistent with the efforts to protect the Bay. If you have any further questions or if I can be of any assistance, please feel free to contact me at (410) 260-3477.

Sincerely,



LeeAnne Chandler
Natural Resources Planner

Enc.

cc: Terry Cummings, Chesapeake Bay Foundation (w/o Enc.)

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Chairman



Ren Serey
Executive Director

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July 3, 2002

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

RE: Variance Case No. 2002-0066-V, David & Rebecca Mohr

Dear Ms. Plociennik:

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

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 work 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: AA396-02

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July 3, 2002

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

RE: Administrative Subdivision, File #04-02-07-0001-C, Mark Ferrier

Dear Ms. Collison:

Thank you for providing information on the above referenced administrative subdivision. The applicant proposes to combine two existing lots into one in order to construct a dwelling. Provided that all LDA standards are met upon development of the property, this office has no Critical Area concerns regarding this proposed subdivision.

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: QC420-02

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July 3, 2002

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

RE: Administrative Subdivision, File #02-02-06-0001-C, Patrick & Diane McClary

Dear Ms. Collison:

Thank you for providing information on the above referenced administrative subdivision. The applicant proposes to combine two existing lots into one in order to construct a dwelling. Provided that all LDA standards are met upon development of the property, this office has no Critical Area concerns regarding this proposed subdivision.

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: QC379-02

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July 8, 2002

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

To: Theresa
Pierno
From: LeeAnne
Chandler
410 260 3477

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

Dear Ms. Miley:

This office has received some additional information in regard to 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. We received a report from See Environmental Services, Inc. that indicates that there is not a wetland on this site. However, the report does note that the southeastern corner of the property obviously receives runoff from surrounding areas.

Notwithstanding the above, the request does not appear to be minimized, especially in regard to grading and clearing 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. There are many large trees on the property that should be preserved. The site is significantly impacted by numerous exotic invasive species but wholesale clearing of the site is not warranted. The invasive species could be removed without removing the larger trees. Also, it is important to note that the trees on this property create a wildlife corridor between the developed Hillsmere subdivision and adjacent Quiet Waters Park.

Based on a site visit, it appears that a dwelling of reasonable size could be placed on the lot with less impact to the slopes and existing woodlands. The applicant could take advantage of an existing opening in the forest canopy in the north/central portion of the property. An on-site topographical survey (if one has not been done) and a site plan which shows actual locations of the large trees should be prepared to determine the optimal house location. Also, the proposed dwelling and garage have a footprint of over 2,000 square feet. A smaller house (i.e., reasonable use of the property) could be placed on the property with fewer impacts. Development of this lot should be designed according to the constraints of the site.

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July 8, 2002

Ms. Pam Miley
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. Miley:

This office has received some additional information in regard to 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. We received a report from See Environmental Services, Inc. that indicates that there is not a wetland on this site. However, the report does note that the southeastern corner of the property obviously receives runoff from surrounding areas.

Notwithstanding the above, the request does not appear to be minimized, especially in regard to grading and clearing 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. There are many large trees on the property that should be preserved. The site is significantly impacted by numerous exotic invasive species but wholesale clearing of the site is not warranted. The invasive species could be removed without removing the larger trees. Also, it is important to note that the trees on this property create a wildlife corridor between the developed Hillsmere subdivision and adjacent Quiet Waters Park.

Based on a site visit, it appears that a dwelling of reasonable size could be placed on the lot with less impact to the slopes and existing woodlands. The applicant could take advantage of an existing opening in the forest canopy in the north/central portion of the property. An on-site topographical survey (if one has not been done) and a site plan which shows actual locations of the large trees should be prepared to determine the optimal house location. Also, the proposed dwelling and garage have a footprint of over 2,000 square feet. A smaller house (i.e., reasonable use of the property) could be placed on the property with fewer impacts. Development of this lot should be designed according to the constraints of the site.

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If a variance is granted, this office recommends mitigation at a 3:1 ratio for clearing over 30% of the site. Also, while the stormwater management note on the site plan states that stormwater infiltration is not feasible, the wetlands report indicates that the soil type is actually quite sandy. We recommend that the applicant be required to provide on-site stormwater management to address runoff from all impervious new areas.

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: AA236-02



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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July 8, 2002

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

RE: Board of Appeals Case No. 39-02V, Cradlepine, LLC

Dear Ms. Miley:

This office has received revised plans in reference to the above case. The applicant is requesting a variance to permit a dwelling and associated facilities with less setbacks and Buffer than required and with disturbance to steep slopes. The property is designated LDA and is currently undeveloped. The property in question is made up of 23 small non-conforming lots. Its boundaries are very irregular in shape.

Commission staff has visited the site on a number of occasions. Due to a combination of non-tidal wetlands, open space zoning, and steep slopes, it does not appear that the property could be developed without a variance. However, this office has serious concerns in regard to minimizing impacts. It appears that the house has been sited to optimize the view rather than minimize impacts. Also, while the house has been decreased in size since it was originally proposed, it still has a footprint of 2100 square feet. While the newer homes within Herald Harbor are increasing in size, a house of this size and design is simply not appropriate for this property. A smaller house could be placed on the property with fewer impacts. For example, the enclosed sketch shows a house of 45 by 35 feet (still significantly more than the 600 square foot minimum house size permitted by §10-105 of the County Zoning Ordinance) located according to the constraints of the site. While this would require redesigning the septic system and proposed drainage modifications, it would help minimize overall site impacts. For example, the driveway would be shortened by 60 feet. Every effort should be made to minimize disturbance on this site. The soils are highly erodible and the area currently proposed for the house is one of the steepest on the property. Any variance granted should be the minimum to provide reasonable use.

If a variance is granted, we recommend that it be contingent on the applicant meeting several conditions. First, we recommend that the applicant install blaze orange safety fence (in addition to any required silt fencing) to identify the approved limits of disturbance (LOD). This will serve two purposes. It will ensure that no clearing occurs outside the LOD and it will also ensure

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Ms. Pam Miley
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that the lots not owned by the applicant are protected from any disturbance. Second, we recommend that culverts be installed underneath the proposed driveway to maintain the hydrology of the non-tidal wetlands on the property. Lastly, we recommend that the areas outside of the LOD be placed under a conservation easement that would be identified in the deed so any future property owner is made aware of the constraints on the site.

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.

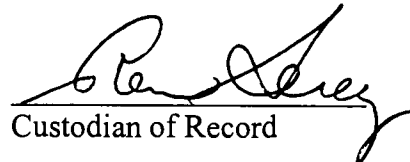
Sincerely,


LeeAnne Chandler
Natural Resources Planner

Enc.

cc: AA606-01

In accordance with Courts and Judicial Proceedings Article, Annotated Code of Maryland, §10-204, this is a true copy of a public record of the Chesapeake Bay Critical Area Commission.


Custodian of Record



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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July 11, 2002

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

RE: Variance Case No. 2002-0229-V, Daniel Ringenbach

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. However, impacts should be minimized and the variance requested should be the minimum to provide relief. Due to the steep slopes on this site, it appears that any development would require a variance. Minimization of impacts is directly related to the size, design and location of the dwelling. The proximity of water wells on neighboring lots and the Health Department's distance requirements have established the location of the septic system. However, the proposed dwelling has a footprint of nearly 3000 square feet. A circular driveway is also proposed. It may be appropriate to reduce the driveway and/or the dwelling to minimize impacts such as clearing and impervious surfaces. Less impervious cover will also allow a smaller stormwater facility. For any variance granted, reforestation should be required at a minimum 1:1 ratio for any allowed clearing on the site.

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

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA367-02

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July 11, 2002

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

RE: Variance Case No. 2002-0245-V, 8919 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 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. However, impacts should be minimized and the variance requested should be the minimum to provide relief. Due to the extensive non-tidal wetlands on this site, any development would require a variance. Minimization of impacts is directly related to the size, design and location of the dwelling. The proposed house is located at the front building restriction line and it is similar in size to many other recently constructed houses on similar lots. However, our concern in this case is the proposal for the 175-foot driveway to the back of the house along an unimproved right of way. We recommend that the driveway access the lot from Gwynne Avenue in the same manner as the similar homes across the street. The additional 1800 square feet of impervious and clearing created by the excessive driveway does not minimize impacts to the wetland, its buffer nor the forest interior dwelling bird habitat. If the driveway were eliminated, this office would not oppose the variance for the dwelling and well. We recommend mitigation for all disturbance at a 3:1 ratio. Also, the balance of the property should be placed in a conservation easement, to be recorded in the deed for the property.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this 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: AA397-02

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Ren Serey
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July 11, 2002

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

RE: Variance Case No. 2002-0246-V, Gary Biedenkapp

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 an accessory structure with less setbacks than required. The property is designated IDA, is Buffer Exempt and is currently developed with a single family dwelling.

This office has no comment regarding the setback variance for the accessory structure. With regard to the proposed dwelling addition, it appears that it consists of placing a second story directly over the first, with only a second story cantilevered balcony extending closer to the water than the existing house. Due to the absence of new physical disturbance to the Buffer, this office does not oppose the variance requested. Mitigation should be provided for the impervious areas in accordance with the County's Buffer Exemption Area regulations. Also, because this 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,

LeeAnne Chandler
Natural Resources Planner

cc: AA398-02

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July 11, 2002

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

RE: Case Nos. 2002-0258-S & 2002-0259-V, Charlotte Elliott

Dear Ms. Plociennik:

Thank you for providing information on the above referenced requests. The applicant is requesting, after the fact, a special exception to permit the expansion of a non-conforming use and a variance to permit a building addition with less setbacks and Buffer than required. The property is designated LDA, is Buffer Exempt and is currently developed with restaurant and associated parking.

This office has no comment regarding the special exception. With regard to the proposed building addition, additional information should be provided. Specifically, the applicant should provide evidence that the concrete slab is legally grandfathered (a recognized part of the non-conforming use) or if it received a variance. If it is "legal", this office does not oppose construction of a roof over the area. If the concrete slab is not legal, then the applicant should be required to apply for an impervious surface variance or remove the pad and roof. This office could not support an impervious surface variance given the LDA designation and the excessive impervious that already exists without any stormwater management provided.

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

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA405-02

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

RE: Variance Case No. 2002-0209-V, Chris Diamondidus

Dear Ms. Plociennik:

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

This office has no comment on the side setback variances. With regard to the variance to disturb steep slopes, this office would not have opposed replacement stairs to replace existing ones to provide access to the back yard. In addition, it seems that a moderately sized landing at the basement door could be warranted. Similarly, on the left side of the dwelling, a level landing/deck at the screened porch door could have been warranted. It is not clear why access from the front of the house to the back is necessary along both sides of the dwelling. It may be appropriate to remove the series of landings on the left side of the house and revegetate the slopes. (Often, removal of vegetation on slopes leads to erosion.) If a variance is granted, we recommend mitigation for the unauthorized disturbance at a 3:1 ratio. The Buffer should be a priority location for the plantings.

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

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA359-02

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July 11, 2002

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

RE: Variance Case No. 2002-0219-V, Patricia Dillon

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 dwelling and driveway.

This office often does not oppose additions that provide a reasonable expansion of living space if impacts are minimized and the variance requested the minimum to provide relief. Given the location of the existing deck and the absence of new disturbance, we do not oppose the variance requested. Mitigation should be provided at a 2:1 ratio for the area of new impervious created within the Buffer. The Buffer should be a priority location for the plantings.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this 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: AA374-02

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

RE: Variance Case No. 2002-0220-V, Jim Nye

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance request. The applicant is requesting a variance to permit deck additions with less setbacks and buffer than required and with disturbance to steep slopes. The property is designated LDA, is not waterfront and is currently developed with a single family dwelling, two sheds and a driveway.

This office often does not oppose variances for attached decks of reasonable size, provided that they are sited to minimize impacts. It would be very helpful to know the square footage of the proposed decks. In general, they appear to be of modest width but an excessive 83 feet in total length. It may be more appropriate to extend the deck approved under the building permit to a more usable 10-foot width and perhaps provide a small deck in the southern corner of the house. If the requested decks are approved, we recommend that they be cantilevered where possible. Any footers should be hand dug. Also, the application did not include information on the amount of existing forest cover on this site. At least 15% of the site should be planted in forest vegetation.

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

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA364-02

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

July 11, 2002

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

RE: Variance Case No. 2002-0231-V, Wes 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 with less setbacks and buffer than required and with disturbance to steep slopes. The property is designated LDA, is not waterfront and is currently undeveloped, except for an oddly shaped existing foundation.

Provided these lots are properly grandfathered, this office does not oppose the siting of a single-family dwelling on them. Impacts should be minimized and the variance requested should be the minimum to provide relief. The proposed dwelling is of moderate size and is sited in the vicinity of the existing foundation. Steep slopes are scattered on the site. The proposed septic system is located in the more level area at the front of the lot. Given the Health Department's distance requirements, it does not appear that these lots could be developed without a variance. Impacts may be minimized and the house located closer to the road if use of a drywell system (which typically takes up less space) is feasible on this property. If the impacts are unavoidable and a variance is granted, mitigation for clearing 26% of the site is required by the County Zoning Ordinance at a 1.5 to 1 ratio. Also, given the close proximity to non-tidal wetlands, we recommend that a best management practice be used for managing stormwater in addition to providing the forest easement.

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

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA368-02

Branch Office: 31 Creamery Lane, Easton, MD 21601
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July 11, 2002

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

RE: Variance Case No. 2002-0239-V, Charles Kamm

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. The property is designated IDA, is Buffer Exempt and is currently developed with a dwelling and driveway.

The requested deck additions on the water-side of the dwelling are actually in-kind replacements of existing structures with only a modest 2-foot extension on the second floor deck. Given the lack of new physical disturbance to the Buffer, this office does not oppose the variance requested. However, because this property is designated IDA, the 10% pollutant reduction rule must be addressed. Usually, on lots of this size, plantings are sufficient to meet this requirement.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this 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: AA375-02

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July 11, 2002

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

RE: Variance Case No. 2002-0237-V, James Jackson

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 IDA, is Buffer Exempt and is currently developed with a dwelling and driveway.

The requested addition is proposed to be placed over an existing deck with approximately 80 square feet of new impervious cover in the 100-foot Buffer. This office does not oppose the variance requested because the addition appears to be a reasonable expansion of living space with minimal new impact to the Buffer. Given that the existing deck will be eliminated, are any future deck additions proposed? If so, we recommend that they be made part of this request to avoid another variance request in the future. Also, because this property is designated IDA, the 10% pollutant reduction rule must be addressed. Usually, on lots of this size, plantings are sufficient to meet this requirement.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this 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: AA599-01

Branch Office: 31 Creamery Lane, Easton, MD 21601
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July 11, 2002

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

RE: Variance Case No. 2002-0196-V, Bay Ridge, LC/Elm Street Development

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 undeveloped.

Provided these lots are properly grandfathered, this office does not oppose the siting of a single family dwelling on them. However, impacts should be minimized and the variance requested should be the minimum to provide relief. Due to the steep slopes on this site, the entire property is within the expanded Buffer and any development would require a variance. Minimization of impacts is directly related to the size, design and location of the dwelling. The applicant is requesting a five-foot variance to the rear setback in order to locate the house as close as possible to the street. Nearly the entire house is out of the 100-foot Buffer, with the exception of the proposed deck (and the well). However, the house is 80 feet long with a footprint of nearly 3000 square feet. While the proposed impervious cover is less than the maximum allowed, it may be excessive given its location entirely within the expanded Buffer. For any variance granted, reforestation should be required at a 3:1 ratio for clearing over 30% of the site.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this request. Also, please 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: AA347-02

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Ren Serey
Executive Director

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July 12, 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~~^{Tanya}-Maenhardt:

At its meeting of July 10, 2002, the Chesapeake Bay Critical Area Commission concurred with the Chairman's determination that the proposed Downey/Corson BEA map amendment qualifies as a refinement to the Queen Anne's County Critical Area Program. Chairman North has approved this refinement.

Pursuant to Natural Resources Article 8-1809(o)(2), Annotated Code of Maryland, as amended, the County should make the approved change on the County's Critical Area Maps within 120 days of receipt of this letter. A revised map should be provided to this office when it is available.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: Amendment file

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Ren Serey
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July 9, 2002

Rob Konoval
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

VIA FACSIMILE

Re: Variance 2002-0082, Patapsco Boating & Social Club

Dear Mr. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a single-family dwelling within the expanded Buffer of the Critical Area. The property is designated a Limited Development Area (LDA), is Buffer Exempt and is currently developed with numerous homes and accessory structures.

Unusual circumstances exist relating to the ownership and development of this property. Since this parcel is not subdivided, any development within the Critical Area must consider the entire parcel when applying the standards for development in the LDA and evaluating existing conditions such as impervious surface coverage, forest coverage, storm water management, and Habitat Protection Areas.

Based on the information provided by the applicant and the site visit that took place on July 9, 2002, we offer the following comments regarding this variance request.

- 1) Impervious calculations indicate that the five-acre property already exceeds the 15% impervious surface limit by approximately 14,000 square feet. Any increase in impervious cover would require an additional variance. It is our understanding that the applicant is proposing to have impervious cover removed by relatives within the community for whatever increase he is allowed to ensure no net gain of impervious. This office is amenable to this concept only if there is some guarantee that the impervious will actually get removed. (We understand that the County has started using an affidavit that can be followed up on.)

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Rob Konoval
Variance 2002-0082, Patapsco Boating & Social Club
July 9, 2002
Page 2

- 2) As proposed, the limits of disturbance are within the expanded Buffer, excluding a small portion of the driveway. It appears that the limits of disturbance could be minimized around the perimeter of the proposed dwelling, particularly the extensive grading on steep slopes. We recommend that the limits of disturbance be reduced to provide the minimum access necessary for the proposed construction.
- 3) The size of the proposed dwelling is substantial, given its location within the Buffer and the presence of steep slopes. We recommend that the dwelling be reduced in size or reconfigured to minimize impacts within the expanded Buffer. After reviewing the architectural drawings for the house, it also appears that the house would be out of character with the neighborhood. Many of the homes have been renovated and enlarged, but they remain in character with the neighborhood. We recommend that the applicant reduce the house to a more modest footprint. The existing house is 18 feet by 32 feet. It seems that doubling the width and adding a second story is a reasonable expansion of living space that would allow the house to be used year round. Also, if the house is reduced in size it appears that more of the existing trees could be preserved. This will also help reduce the impact on the character of the neighborhood.
- 4) A stone outlet structure is shown on steep slopes adjacent to the house. We assume that the purpose of this structure is to convey storm water runoff from the site. The structure should discharge to a stable, vegetated area on the property to prevent disturbance to steep slopes and provide water quality benefits within the Buffer. We recommend that the structure be moved to a less steep area on the site, perhaps within the graded area at the back of the house, to allow sheet flow and infiltration to occur before reaching steep slopes.
- 5) Mitigation, at a ratio of 2:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be required. Mitigation plantings, consisting of a mix of native species, should be directed first to non-forested areas of the Buffer.

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

Sincerely,


Julie V. LaBranche
Natural Resources Planner

cc: AA 245-02 suppl.

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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July 15, 2002

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

RE: BA40-02, BA41-02, BA42-02, Severn River Inn, LLC (2001-0324-V & 2001-0522-V)

Dear Ms. Miley:

This office has received a revised plan for the above referenced Board of Appeals cases. The case involves a variance to permit a septic system with less Buffer than required and with disturbance to steep slopes, a variance to permit a parking lot with less setbacks than required and a variance to permit disturbance to the Buffer for a building and associated facilities. The property is designated LDA, is partially Buffer Exempt and is currently developed with a dilapidated restaurant and parking lot.

The revised plans show a smaller restaurant and an increased Buffer between the proposed development and the water. We recognize the existing conditions on this site. As stated in previous comments, redevelopment of the property should result in an overall environmental improvement. The increase in planting and the reduction in proposed impervious surface help to minimize the variance request. It appears that the location for the proposed septic system is the only viable alternative for septic disposal. This office does not oppose the variances requested. If the variances are approved, we recommend daily monitoring of the sediment control devices while the septic system is being installed and until vegetative cover becomes established. We recommend mitigation for all new disturbance within the Buffer for the septic system at a 3:1 ratio. Native vegetation should be used for all stormwater and mitigation 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 provide this office with a copy of the written decision for this case.

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: Mr. Mike Drum, Drum, Snell & Associates
AA500-01

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July 15, 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 – ADDITIONAL COMMENTS

Dear Ms. Plociennik:

This office has received revised plans for 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.

The new site plan shows two new decks, a bay window, a chimney and a new retaining wall around the proposed dwelling. It appears that the only new impact to steep slopes is the proposed deck on the western side of the dwelling. The deck is a modest nine feet by twelve feet. We often do not oppose decks of reasonable size. If the deck footers can be installed by hand on the level portion of the yard, with the remainder of the width being cantilevered, this office does not oppose the variance requested. We recommend that any vegetation removed in the course of construction be replaced in kind, ensuring that at least 15% of the site is 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,

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

LeeAnne Chandler
Natural Resources Planner

cc: AA619-01

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

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July 15, 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 the revised plans for the above referenced minor subdivision. The subject property is proposed to be subdivided into four residential lots. 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 revised information provided.

With the use of TDRs, it appears that the proposed subdivision is consistent with the County's Critical Area Program. However, please note that the proposed wells on Lot numbers 3 and 4 are located within the riparian forest. Some clearing will be necessary for well installation and this should be reflected in the forest calculations. Mitigation for the clearing should occur at a minimum 1:1 ratio. Also, in regard to stormwater management, staff has noted the proposed stormwater management easement on the cul-de-sac. We assume, based on existing topography and the layout of the lots, that this facility will be treating runoff from the only the proposed road. Residential best management practices should be used on the individual lots to ensure stormwater quality management for the entire site is provided.

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: QC254-02

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July 15, 2002

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

RE: Nanticoke Harbor – Proposed Parking Lot Improvements

Dear Mr. Hedger:

Thank you for providing information on the above referenced project. We understand that the Department of Recreation, Parks and Tourism is proposing to pave an existing gravel access road and parking lot. We concur with the County's determination that the existing gravel is an impervious surface due to the high volume of recreational use. Paving the gravel areas will not increase impervious cover on this site. If possible, we recommend that runoff from the paving be allowed to sheet flow into grassed areas to help reduce the impacts from stormwater.

Thank you for the opportunity to review this project. If you have any questions or if changes are made to the project as submitted, please contact me at (410) 260-3477.

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: WI431-02

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Ren Serey
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July 16, 2002

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

RE: Richardson Property – Summary of Subcommittee Discussion

Dear Mr. McKenzie:

I am writing to follow up on the discussion the Program Subcommittee had on the Richardson property at its meeting in Ocean City on July 10, 2002. At the meeting, I gave a brief history of the property along with a summary of the detailed information on soils, topography and vegetation that Mr. Matt Hedger had provided in his staff report. You followed with a description of the various septic alternatives explored. It was established that an additional septic area could not be established on the property outside of the Critical Area. In response to a question from a Commission member, Mr. Hedger provided additional detail on the new septic technology that could be used on this site. There was consensus among Subcommittee members that if the proposal were approved at the local level, they would look at it favorably, subject to three recommendations:

1. In order to be consistent with the Commission's policy on the use of a development envelope in calculating the quantity of necessary growth allocation, the development envelope must 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." In this situation, the development envelope includes the pipestem from the Critical Area boundary to the proposed septic reserve area. In order for it to include all of the "individually owned lots", lot lines must be established around the pipestem and septic reserve area. It is recommended therefore that existing Lot 3 be subdivided into two separate lots; one of which could not be further developed.
2. County staff indicated that if growth allocation were approved, a note could be placed on the plat requiring the use of enhanced septic technology for the new dwelling. A Commission member suggested that in addition to the requiring the use of this type of system, the note should require maintenance of the system as well.

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Mr. Frank McKenzie
July 16, 2002
Page 2

3. Lastly, Subcommittee members and Commission counsel suggested the establishment of a development envelope totaling 0.6 acres rather than the minimum of 0.33 acres as described in the County's staff report. A deduction of 0.6 acres would leave the even 40 acres as RCA that are required to account for the density of Lots 1 and 2. It would also ensure that a separate 0.27 acre "envelope" could not be established elsewhere within the Critical Area portion of the property.

The Subcommittee was very appreciative of the work you have done to address its concerns. As you are aware, the growth allocation request must still be reviewed and approved by the full Critical Area Commission. Commission staff is available to work with you in addressing the Subcommittee's recommendations or in taking the project through the local approval process. If you have any questions or concerns, please contact me at (410) 260-3477.

Sincerely,



LeeAnne Chandler
Natural Resources Planner

cc: WI80-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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July 19, 2002

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

RE: Variance Case No. 2002-0257-V, R. Rubinstein


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 LDA, is Buffer Exempt and is currently developed with a single-family dwelling.

The subject property was developed in 1984, prior to the passage of the Critical Area Law. We do not have any information related to the setbacks or buffers that were required at that time. This office often does not oppose decks of reasonable size, provided that impacts are minimized. During a drive through the community, it appeared that most dwellings had decks of relatively modest size (extending approximately 8 to 12 feet from the dwelling). However, this observation is based on what could be seen from the road, rather than the shore. Provided that the addition to this deck would not be out of character with the neighborhood, this office would not oppose the variance requested. However, we recommend that the footers be hand dug and mitigation be provided for any vegetation removed in the Buffer.

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

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: AA404-02

Branch Office: 31 Creamery Lane, Easton, MD 21601
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July 22, 2002

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

RE: Variance Case No. V-070003, Michael Lollar

Dear Ms. Maxwell:

Thank you for providing information on the above referenced variance. The applicant is requesting a floodplain variance to reduce the flood protection elevation to add a second floor to an existing residence. The property is designated LDA, is Buffer Exempt and is currently developed with a single-family dwelling and driveway.

Because there are no proposed impacts to Habitat Protection Areas (such as the Buffer) and because the footprint of the dwelling will not be substantially increased, this office has no comment on this floodplain variance. Woody vegetation removed in the course of construction should be replaced in kind. Also, please note, the applicant should be aware of the strict 50-foot Buffer requirement on his property and the fact that the existing deck is at the 50-foot line. Any additional development shoreward of the dwelling (such as a new deck) would require a variance from the Buffer requirements.

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,


LeeAnne Chandler
Natural Resources Planner

cc: QC440-02

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Ren Serey
Executive Director

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July 22, 2002

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

RE: Variance Case No. 2002-0255-V, Dr. Clifford Walzer

Dear Ms. Plociennik:

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

According to available tax records, the subject property was developed with the dwelling in 1997. It is unclear how it was built in the Buffer without a variance. The consultant indicated that the "platted" Buffer was allowed to be used and that substantial erosion has occurred since the house was built. This office often does not oppose additions that provide a reasonable expansion of living space if impacts are minimized and the variance requested is the minimum to provide relief. The existing house/garage in this case is already 110 feet long with another 23 feet proposed for the addition. Reasonable use of the property already exists. The hardship is questionable, given the extent of disturbance already allowed in the Buffer without a variance.

Also, please note, impervious coverage should be calculated based on the area of the lot currently above mean high water. Land gradually falling below mean high water by gradual erosion becomes State wetlands that cannot be included in impervious coverage calculations. The percentage of impervious cover should be re-calculated. If any additional disturbance is permitted within the Buffer, we recommend mitigation at a 3:1 ratio for all disturbance. The Buffer should be a priority location for the mitigation.

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

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA402-02

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

July 22, 2002

Mr. Daniel Semick
2977 Friends Road
Annapolis, Maryland 21401

RE: Variance Case 2002-0256-V – Michael Connaughton

Dear Mr. Semick:

Thank you for your letter of July 11, 2002 and the additional information regarding the above referenced variance request. I have reviewed the information you provided and also talked with the Maryland Department of Environment (MDE) permitting and compliance personnel. For cases dealing with piers and pilings in Anne Arundel County, this office usually defers to County and MDE staff. Our role in the variance process is to submit comments to the County, which are then presented to the Administrative Hearing Officer. Enclosed, please find a copy of the letter submitted in this case.

Your letter raised a number of issues that are beyond the purview of this office. However, we recommend that you present your views to the Administrative Hearing Officer, who does have the responsibility of looking into setback and pier length issues.

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

Sincerely,


LeeAnne Chandler
Natural Resources Planner

Enc.

cc: AA403-02

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July 22, 2002

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

RE: Variance Case No. 2002-0256-V, Michael Connaughton

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance request. The applicant is requesting an after-the-fact variance to permit a pier with less setbacks than required and with greater length than allowed. The property is designated LDA and is currently developed with a house and driveway.

This office typically defers to the Maryland Department of the Environment and the County on pier and piling issues. In this case, it is our understanding that the applicant acquired a permit from the Maryland Department of the Environment and a building permit from the County for a pier 30 feet in length. However, the pier was built to a length of approximately 120 feet. After being served with State and County violation notices, the applicant applied for a variance to legalize the structure. The Critical Area report compares the impacts of leaving the pier as it is with the impacts of removing the pier and reconstructing it. The Maryland Department of the Environment has not indicated that they would or could approve a 120-foot pier in this cove. It may be appropriate to require removal of the unpermitted 90 feet and leave the 30-foot pier as was approved earlier. This would avoid the need for any variances while still providing riparian access. The report is silent in regard to the impacts of constructing the pier in the first place. If removal of the pier would impact submerged aquatic vegetation (SAV), construction of the pier obviously impacted SAV. The amount of impact should be quantified. Also, the site plan provided does not show the piers' impact on other properties except for Lot 26. It appears that other properties are affected as well (e.g., Lot 28 and Lot 61). This information should be provided.

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: AA403-02

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July 24, 2002

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

RE: File #05-02-07-0005-C, Administrative Subdivision – Anne Novak

Dear Ms. Collison:

Thank you for providing information on the above referenced subdivision. The applicant is proposing to relocate a lot line between two existing parcels. The two parcels are designated RCA, one is developed with a dwelling and the other contains some accessory structures.

It is our understanding that this proposal is in response to a County requirement for large lot subdivisions. Specifically, there is a 20-acre minimum lot size. Since this proposal does not increase the development potential of the subject parcels and does not involve any impacts to Habitat Protection Areas, it appears that this proposal is consistent with the County's Critical Area Program. However, due to the odd resulting shape of Lot 2R, a dwelling on Lot 1R (if it is ever developed) will have to occur in the section closest to Route 8, rather than close to Warehouse Creek. Lot 1R would not be considered grandfathered and would have to meet all Critical Area requirements.

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

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: QC442-02

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

July 29, 2002

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

RE: Variance Case No. V-070006, Thomas Lumsden

Dear Ms. Maxwell:

Thank you for providing information on the above referenced variance. The applicant is requesting a floodplain variance to permit construction of a farm building within the 100-year floodplain. The property is designated RCA and is currently developed with a single-family dwelling and driveway.

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 floodplain variance. 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: QC448-02

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

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Chairman



Ren Serey
Executive Director

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July 29, 2002

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

RE: Variance Case No. V-060002, Eric Miller

Dear Ms. Maxwell:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit construction of a single family dwelling within the 100-foot Critical Area Buffer. The property is designated LDA and is currently undeveloped.

Provided this lot is properly grandfathered, this office does not oppose the siting of a single-family dwelling on it. The subject property is severely impacted by tidal and non-tidal wetlands such that the entire lot is encompassed by the Buffer. However, as proposed, the house will be located on the edge of the tidal wetlands. It would be appropriate to redesign the dwelling to maximize the distance to the edge of tidal wetlands. Alternatively, the front setback could be reduced further. Based on a drive through the neighborhood, it does not appear that neighbors would be significantly affected by a reduced setback. If the requested variance is approved, we recommend mitigation for disturbance within the Buffer at a 3:1 ratio. Also, the boundaries of the approved limits of disturbance should be fenced off to prevent inadvertent and unapproved wetland disturbance.

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: QC415-02

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Chairman

Ren Serey
Executive Director

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July 30, 2002

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

RE: Variance Case No. 2002-0194-V, W.F. Construction Co., Inc.

Dear Ms. Diffenderfer:

Thank you for providing information on the above referenced variance request. The applicant is requesting a variance to permit a stormwater management facility for a new subdivision with disturbance to steep slopes. The property has a split designation of LDA and RCA and is currently undeveloped.

The applicant is proposing a subdivision of a 24.91-acre parcel of which 18.95 acres are within the Critical Area. As you are aware, Commission staff visited the site on July 23, 2002. The area proposed for the stormwater facility is currently forested with a mix of pine and hardwood species in the canopy with holly and saplings in the understory. According to the full Critical Area report in the subdivision file, mining on this property was abandoned approximately 50 years ago. The soils on site are very sandy and are clearly evident due to dirt bike and ATV activity on several trails throughout the property.

Variances should not be lightly granted. Given that the facility is related to a brand new to-be-built subdivision, it seems that there should be other alternatives for addressing stormwater management. For example, the area proposed as an "active recreation area" is already cleared and is level. Given that the project includes many walking trails and is going to be an age-restricted community, it seems that a playground or something similar may be unnecessary. If possible, we recommend that the stormwater pond be relocated to that location. (Given that the soils are so sandy, perhaps it is possible to design an infiltration basin that could use sheetflow as the outfall.) Alternatively, stormwater management from the individual lots could be managed through French drains or infiltration trenches while the road runoff could be treated through a smaller facility at the lowest point along each road. While this may affect the number of lots and lot layout, it would eliminate the need for the variance. As proposed, we cannot support the variance requested. We recommend that the applicant pursue alternatives for addressing stormwater on this site.

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Ms. Suzanne Diffenderfer
July 30, 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: Roy Little, P.E., Terrain, Inc.
AA346-02



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

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

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

RE: Variance Case No. 2002-0301-V, Rickey Jordan

Dear Ms. Plociennik:

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

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

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: AA472-02



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

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

August 5, 2002

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

RE: Variance Case No. 2002-0291-V, Darren Harris

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 not waterfront and is currently developed with a single-family dwelling, deck, two sheds and a driveway.

Because there are no impacts to Habitat Protection Areas and because it appears that impervious surfaces are not an issue, this office has no comment on this setback variance. However, impervious cover information should be provided and verified. Vegetation removed in the course of construction should be replaced in kind. If applicable, the property should be planted to ensure at least 15% is covered in forest 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: AA465-02

Chairman



Executive Director

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

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

August 5, 2002

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

RE: Variance Case No. 2002-0287-V, John Musick

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 currently developed with a single-family dwelling, deck, and driveway.

Because the proposed addition is not extending closer to the water than the existing dwelling and because impervious surfaces are not an issue, we have no comment on this setback variance. The property should be planted to ensure at least 15% is covered in forest vegetation. The Buffer should be a priority location for plantings.

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: AA464-02



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

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August 5, 2002

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

RE: Variance Case No. 2002-0284-V, Kevin Wikar

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance request. The applicants are requesting a variance to permit an accessory structure with less setbacks than required. The property is designated LDA, is not waterfront and is currently developed with a single-family dwelling, deck, and driveway.

Because there are no impacts to Habitat Protection Areas and because impervious surfaces are not an issue, we have no comment on this setback variance (although we do support the effort to minimize tree removal). 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: AA462-02



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

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

August 5, 2002

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

RE: Variance Case No. 2002-0283-V, Dennis Hardester

Dear Ms. Plociennik:

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

Because there are no impacts to Habitat Protection Areas and because impervious surfaces are not an issue, 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 address this requirement. If it is possible, we recommend plantings occur within the Buffer.

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: AA461-02



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

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August 5, 2002

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

RE: Variance Case No. 2002-0280-V, Gary Allanson

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 LDA, is Buffer Exempt and is currently developed with a single-family dwelling, deck, carport and driveway.

Because there are no impacts to Habitat Protection Areas and because there will be no net increase in impervious surfaces, we have no comment on this setback variance. However, because the lot is Buffer Exempt, the applicant must provide mitigation at a 2:1 ratio for all new impervious cover within the Buffer and at a 1:1 ratio for new impervious outside of the Buffer. Areas where impervious surfaces are removed should be a priority location for plantings.

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: AA460-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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August 5, 2002

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

RE: Variance Case No. 2002-0293-V, Gibson


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 IDA, is not waterfront and is currently developed with a single-family dwelling, shed and driveway.

It appears that the requested variance may be limited to the side yard setback rather than a Buffer variance. Nonetheless, this office does not oppose the variance requested because the sunroom will be placed over an existing wood deck and will not cause any additional disturbance. Because the lot is designated IDA, the 10% pollutant reduction rule must be addressed. Plantings may be 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: AA466-02

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
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August 5, 2002

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

RE: Variance Case No. 2002-0300-V, Elizabeth Krausman

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 LDA, is Buffer Exempt and is currently undeveloped except for an existing foundation.

Provided this lot is properly grandfathered, this office does not oppose the siting of a single family dwelling on it. Impacts should be minimized and the variance requested should be the minimum to provide relief. The proposed house is reasonable in size and it is sited no closer to the water than the neighboring houses. The proposed clearing is extensive. We do not oppose the variance requested provided that mitigation is provided at a 3:1 ratio for clearing over 30% of the lot. The Buffer should be fully planted prior to allowing fees-in-lieu.

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: AA471-02

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

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August 5, 2002

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

RE: Variance Case No. 2002-0286-V, Douglas Whitcher

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 LDA, is Buffer Exempt and is currently developed with a private pier.

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. While the proposed house could be made smaller in size, it is proposed at approximately the same setback as neighboring properties. Based on the information provided, it does not appear that any vegetation will be disturbed by the proposed construction. If the variance is approved, mitigation should be provided at a 2:1 ratio for all new impervious surfaces in the Buffer and at a 1:1 ratio for all new impervious outside of the Buffer. The area between the house and the water should be a priority location for plantings. Also, while not a Critical Area issue, it appears that the proposed dwelling may exceed the height limitation for the property's zoning district. This should be examined.

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,

Handwritten signature of LeeAnne Chandler in cursive script.

LeeAnne Chandler
Natural Resources Planner

cc: AA463-02

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

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Ren Serey
Executive Director

STATE OF MARYLAND
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August 9, 2002

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

RE: File #04-02-07-0007-C, Administrative Subdivision – Massimini property

Dear Ms. Collison:

Thank you for providing information on the above referenced subdivision. The applicant is proposing to consolidate 2 ½ lots into one property by removing lots lines. The lots are designated LDA and are developed with a dwelling, two driveways and a shed. A large accessory structure (proposed) also appears on the site plan.

With regard to only the subdivision, it appears that the proposed lot consolidation is consistent with the County's Critical Area Program. However, we would like to note that there could be an impervious surface problem if the plans for the accessory structure move forward. While we do support lot consolidation to bring nonconforming lots up to minimum standards, we may not be able to support a variance to exceed the impervious surface limits.

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

Sincerely,

Handwritten signature of LeeAnne Chandler in cursive script.

LeeAnne Chandler
Natural Resources Planner

cc: QC477-02

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

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

August 13, 2002

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

RE: File #04-02-08-0001-C, Administrative Subdivision – Michael & Cheryl Smith

Dear Ms. Collison:

Thank you for providing information on the above referenced subdivision. The applicant is proposing to consolidate two lots into one for the eventual purpose of expanding an existing dwelling. The lots are designated LDA and are developed with a dwelling, a driveway and two sheds.

With regard to the subdivision, it appears that the proposed lot consolidation is consistent with the County's Critical Area Program. Development on the consolidated property should be fully consistent with the LDA development standards contained in the County Code.

Thank you for the opportunity to comment. 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: QC489-02

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

1804 West Street, Suite 100, Annapolis, Maryland 21401
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August 14, 2002

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

RE: Board of Appeals Case Nos. BA 59-02V and BA60-02V, 3000 Friends Road, LLC

Dear Ms. Miley:

This office has received information regarding the above referenced Board of Appeals cases. The appeal is taken from the modified granting of variances to permit construction of 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 applicant proposes to demolish the existing dwelling 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, based on the site plan provided with the original request, the proposed dwellings are sited two to three feet closer to the water than the setback line established by the existing dwelling. The proposal to construct two dwellings on these substandard lots will cause a significant increase in impervious surfaces within the Buffer.

In *Friends of the 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 requirement 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 "unmerged", both will be nonconforming with regard to lot area. Also, as indicated by the current variance request, constructing two dwellings on two substandard lots necessitates numerous setback variances. 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

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Ms. Pam Miley
August 14, 2002
Page 2

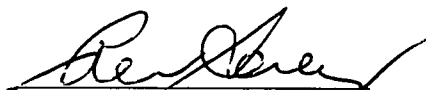
Thank you for the opportunity to comment. Please include this letter in the official record for this request. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,


LeeAnne Chandler
Natural Resources Planner

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

In accordance with Courts and Judicial Proceedings Article, Annotated Code of Maryland, §10-204, this is a true copy of a public record of the Chesapeake Bay Critical Area Commission.


Custodian of Record

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

August 15, 2002

Mr. Rob Konowal
Anne Arundel Office of Planning & Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

RE: Variance Case No. 2002-0181-V, Frank Burdette

Dear Mr. Konowal:

Thank you for providing the revised plans for the above referenced variance request. The applicant requested a variance to permit an extension in time for the implementation and completion of a previously approved variance. However, there have been changes made to the plan including an increase in the size of the dwelling and a slight change in the location of the dwelling. The property is designated LDA and is currently undeveloped.

In all Critical Area variance cases, impacts should be minimized and the variance requested the minimum to provide relief. The house has increased in size from a 2000 square foot footprint to an approximately 2500 square foot footprint. Also, while the letter from the applicants' consultant indicates that the location of the house has moved away from the wetlands and Buffer approximately 20 feet; measurements on the plans provided indicate that the house is actually closer to the landward boundary of tidal wetlands (the starting point for measuring the Buffer) by approximately 11 feet. This places the dwelling within 39 feet from the tidal wetlands. This property is located in a neighborhood of mixed house sizes and styles. Some nearby homes have living space totaling between 1000 and 1600 square feet while the footprint alone for this dwelling will be much larger. Reasonable use of the property could be accomplished with a smaller home, sited further from the wetlands and shoreline. Also, please note, a careful review of the site plan shows the limits of disturbance up to the edge of non-tidal wetlands. The well has also been moved into the buffer to non-tidal wetlands. This disturbance requires authorization from the Maryland Department of the Environment. This office recommends further minimization of impacts. If any variance is granted, we recommend that all conditions of the previous approval be applied in this case as well.

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Mr. Rob Konowal
August 15, 2002
Page 2

Also, though this may not be of any significance, note 10 indicates that the site is not located within the Severn River watershed. The site clearly is within the Severn River watershed.

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

August 19, 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 – REVISION #2

Dear Ms. Krista-Maenhardt:

Thank you for providing the revised plans for the above referenced minor subdivision. The subject property is proposed to be subdivided into four residential lots. 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. Based on a review of the information provided, we have no further comments on 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: QC254-02

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

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Ren Serey
Executive Director

STATE OF MARYLAND
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1804 West Street, Suite 100, Annapolis, Maryland 21401
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August 23, 2002

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

RE: Variance Case No. 2002-0294-V, Clyde McLaughlin

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, driveway and shed.

The subject property is less than 100 feet deep from the bulkhead to the road. Any new development on this lot would fall within the Buffer. This office often does not oppose attached decks of reasonable size provided that impacts are minimized. Optimally, the deck should be sited on the eastern or western sides of the house to avoid further intrusion into the Buffer. The deck is not overly large but it is proposed only 20 feet from the water. If it is possible, we recommend that the wider part of the deck be shifted to the northwestern end of the house. A 12 by 16 foot deck would provide a reasonable area for outdoor living space while minimizing impacts. If a variance is approved, we recommend that all footers be hand dug and that new disturbance in the Buffer be required 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,

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

LeeAnne Chandler
Natural Resources Planner

cc: AA467-02

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

1804 West Street, Suite 100, Annapolis, Maryland 21401
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August 23, 2002

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

RE: Board of Appeals Case No. 39-02V, Cradlepine, LLC

Dear Ms. Miley:

This office has received (via facsimile) a revised sketch for the above referenced variance case. The applicant has relocated the dwelling to the approximate location that we recommended previously. There are still impacts to steep slopes and to the non-tidal wetlands buffer but they have been significantly reduced. Specifically, the plan shows a 50 by 28 foot dwelling with a 10-foot front deck located in the vicinity of where lots 23 to 25 and 33 to 35 come together. Only the deck footers impact the non-tidal wetland buffer. A front entry garage is proposed.

The subject property is designated LDA and is currently undeveloped. The property in question is made up of 23 small non-conforming lots. Its boundaries are irregular in shape and the layout and topography of the property necessitate a variance for any kind of development. Based on a review of on-site conditions and the site plan, it appears that the applicant has minimized impacts while gaining reasonable use of the property.

If a variance is granted, we recommend that it be contingent on the applicant meeting several conditions. First, we recommend that the applicant install blaze orange safety fence (in addition to any required silt fencing) to identify the approved limits of disturbance (LOD). This will serve two purposes. It will ensure that no clearing occurs outside the LOD and it will also ensure that the lots not owned by the applicant are protected from any disturbance. Second, we recommend that culverts be installed underneath the proposed driveway to maintain the hydrology of the non-tidal wetlands on the property. Third, reforestation should be provided at the appropriate ratio. Lastly, we recommend that the areas outside of the LOD be placed under a conservation easement that would be identified in the deed so any future property owner is made aware of the constraints on the site.

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Ms. Pam Miley
August 23, 2002
Page 2

Thank you for the opportunity to comment. When the revised sketch is finalized and a full site plan is prepared, please forward it to this office for our files. Please include this letter in the official record for this case and please notify the Commission in writing of the Board's decision.

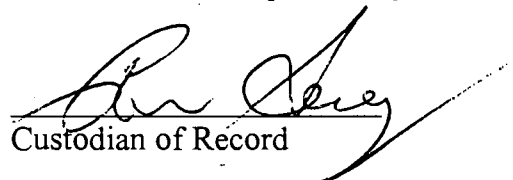
Sincerely,


LeeAnne Chandler
Natural Resources Planner

Enc.

cc: AA606-01

In accordance with Courts and Judicial Proceedings Article, Annotated Code of Maryland, §10-204, this is a true copy of a public record of the Chesapeake Bay Critical Area Commission.


Custodian of Record

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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August 23, 2002

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

RE: Conditional Use Case No. CU-080004, Leonora B. Wait


Dear Ms. Maxwell:

Thank you for providing information on the above referenced conditional use application. The applicant is requesting conditional use approval to allow a one-bedroom bed and breakfast in an existing residence. The property is designated LDA and is currently developed with a single-family dwelling.

It is our understanding that no expansion of the dwelling is proposed. Given this and the fact that the proposal does not impact any Critical Area resources, this office has no comment on this conditional use request.

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,


LeeAnne Chandler
Natural Resources Planner

cc: QC501-02

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

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STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

To: Diane Evans

From: LeeAnne Chandler

Date: August 23, 2002

RE: Amendment to the 1994 Worcester County Water and Sewer Plan regarding Snow Hill

This office would like to comment on the recent water and sewer plan amendment recently approved by Worcester County for the area around Snow Hill. With the understanding that water and sewer service does not exempt development from any Critical Area regulations, we support the use of public water and sewer to encourage growth in and around existing Towns.

We would like to bring several issues to your attention. These issues relate to the area northwest of the Pocomoke River along Route 12. This area was originally mapped as Resource Conservation Area (RCA). However, in June, 2000, the Critical Area Commission approved a map amendment which changed the designation on portions of some properties to Intensely Developed Area (IDA) based on a finding that a mistake was made in the original mapping. Only those portions of the properties that had commercial or industrial uses existing as of 1985 were redesignated IDA. For your information, I have attached a map which shows the areas outlined in yellow.

The proposed water and sewer areas in this vicinity include the areas redesignated IDA as well as many properties that are designated RCA. Within the RCA, there is a one dwelling unit per twenty-acre density limit as well as a prohibition of new commercial, industrial and institutional uses. Intense use of such properties will require the use of growth allocation. Also, there are numerous habitat protection areas in the vicinity that will require protection regardless of the Critical Area designation.

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

Attachment

cc: Tracey Greene, MDP

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

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Executive Director

**STATE OF MARYLAND
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August 23, 2002

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

RE: File #04-02-08-0005-C, Administrative Subdivision – Frank Updike/Johnathon Merson

Dear Ms. Collison:

Thank you for providing information on the above referenced subdivision. The applicants are proposing to relocate a lot line to transfer 0.439 acres of land from one property to the other. One property (the "giving" property) is designated RCA and the other "receiving" property is designated LDA. The LDA property is developed with a dwelling and driveway.

Provided that all RCA standards are met if any development is proposed on the land that is added to the LDA lot, it appears that this subdivision is consistent with the County's Critical Area Program.

Thank you for the opportunity to comment. 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: QC502-02

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

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Ren Serey
Executive Director

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

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

September 10, 2002

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

RE: Harbor Pointe

Dear Mr. McKenzie:

This letter is meant to summarize the recent conversations we have had regarding a lot in the Harbor Pointe subdivision. Specifically, you have provided a site plan that shows an existing foundation as well as a proposed house and pool. The existing foundation is oddly shaped. You have asked for input related to construction of a dwelling (which has a different footprint than the foundation) as well as construction of a pool in the area of the foundation for the garage.

The grandfathering provisions of the Critical Area Criteria allow a parcel of land that was legally of record on the date of the local program approval to be developed with a single family dwelling notwithstanding that such development may be inconsistent with the density provisions of the approved local program (COMAR 27.01.02.07). This includes any land on which development activity has progressed to the point of pouring of foundation footings or the installation of structural members. However, the provisions also do not exempt development on grandfathered lots from the requirements of COMAR 27.01.03 (Water Dependent facilities) and 27.01.09 (Habitat Protection Areas). Similar language appears in Section 125-8 of the County code.

If the proposed development cannot be accommodated outside of the Buffer or any other Habitat Protection Area, a variance must be required for development of the lot. This office does not oppose variances for dwellings on grandfathered lots, provided impacts are minimized. However, the Criteria do not provide a grandfathered right to accessory structures. This office could not support a variance for a swimming pool in the Buffer, even if there is an existing foundation.

If you have any further questions regarding this matter, 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

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

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STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

September 10, 2002

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

RE: Lot Line Adjustment – Tax Map 17, Parcel 162

Dear Mr. Hedger:

I have reviewed the information you provided regarding the proposed lot line adjustment on Parcel 162, Tax Map 17. It is our understanding that two property lines are proposed to be relocated, essentially transferring one acre from one property to another. No additional development is proposed at this time. Based on a review of the site plan and our discussion, it appears that this lot line adjustment is consistent with the County's Critical Area Program. Any future development on the property should meet all requirements for development within the Critical Area.

If you have any further questions regarding this matter, please feel free to contact me at (410) 260-3477.

Sincerely,


LeeAnne Chandler
Natural Resources Planner

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

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Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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

September 10, 2002

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

RE: Variance Case No. 2002-0298-V, Anne Arundel County

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance request. The applicant is requesting a variance to permit the modification of a public utility with less setbacks and Buffer than required. The applicant previously submitted a special exception request (Case No. 2002-0182-S) 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. Due to the presence of hydric soils on this site, the entire Critical Area portion of the property is being considered expanded Buffer. There is existing development throughout the site. Given the absence of impacts to Critical Area resources (no net increase in impervious, no clearing) and the fact that upgrades will increase efficiency of the facility, this office does not oppose the variance requested.

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

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

September 9, 2002

Mr. Rob Konowal
Anne Arundel Office of Planning & Zoning
3664 Riva Road, MS 6301
Annapolis, Maryland 21401

Post-It™ brand fax transmittal memo 7671		# of pages ▶ 2
To <i>George Chiporus</i>	From <i>LecAnne Chandler</i>	
Co.	Co.	
Dept.	Phone # <i>410 260 3477</i>	
Fax # <i>410 268-6512</i>	Fax #	

RE: Variance Case No. 2002-0266-V, Judith Barnard

Dear Mr. Konowal:

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. The property is designated LDA and is currently being developed with a dwelling approved under a previous variance request (2000-0109-V) via a Board of Appeals decision (BA45-00V, BA53-00V).

The variance plan approved by the Board of Appeals showed a 32 by 36 foot dwelling with a driveway. The limits of disturbance were shown approximately 8-10 feet from the dwelling with a narrow strip going further for the well. The applicant is now requesting additions to the dwelling that was approved by the Board. Commission staff visited the site with Robert Winchester from the County's Department of Inspections on September 9, 2002. The limits of disturbance as shown on the plan approved by the Board as well as the current plan (and current grading permit) have been exceeded by up to 22 feet. It is my understanding that the County will be requiring the applicant to apply for an amended grading permit.

Notwithstanding the above, this office opposes the variance requested for the porch and impervious patio. As stated above, the applicant received a variance for the house. In its decision the Board found that the applicant had requested the minimum variance necessary to prevent hardship in the case. The patio and screened porch, while desirable amenities, are therefore beyond the minimum necessary to provide relief and would create additional unnecessary impervious surface. (Stormwater runoff from these surfaces would directly impact the adjacent non-tidal wetland.) We do not oppose the variance requested for the deck, provided it is built to be pervious. If any variance is granted, we recommend mitigation at a 3:1 ratio for all disturbance within the expanded Buffer. The area disturbed beyond the approved limits of disturbance should be a priority location for plantings.

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Ren Serey
Executive Director

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

September 9, 2002

Mr. Rob Konowal
Anne Arundel Office of Planning & Zoning
3664 Riva Road, MS 6301
Annapolis, Maryland 21401

VIA FACSIMILE

RE: Variance Case No. 2002-0266-V, Judith Barnard

Dear Mr. Konowal:

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. The property is designated LDA and is currently being developed with a dwelling approved under a previous variance request (2000-0109-V) via a Board of Appeals decision (BA45-00V, BA53-00V).

The variance plan approved by the Board of Appeals showed a 32 by 36 foot dwelling with a driveway. The limits of disturbance were shown approximately 8-10 feet from the dwelling with a narrow strip going further for the well. The applicant is now requesting additions to the dwelling that was approved by the Board. Commission staff visited the site with Robert Winchester from the County's Department of Inspections on September 9, 2002. The limits of disturbance as shown on the plan approved by the Board as well as the current plan (and current grading permit) have been exceeded by up to 22 feet. It is my understanding that the County will be requiring the applicant to apply for an amended grading permit.

Notwithstanding the above, this office opposes the variance requested for the porch and impervious patio. As stated above, the applicant received a variance for the house. In its decision the Board found that the applicant had requested the minimum variance necessary to prevent hardship in the case. The patio and screened porch, while desirable amenities, are therefore beyond the minimum necessary to provide relief and would create additional unnecessary impervious surface. (Stormwater runoff from these surfaces would directly impact the adjacent non-tidal wetland.) We do not oppose the variance requested for the deck, provided it is built to be pervious. If any variance is granted, we recommend mitigation at a 3:1 ratio for all disturbance within the expanded Buffer. The area disturbed beyond the approved limits of disturbance should be a priority location for plantings.

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Mr. Rob Konowal
September 9, 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,

A handwritten signature in cursive script that reads "LeeAnne Chandler". The signature is written in black ink and ends with a horizontal line.

LeeAnne Chandler
Natural Resources Planner

cc: Robert Winchester, Anne Arundel County
AA410-02

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

September 17, 2002

Mr. Rob Konowal
Anne Arundel Office of Planning & Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

RE: Variance Case No. 2002-0286-V, Douglas Whitcher – ADDITIONAL COMMENTS

Dear Mr. Konowal:

This office has received additional information in regards to the above referenced variance request. As stated in our previous comments, provided this lot is properly grandfathered, this office does not oppose the siting of a single family dwelling on it. However, questions have been raised in regard to the status of this lot. In the recent past, the lot was part of a larger parcel that was for the most part not waterfront. It appears that this lot provided water access (i.e., a private pier) for the dwelling located across Parke Drive. However, §2-402(a)(13) of the County Zoning Ordinance states that private residential piers are a permitted use in an R2 district only as an accessory use to a dwelling unit located on a lot. It is not clear if a variance was granted to allow a pier on this lot without a dwelling or if the lot was actually part of the larger parcel. If the lot was considered part of the larger parcel in regards to allowing the pier, it seems that some type of subdivision should be required.

In addition to the grandfathering issue, some questions have been raised regarding the size of the lot and the allowable impervious cover. The numbers provided should be verified. The site plan also does not reflect field conditions. There are wetlands along the shoreline that are not shown. The proposed dwelling is closer to the shoreline than either of the neighboring dwellings. It does not appear that an on-site survey was conducted. (Instead, it appears that topography and neighboring dwellings were taken from County topographical maps.) We recommend that the site plan be revised to accurately reflect field conditions.

The applicant in this case was also involved in the variance case dealing with adjacent lot 13 (V275-94). The decision allowed a 30 by 50 foot two and a half story dwelling to be located no closer than 57 feet from the mean high water line. The decision denied a 12 by 30 foot deck. Conditions on the approval included 3 to 1 reforestation for all impervious cover on the lot. If the current site plan is correct, the house was constructed 10 feet closer to the water than

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Mr. Rob Konowal
September 17, 2002
Page 2

allowed, with three sets of sliders leading nowhere (despite the deck denial), and without the required reforestation. These issues are being raised now in order to avoid a similar situation on this lot.

Lastly, after a visit to the site and review of the additional information, it does not appear that the variance is the minimum to provide relief. The house is sited closer to the shoreline than the neighboring dwellings and, with the exception of the new house on Lot 13, it is much larger than other houses along the waterfront in this neighborhood. A smaller house could be constructed with less impacts, while still providing reasonable use of the property.

Thank you for the opportunity to comment. Please include this letter, as well as our previous letter, in 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: AA463-02

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

September 18, 2002

Ms. Nancy Scozzari
Queen Anne's County
Department of Planning & Zoning
160 Coursevall Drive
Centreville, MD 21617

RE: File #02-02-09-0003-C, Administrative Subdivision – Charles D. Reed

Dear Ms. Scozzari:

Thank you for providing information on the above referenced subdivision. The applicant is proposing to consolidate two lots into one for the eventual purpose of constructing a single family dwelling. The lots are designated LDA and are currently undeveloped.

With regard to the subdivision, it appears that the proposed lot consolidation is consistent with the County's Critical Area Program. Development on the consolidated property should be fully consistent with the LDA development standards contained in the County Code.

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

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: QC558-02

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Chairman



Ren Serey
Executive Director

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September 18, 2002

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

RE: Administrative Variance Case No. 02-05-03, Christine F. Simmons

Dear Ms. Swinson:

Thank you for providing information on the above referenced administrative variance. The applicant is requesting a variance to permit construction of an addition and deck on an existing dwelling. The property is designated LDA and is currently developed with a dwelling, driveway, shed, pier and boat ramp.

Due to the existing location of the dwelling and the Buffer coming from three directions, it does not appear that any changes to the existing dwelling could occur outside of the Buffer. Given this, and the modest amount of new impervious surface proposed, this office does not oppose the variance requested. We recommend mitigation at a 2:1 ratio for all disturbance within the Buffer.

Thank you for the opportunity to comment. Please include this letter in the official record for this case.

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: QC555-02

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September 20, 2002

Mr. Denis Canavan
Anne Arundel County
Department of Planning & Zoning
2664 Riva Road, MS 6402
Annapolis, MD 21401

RE: Critical Area Mapping Issues

Dear Mr. Canavan:

Recently, two Critical Area reclassification requests have been forwarded to our office for comment. The first request (Glorius Shenton, Case #2002-0008-C) was approved by the Administrative Hearing Officer and was subsequently appealed by the Critical Area Commission. The other request (Joseph J. Hock, Inc., Case #2002-0177-C) has a hearing date of October 10, 2002. In reviewing the applications, Commission staff examined the County's Critical Area Program, in particular the section describing development of the land use classification maps. The County's Program (page 13) states, "The first step in the process was to map all wetlands as Resource Conservation Areas." It is our understanding that the County used the National Wetlands Inventory (NWI) maps in locating wetlands and designating them RCA. (A comparison between the County's Critical Area maps and the NWI maps reflects this.)

In reviewing the reclassification requests, it became apparent that the County's Program did not provide a means to address the inherent inaccuracies in the NWI guidance maps. The request approved by the Hearing Officer was based on the claim that wetlands no longer exist on the site. The pending case is based on the claim that the subject area allegedly was not a wetland in 1985. At the time of original mapping, Anne Arundel County and the Critical Area Commission were aware of the limitations of the NWI maps for regulatory purposes, but agreed that these maps were an appropriate tool for designation of the County's Resource Conservation Area.

Due to possible repercussions in regard to the County's remaining growth allocation, we are concerned about successive changes to the County's RCA base.

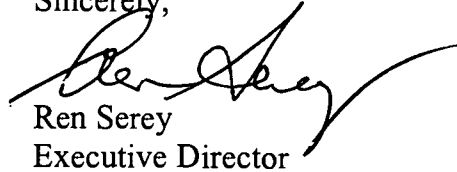
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Mr. Denis Canavan
September 20, 2002
Page 2

We would like to meet with you as soon as possible (given the upcoming hearing) to discuss possible solutions. I will contact you in the near future to arrange a meeting.

Sincerely,



Ren Serey
Executive Director

cc: The Honorable Barbara Samorajczyk
Betty Dixon, Land Use and Environment Coordinator
Elinor Gawel, Environmental Planner, Department of Planning and Zoning
Marianne Mason, Assistant Attorney General
Mary Owens, Chief, Program Implementation, Critical Area Commission
Lisa Hoerger, Natural Resources Planner, Critical Area Commission

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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September 20, 2002

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

RE: Variance Case No. 2002-0302-V, Hillsmere Shores Improvement Association, Inc.

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance request. The applicant is requesting a variance to permit expansion of a community marina without sanitary facilities and a variance to permit a greater number of slips than allowed. The property is designated LDA, is Buffer Exempt and is developed with a community marina and associated parking.

According to the site plan, this community marina currently contains 78 slips with an additional 29 proposed. This does not match the narrative description contained in the application that states there are 72 existing slips with 17 proposed. This office has no comment on the variance to the sanitary requirements. With regard to the excess slips, since this community was created prior to the passage of the Critical Area Law, the overall community already contains more slips than would be allowed under the current regulations. Provided that the marina acquires all necessary permits from the Maryland Department of the Environment and the County, this office does not oppose the variance requested for the additional slips.

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: AA473-02

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September 26, 2002

VIA FACSIMILE

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

RE: Variance case #SA-0218-02A, John and Lou Elin Sheller

Dear Mr. Hedger:

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

This office often does not oppose variances for additions when they are reasonably sized, without an alternative location, and when impacts have been minimized. The dwelling on this lot is already within the 100-foot Buffer as measured on-site. It appears that nearly any addition to the dwelling would require a variance. Also, we understand that there is an existing driveway leading to the proposed garage. The garage is intruding no closer to the water than the existing dwelling and additional impervious cover totals 460 square feet. Provided that mitigation for the new impact in the Buffer is mitigated, we do not oppose the variance requested. Also, because the lot is designated IDA, the 10% pollutant reduction rule should be addressed. Usually, on lots of this size, plantings are sufficient to satisfy this requirement. We recommend mitigation at a 2:1 ratio for the new impervious area within the Buffer (which is consistent with the City's rules for Buffer Exemption Areas) and a 1:1 ratio to address the 10% requirement. A combination of native trees and shrubs is recommended.

Thank you for the opportunity to comment. Please include this letter in your staff report and submit it to the record for this case. Also, please notify the Commission in writing of the Board's decision.

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: SA605-02

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Ren Serey
Executive Director

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1804 West Street, Suite 100, Annapolis, Maryland 21401
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September 27, 2002

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

RE: Proposing Re-Zonings within the Critical Area

Dear Mr. Cohoon:

Thank you for providing information on the proposed Comprehensive Rezoning. Commission staff has reviewed the information provided on those rezonings affecting land within the County's Critical Area. While the Commission is not making a recommendation on any of these proposals, we would like to submit the following comments to the record. The table below lists the rezonings within the Critical Area, grouped by existing Critical Area designations, and our comments.

ID #	Name	CA designation	Comments
5	Wuest	IDA	Future development or redevelopment must comply with 10% pollutant reduction requirement.
6	Co. Commissioners	IDA	"
47	Wilson	IDA	"
48	Wilson	IDA	"
49	Pumpelly	IDA	"
44	Co. Commissioners	IDA/LDA	Development or redevelopment within the IDA portion must comply with 10% pollutant reduction requirement, while development or redevelopment in the LDA is subject to 15% impervious cover limits, clearing limits and provisions for afforestation.
2	Hottel	LDA	Development or redevelopment is subject to 15% impervious limit, clearing limits, and provisions for afforestation.
4	Moore	LDA	"
10	Gannon	LDA	"
14	Beecher	LDA	"
45	Kaelin	LDA	"

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11	Ennis	LDA/RCA	Development or redevelopment is subject to 15% impervious limit, clearing limits, and provisions for afforestation. In addition, the land within the RCA portion of the property is subject to the 1 dwelling unit per 20 acre density limit.
15	Washington Brick & Terra Cotta	RCA	Development or redevelopment is subject to 1 dwelling unit per 20-acre density limit, 15% impervious limit, limits on clearing and provisions for afforestation. Development of more intense, non-residential uses that are not associated with a resource utilization activity will require an award of growth allocation.
18	Waterman, Inc.	RCA	"
19	Waterman, Inc.	RCA	"
20	Waterman, Inc.	RCA	"
43	Town of Millington	RCA	Development or redevelopment on this property may be permitted under the County's RCA uses list due to its public service/public utility nature. Such development may require conditional approval from the Critical Area Commission. It may not require growth allocation. Also, we understand that there may be some disagreement between the Town of Millington and the County in regard to jurisdiction over this parcel. This should be resolved.
51	Barry Waterman	RCA	Development or redevelopment is subject to 1 dwelling unit per 20-acre density limit, 15% impervious limit, limits on clearing and provisions for afforestation.

Please note that future development and redevelopment in all three designations must comply with the requirements for Habitat Protection Areas and water-dependent facilities in accordance with the County's Critical Area Program.

Thank you for the opportunity to comment. Please submit this letter to the record of the County Commissioners for their consideration of these requests. Also, please notify us of the decision made on each of the above proposals. If you have any questions or concerns regarding the above comments, please contact me at (410) 260-3477.

Sincerely,



LeeAnne Chandler
 Natural Resources Planner

cc: QC496-02



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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September 25, 2002

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

RE: Variance Case No. 2002-0317-V, Michael Zeuch

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 subject property is designated LDA and is currently developed with a dwelling, shed, and driveway.

Because the proposed addition will be placed over existing impervious surface and because there are no impacts to Habitat Protection Areas, this office has no comment on this setback variance.

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

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA528-02

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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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September 25, 2002

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

RE: Variance Case No. V-090006, Dana C. Jackson, Sr.

Dear Ms. Maxwell:

Thank you for providing information on the above referenced variance request. The applicant is requesting a variance to the front and rear yard setbacks to permit construction of an addition on an existing dwelling. The property is designated LDA and is currently developed with a single family dwelling, driveway, pier and swimming pool.

The site plan provided seems to be inconsistent in regard to scale and the dimensions of the structures shown. It is therefore difficult to assess whether the proposed additions will be any further waterward than the existing dwelling. We support yard setbacks to ensure that the existing setback line from the water is maintained and that no impervious surfaces be placed any closer. In addition, the amount of impervious cover is difficult to quantify. An accurate site plan, with all impervious surfaces quantified should be provided to ensure compliance with the impervious surface limits. Also, we recommend mitigation at a 2:1 ratio for all new impervious cover within the 100-foot Buffer.

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

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: QC594-02

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**

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

September 26, 2002

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

RE: Grasonville Senior Center, Request for Public Service Waiver

Dear Ms. Collison:

This office has received information on the proposed expansion of the Gransville Senior Center. We understand that the addition will be approximately 2900 square feet in size and that three additional parking spaces will be provided. Previously, in 1994, the Senior Center went through a more extensive expansion that included adding 34 apartments to the site.

It is our understanding that the applicant is requesting a public service waiver to alleviate the need for a full site plan review. If the proposal is fully consistent with the County's Critical Area Program, this office does not oppose such a waiver. However, we do not have adequate information to reach that conclusion. Commission staff spoke with Kevin Shearon of McCrone, Inc. on September 10, 2002. At that time, information on the original (1994) 10% calculations was requested. This information is necessary to determine if the 10% reduction provided in 1994 accounted for the additional proposed impervious areas (i.e., impervious up to 47.4% of the site). If that is the case, an additional 10% reduction is not necessary. However, we need copies of the original 10% calculations for documentation and to date, we have not received them. In addition, the Critical Area report provided with the public service waiver request is over 9 years old. While environmental conditions of the site likely have not changed due to its developed nature, an updated summary should be provided.

Please provide the above information for our files. 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: QC500-02

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Ren Serey
Executive Director

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September 25, 2002

Mr. Richard A. McIntyre
Queen Anne's Parks & Recreation
PO Box 37
Centreville, MD 21617

RE: Cross Island Trail, National Recreational Trail Grant
Maintenance, Landscape and Safety Improvements

Dear Mr. McIntyre:

Thank you for providing information regarding the proposed work on the Cross Island Trail near Kent Narrows. We understand that the work consists of re-surfacing, landscaping and installation of guardrails for improved safety and enjoyment of trail users.

The subject area is primarily designated IDA and Buffer Exempt according to the County's Critical Area maps. The enhanced photos you have provided clearly indicate that such safety improvements are warranted and that additional landscaping will be beneficial to the area. Because there is no net increase in impervious cover and because the subject areas were previously disturbed, it appears that the proposed work is consistent with the County's Critical Area Program. While no additional information is required, we do recommend that native species be used for all landscaping work.

Thank you for the opportunity to review this project. 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: QC593-02

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Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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September 25, 2002

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

RE: Administrative Subdivision #05-02-09-0004-C
Broden/Trumpy

Dear Ms. Collison:

Thank you for providing information on the above referenced administrative subdivision. The applicants are proposing to relocate lot lines in order to "trade" septic reserve areas. The lots are designated LDA and are currently developed with dwellings and some accessory structures.

Because it appears that no additional development is proposed and there will be no change in existing lot sizes, this subdivision appears to be consistent with the County's Critical Area Program. Any future development on either of these lots must be in accordance with all LDA development requirements.

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: QC591-02

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Judge John C. North, II
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Ren Serey
Executive Director

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

September 25, 2002

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

RE: Administrative Subdivision #04-02-09-0005-C
Thompson/Klotzbucher

Dear Ms. Collison:

Thank you for providing information on the above referenced administrative subdivision. The applicants are proposing to relocate a lot line in order to transfer 1.161 acres from one property to the other. The lots are designated IDA and are currently developed with dwellings and some accessory structures.

Provided that all future development on both of these parcels is fully consistent with all IDA requirements, it appears that this subdivision is consistent with the County's Critical Area Program.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: QC592-02

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CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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September 25, 2002

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

RE: Consistency Report – Byrd Park Maintenance, Repair and Revetment Project

Dear Ms. Greene:

Thank you for providing the consistency report for the proposed work at Byrd Park. As you have noted, Byrd Park is designated RCA with an extensive waterfront along the Pocomoke. This project consists primarily of repair and replacement of existing structures within the Buffer.

Since the proposed development activities are water-dependent and will provide enhanced public access to the shoreline (along with erosion protection), Commission staff agrees that the project is consistent with the Town's Critical Area Program. We recommend that woody vegetation removed in the course of construction be replaced in-kind.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: Kelly Brewington, Town Manager
SN509-02

Branch Office: 31 Creamery Lane, Easton, MD 21601
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September 25, 2002

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

RE: Case Nos. 2002-0308-S and 2002-0309-V, Robert E. Koch

Dear Ms. Plociennik:

Thank you for providing information on the above referenced cases. The applicant is requesting a special exception to permit expansion of a non-conforming use and 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, guest house/garage and driveway.

We have no comment on the special exception request. With regard to the variance, it appears that the proposed addition will be placed over existing impervious surface and that there are no impacts to Habitat Protection Areas. Provided that there is no net increase in impervious cover, this office has no comment on the setback variance.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this 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: AA524-02

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Ren Serey
Executive Director

**STATE OF MARYLAND
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September 25, 2002

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

RE: Variance Case No. 2002-0348-V, Kenneth Burns

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 and with greater impervious coverage than allowed. The property is designated IDA and is currently developed with a single family dwelling and driveway.

It does not appear that an impervious coverage variance is necessary because there is no impervious limit within the IDA (notwithstanding any community covenants or subdivision plat notes). We have no comment on the setback variance. However, because the site is 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: AA543-02

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

September 25, 2002

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

RE: Variance Case No. 2002-0315-V, William Zeppenfeld

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, detached garage and driveway.

This office often does not oppose additions to existing dwellings provided impacts are minimized and the variance requested is the minimum to provide relief. The proposed addition will not create any new impervious surfaces, nor will it extend further waterward than the existing dwelling. Given the absence of impacts, this office does not oppose the variance requested. Vegetation removed in the course of construction should be replaced in kind.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this request. Also, please 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: AA526-02

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

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Executive Director

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September 25, 2002

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

RE: Variance Case No. 2002-0322-V, Brown & Barnard

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 County printout sheet also states that the applicant is requesting a variance to disturb steep slopes but this appears to be an error. The subject property is designated LDA and is currently undeveloped.

Provided this lot is properly grandfathered, this office does not oppose the siting of a single family dwelling on it. Impacts should be minimized and the variance requested should be the minimum to provide relief. The size of the proposed dwelling appears consistent with others in the neighborhood. It is sited at the front building restriction line. Unfortunately, this location seems to maximize impacts to the wetlands and their buffers. Impacts to the wetlands may be minimized by moving the dwelling further back on the lot. If this variance is approved, reforestation should be provided at a 3:1 ratio for clearing over 30% of the site. Also, we recommend that the approved LOD be fenced off to ensure additional clearing does not occur.

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: AA530-02

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

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September 25, 2002

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

RE: Variance Case No. 2002-0346-V, Susan Green

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 IDA and is currently developed with a driveway.

It is not clear that the requested variances are necessary. In the IDA, notwithstanding other County regulations, there is no prohibition of disturbance of steep slopes. (See Section 1A-105(c)) of the County Zoning Ordinance. Therefore, provided that all disturbance is outside of the Critical Area Buffer, we have no comment on this request. However, because the site is IDA, the 10% pollutant reduction rule must be addressed. Due to the slope, an on-site stormwater trench may be appropriate. Direct runoff into the storm drain should be prohibited.

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: AA542-02

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

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Ren Serey
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September 25, 2002

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

RE: Variance Case Nos. 2002-0383-V and 2002-0384-V, Severn River Limited Partnership

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance request. The applicant is requesting two variances to permit an extension in time for the implementation and completion of two previously approved variances. The properties are designated LDA and are currently undeveloped.

Commission staff has reviewed the information provided, including the updated (November 2000) Critical Area report. Provided that there have been no changes to the previously approved plans and provided that all conditions of the previous extension in time approval are met, this office has no comment on the extension of time request. However, if the applicant is proposing any changes to the size, design and location of the proposed dwellings, we recommend that the County require the applicant to re-apply for all necessary variances.

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 "Lee Anne Chandler".

Lee Anne Chandler
Natural Resources Planner

cc: AA498-00

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

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Ren Serey
Executive Director

STATE OF MARYLAND
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CHESAPEAKE AND ATLANTIC COASTAL BAYS

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September 25, 2002

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

Post-It™ brand fax transmittal memo 7671		# of pages ▶ 1
To <i>Dave Plott</i>	From <i>LeeAnne Chandler</i>	
Co.	Co.	
Dept.	Phone # <i>410 260-3477</i>	
Fax #	Fax #	

RE: Variance Case No. 2002-0399-V, Vincent Pellegrini

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 subject property is designated LDA and is currently developed with a dwelling, swimming pool, and an extensive driveway.

This office often does not oppose additions of reasonable size provided that impacts have been minimized. The proposed garage addition will be placed primarily over the existing driveway. It intrudes no further into the Buffer than the existing dwelling. Provided that there is no increase in impervious coverage (because the property already exceeds the permitted amount), we do not oppose the variance requested. The mitigation/reforestation/stormwater plantings should be planted within the Buffer to maximize water quality benefits.

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
LeeAnne Chandler
Natural Resources Planner

cc: AA586-02

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

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September 25, 2002

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

RE: Variance Case No. 2002-0399-V, Vincent Pellegrini

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 subject property is designated LDA and is currently developed with a dwelling, swimming pool, and an extensive driveway.

This office often does not oppose additions of reasonable size provided that impacts have been minimized. The proposed garage addition will be placed primarily over the existing driveway. It intrudes no further into the Buffer than the existing dwelling. Provided that there is no increase in impervious coverage (because the property already exceeds the permitted amount), we do not oppose the variance requested. The mitigation/reforestation/stormwater plantings should be planted within the Buffer to maximize water quality benefits.

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: AA586-02

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Ren Serey
Executive Director

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

September 30, 2002

Mr. Douglas Musser
Ben Dyer Associates, Inc.
11721 Woodmore Rd., #200
Mitchellville, MD 20721

RE: Rare Species Survey – Crandell Living Trust Property

Dear Mr. Musser:

The Critical Area Commission has received information regarding the proposed development of the Crandell Living Trust Property. Appendix A of the Critical Area Report you prepared contains a letter from the Maryland Department of Natural Resources, Forest, Wildlife and Heritage Service. It indicates that two species of concern are known to occur within the vicinity of the project site.

In order for us to provide comments on the variance and special exception applications, additional information is necessary. Please provide a description of the habitat requirements for the two species and if any appropriate habitat exists on the site, please provide results of an on-site species survey. For technical assistance, you may contact Katherine McCarthy of the Wildlife and Heritage Division at (410) 260-8569.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: Suzanne Diffenderfer, Anne Arundel Co.
Katherine McCarthy, Dept. of Natural Resources
AA540-02

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September 30, 2002

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

RE: Administrative Subdivision #05-02-09-0008-C
Grasonville Station LLC/Knapp, Richard and Clarice

Dear Ms. Scozzari:

Thank you for providing information on the above referenced administrative subdivision. The applicants are proposing to combine two lots into one. The Critical Area portion of Lot 5 of Grasonville Station is designated IDA while the Knapp property is outside of the Critical Area.

Because the area being added to Lot 5 is outside of the Critical Area, it appears that the subdivision has no impact on the County's Critical Area resources. However, we would like to note that the previous stormwater calculations did not take the Knapp property into account. Calculations should be checked to ensure the existing pond can handle the additional runoff.

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: QC559-00

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

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Ren Serey
Executive Director

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September 30, 2002

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

RE: Peter Sheaffer, Transfer of Development Rights
File: TDR #03-02-09-0009C

Dear Mr. Cohoon:

Thank you for providing information on the proposed transfer of seven additional development rights from Pioneer Point Farm. Five TDRs were lifted from the property in 2001. If this TDR moves forward, four development rights will remain on the CS zoned portion of the property.

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

1. The site plan includes a summary of acreages and information regarding the development rights remaining on the property. It states that 4 development rights remain within the Critical Area and that one right is used by the existing trailer, shop and kennel leaving 10 unassigned development rights. This should be corrected to indicate 3 development rights remain.
2. Future subdivision of the remaining area must be fully consistent with all Critical Area requirements.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: QC607-02

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

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Ren Serey
Executive Director

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CHESAPEAKE AND ATLANTIC COASTAL BAYS**
1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

October 1, 2002

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

RE: Variance Case No. 2002-0377-V, David C. Evans

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 subject property is designated LDA and is currently developed with a dwelling and driveway.

This office does not oppose redevelopment of this lot provided that impacts are minimized. The lot as it exists presently is obviously non-conforming in many respects including setbacks and impervious coverage. Due to the constraints of the site, it appears that any changes to the dwelling would require a variance of some kind. We do not oppose the variance requested. However, we recommend that the applicant provide stormwater quality measures rather than piping roof runoff directly to the creek. Also, we recommend mitigation at a 2:1 ratio for the new disturbance within the Buffer and expanded Buffer.

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

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: AA578-02

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

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Chairman



Ren Serey
Executive Director

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

October 10, 2002

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

VIA FACSIMILE

RE: Board of Appeals Case No. 39-02V, Cradlepine, LLC – Additional Recommended Condition

Dear Ms. Miley:

Due to a recent discovery of new information, this office recommends one additional condition to those listed in our most recent comments of August 23, 2002.

I had occasion to visit the vicinity of the property on Friday, October 4, 2002. A neighboring property owner showed me a springhead in a ravine that drains to the subject property. I have identified the area of concern on the attached copy of the topographic map. (I had previously been to the site and looked at the other ravine that drains to the property. It is not nearly as deep as this one nor did it contain any water.) There was running water in this ravine on Friday, despite the lengthy drought. This system may be an intermittent stream or an ephemeral stream. Either way, there is evidence in the form of piles of debris (mostly large branches) that appear wherever the stream is obstructed, that indicates a large amount of runoff flows down this ravine and onto the subject property. The proposed mound system is in the pathway of this drainage system.

Given the concessions that the applicant has made in moving the dwelling as recommended, this office does not oppose the variance requested. However, we recommend that the applicant be required to conduct a "Drainage Area Study" to ensure that the mound system will not fail the first time we get a substantial amount of rain. The study should include the acreage of the drainage area, information on the soils (permeability/erosive characteristics), geology and an assessment of the amount of impervious surface within the drainage area. Calculations of the runoff flow (how many cubic feet per second will be flowing down the ravine) can then be made for various types of storm events (e.g., 1-year, 2-year, 10-year etc.). This information should be provided to the County Health Department and allow them to

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Ms. Pam Miley
October 10, 2002
Page 2

assess whether the mound system will be affected by this drainageway or not. If it will be affected, other septic alternatives should be explored.

Thank you for the opportunity to submit this addendum to our previous letter. 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". The signature is written in black ink and includes a long horizontal flourish extending to the right.

LeeAnne Chandler
Natural Resources Planner

cc: Mr. Robert J. Weber, Director, Community & Environmental Health
AA606-01

REA
= CONCERN



TOPO MAP
SCALE: 1" = 200'



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October 11, 2002

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

RE: Major Site Plan #MASP 05-02-02-0009© - REVISION #1
Offshore Performance, LLC

Dear Ms. Collison:

Thank you for providing Revision #1 of the above referenced site plan. As you know, we visited the site on May 23, 2002. The site is currently developed with a dwelling and accessory structures. 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.

Commission staff has reviewed the revised information and examined the photos of the site taken in May. We have the following comments:

1. A 50-foot Buffer is provided for most of the area along the tidal wetlands. There is still an area of disturbance associated with the stormwater management pond and outfall. While the outfall is permitted in the Buffer because it is water-dependent, the berm at the western edge of the pond is not. We suggest that the applicant redesign the pond to eliminate in the Buffer.
2. The 10% pollutant reduction requirement is not being met by the proposed BMP. There are several alternatives that should be considered prior to allowing a fee-in-lieu. First, an alternative BMP with a higher Phosphorous removal rate could be explored (a multiple pond, for example). Second, as indicated in the supporting documentation, the applicant owns property two properties to the east of the site. There are ample opportunities to provide water quality management where none currently exists. Lastly, runoff from Drummer Drive appears to simply outfall onto a riprap pad in the southwestern corner of the property. Again, perhaps water quality management could be provided where none currently exists.
3. With regard to the mitigation plan, five exotic cherry trees are proposed. We suggest that Eastern Redbud or a native Dogwood be used as a substitute.

Ms. Lisa Collison
October 11, 2002
Page 2

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

Sincerely,



LeeAnne Chandler
Natural Resources Planner

Cc: QC82-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

October 16, 2002

VIA FACSIMILE

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

RE: Variance Case No. V-090006, Dana C. Jackson - REVISED COMMENTS

Dear Ms. Maxwell:

Thank you for providing the revised sketch plan for the above referenced variance request. The applicant is requesting a variance to the front yard setback to permit construction of additions on an existing dwelling. The property is designated LDA and is currently developed with a single-family dwelling, driveway, pier and swimming pool.

With the revised plan, it is our understanding that a rear yard setback is no longer necessary because the additions intrude no further waterward than what was approved under a previous variance. We have no comment on the front yard setback variance. If the variance is approved, mitigation should be provided for all new impervious cover within the 100-foot Buffer at a 2:1 ratio in accordance with §14-153(e) of the County Code.

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: QC594-02

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Ren Serey
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October 17, 2002

Ms. Ramona Plociennik
Anne Arundel Co. – Office of Planning & Zoning
2664 Riva Rd., MS 6301
Annapolis, MD 21401

RE: Variance Case No. 2002-0392-V, Martin Wolff

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 disturbance to steep slopes. The property is designated LDA and is currently developed with a dwelling and numerous accessory structures.

This office often does not oppose decks attached to dwellings provided impacts are minimized and the deck provides a reasonable area of outdoor living space. In this case, the applicant is requesting a variance to attach a deck to an existing accessory structure (pool area). The site plan shows a number of existing structures, many of them within the Buffer, which provide the same function as the proposed deck. This includes the existing pool deck of approximately 500 square feet located less than 20 feet from the proposed deck. Also, a 5-foot apron surrounds the pool. Poolside activities can take place on the existing structures. There is no unwarranted hardship in this case. The property is already developed with a dwelling and numerous accessory structures that provide more than reasonable and significant use of the property.

Variances should not be granted lightly. In accordance with the recently enacted Senate Bill 326, the applicant must satisfy each one of the strict variance standards contained in the County Code in Article 28 §11-102.1B and the Critical Area Criteria in COMAR 27.01.11.01. The applicant can use the existing, grandfathered pool deck for poolside activities. All property owners within the Limited Development Area are prohibited from disturbing steep slopes. Therefore the applicant would not be deprived of rights commonly enjoyed by others but instead would gain a special privilege. Given the existing uses available on the property and the failure to meet the variance standards, this office opposes the variance requested.

Thank you for the opportunity to comment. Please include this letter in your staff report and submit it to 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: AA584-02

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Executive Director

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October 21, 2002

Ms. Ramona Plociennik
Anne Arundel Co. – Office of Planning & Zoning
2664 Riva Rd., MS 6301
Annapolis, MD 21401

RE: Variance Case No. 2002-0371-V, Allan Bernard

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, disturbance to steep slopes and with greater impervious cover than allowed. The property is designated LDA and is currently developed with a dwelling and numerous accessory structures.

This office often does not oppose additions to existing grandfathered dwelling provided impacts are minimized. In this case, the applicant is requesting a variance for a two-story two-car garage with basement, expanded driveway, sunroom, porch and deck additions. Renovations to existing dwellings, as with new dwellings, should be designed according to the constraints of the site. Impervious surfaces are strictly limited to 5445 square feet for a lot of this size. We can not support a variance to exceed this amount. We recommend that the applicant revise the proposal and comply with the impervious cover limit. The impervious porch can be a pervious deck instead. Reasonable and significant use of the property can be enjoyed within the limit with little to no new impact to steep slopes. The steep slope variance for the sunroom could be avoided by moving it to the other end of the house towards Oak Lane. Similarly, impacts to steep slopes could be reduced if the garage were shifted towards Oak Lane. It does not appear that impacts have been minimized. We cannot support the variance as requested.

Thank you for the opportunity to comment. Please include this letter in your staff report and submit it to 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: AA574-02

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
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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

October 21, 2002

Ms. Ramona Plociennik
Anne Arundel Co. – Office of Planning & Zoning
2664 Riva Rd., MS 6301
Annapolis, MD 21401

RE: Variance Case No. 2002-0414-V, Mary Ayers

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 and is currently undeveloped. (Please note that the site plan and County printout incorrectly indicate the site is IDA.)

Provided this lot is properly grandfathered, this office does not oppose the siting of a single-family dwelling on it. However, impacts must be minimized and the variance requested should be the minimum to provide relief. Since the entire site is covered in steep slopes, some variance is necessary to construct a dwelling. The proposed dwelling is not excessive in size. The location of the dwelling is the remaining issue. It appears that moving the dwelling closer to the street would eliminate impacts to the Buffer and also reduce impacts to the steep slopes. The extent of clearing (currently proposed at 87% of the existing woodland) may also be reduced. We acknowledge that the lot is Buffer Exempt and that adjacent lots are developed with homes closer to the water; but with the additional issues of steep slopes and clearing, it appears that impacts could be further minimized. If any variance is approved, mitigation should be provided at a 3:1 ratio for clearing over 30% of the site.

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

Sincerely,

A handwritten signature in black ink that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

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Ren Serey
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October 21, 2002

Ms. Ramona Plociennik
Anne Arundel Co. – Office of Planning & Zoning
2664 Riva Rd., MS 6301
Annapolis, MD 21401

RE: Variance Case No. 2002-0419-V, Tracy and Gordon Clement

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 and associated facilities with less setbacks and Buffer than required and with disturbance to steep slopes. The property is designated LDA and is currently developed with a single family dwelling, driveway and two detached garages.

This office does not oppose the redevelopment of this lot. However, impacts must be minimized and the variance requested should be the minimum to provide relief. Excessive impervious cover already exists on the property. It appears that the proposed garage will be placed on a level area that is already partially impervious. Given the area that is already level, the new parking area should avoid any new disturbance to steep slopes. Also, a 1600-square foot parking area is excessive given the new garage and the two existing detached garages. The site plan does not properly identify areas where impervious cover is to be removed. This office is opposed to any increase in impervious surface. A revised site plan should be provided that clearly shows all proposed structures with no net increase in impervious cover.

The Critical Area report did not contain any information on existing vegetation on site. If a variance is approved, we recommend mitigation for all new disturbance on site at a 3:1 ratio. Also, given the excessive impervious cover, stormwater management should be provided for existing and proposed impervious areas.

Thank you for the opportunity to comment. Please include this letter in your staff report and submit it to 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: AA632-02

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

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October 21, 2002

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

RE: Administrative Subdivision #04-02-10-0004-C
Polyanski

Dear Ms. Scozzari:

Thank you for providing information on the above referenced administrative subdivision. The applicants are proposing to remove two lot lines and combine three lots into two. The properties involved are designated LDA.

Because it appears that no new development is proposed and that no nonconformities are created by this proposal, this subdivision appears to be consistent with the County's Critical Area Program. Any future development on each of the remaining properties must be fully consistent with all Critical Area LDA requirements.

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

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: QC644-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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1804 West Street, Suite 100, Annapolis, Maryland 21401
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October 21, 2002

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

RE: Administrative Subdivision #05-02-10-0003-C
Lewis, Lewis, Aisquith, and Boone

Dear Ms. Collison:

Thank you for providing information on the above referenced administrative subdivision. The applicants are proposing to relocate lot lines in order to transfer 11,878 square feet from one property to the adjacent property. The lots are designated IDA and are currently developed with dwellings and some accessory structures.

Because it appears that no nonconformities are created by this change in existing lot sizes, this subdivision appears to be consistent with the County's Critical Area Program. Any future development on either of these lots must be in accordance with all IDA development requirements.

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

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: QC633-02

Branch Office: 31 Creamery Lane, Easton, MD 21601
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October 21, 2002

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

RE: Administrative Subdivision #05-02-10-0005-C
Chesapeake Church of Christ

Dear Ms. Collison:

Thank you for providing information on the above referenced administrative subdivision. The applicants are proposing to remove a lot line and combine two lots into one lot of record. The property involved is entirely within the Critical Area, with some of the property designated IDA and some LDA.

Because it appears that no new development is proposed and that no nonconformities are created by this proposal, this subdivision appears to be consistent with the County's Critical Area Program. Any future development on the property must be fully consistent with all Critical Area requirements for each designation.

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

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: QC645-02

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

Ms. Suzanne Diffenderfer
Anne Arundel Co. – Office of Planning & Zoning
2664 Riva Rd., MS 6301
Annapolis, MD 21401

RE: Variance Case No. 2002-0348-V, Kenneth Gardner

Dear Ms. Diffenderfer:

Thank you for providing information on the above referenced variance request. The applicant is requesting a variance to permit an in-ground swimming pool with less setbacks and Buffer than required and with disturbance to steep slopes. It is the same request as previous case numbers 2001-0047-V and 1999-0334-V. It is our understanding that the variance approval granted in April 2001 has been allowed to expire.

The site plan provided with the current application appears to match the site plan approved previously except for an expansion of the limits of disturbance to the west of the dwelling and also adjacent to the driveway. Woodland clearing was increased to 29.5%.

As with the two previous requests, this office opposes the variance requested. The pool is an accessory use. Reasonable and significant use of the property exists with the construction of the dwelling. There is no unwarranted hardship. The previous cases involving this request were evaluated in accordance with two court decisions, Belvoir Farms Homeowners Association, Inc. v. North, 355 Md. 259 (1999) and White v. North, 356 Md. 31 (1999). However, those decisions have been affected by recent legislation. In the 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 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.

This office has consistently opposed the granting of variances where the variance is not necessary for reasonable use of the property. Both the County 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 must be met in order for the applicant to receive a variance.

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- 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. While it is unfortunate that the applicant has allowed the previous variance to expire, this application must be evaluated anew, under the law as it exists today. Under the State law, we believe that denial of this variance would not result in an unwarranted hardship. The applicant enjoys reasonable use of his property in the substantial dwelling that is being constructed.
- 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 owners within the Critical Area in Anne Arundel County are similarly limited by the Critical Area Law and the County 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. The applicant acquired the property when it was undeveloped. There may have been opportunities to redesign development of the site to avoid the need for a variance for the pool. The request is not related to adjacent properties.
- 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 approval with the spirit and intent of the Critical Area Program. The construction of the pool 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, the General Assembly instituted the requirements for protection of the Buffer because of the cumulative negative 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.

Ms. Suzanne Diffenderfer

October 23, 2002

Page 3 of 3

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

LeeAnne Chandler

Natural Resources Planner

cc: AA544-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

1804 West Street, Suite 100, Annapolis, Maryland 21401
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October 25, 2002

Mr. Matt Hedger
Salisbury/Wicomico Dept. of Planning, Zoning &
Community Development
PO Box 870
Salisbury, MD 21803-0870

RE: Site Plan for Riverside Medical Park – Phase II

Dear Mr. Hedger:

Thank you for providing information on the above referenced site plan. Commission staff has reviewed the site plan, the 10% calculations and the photos you provided. Based on this information, we have the following comments and recommendations:

1. The primary Critical Area requirement in the IDA is the 10% pollutant removal requirement. The calculations provided do not account for the existing impervious surface on the property (18 parking spaces and half a driveway). The calculations should be redone based on the amount of existing impervious surface. Rough estimates by Commission staff indicate that the proposed bioretention facility will not meet the pollutant removal requirement. An additional or enhanced facility may be necessary to address stormwater on-site.
2. The proposed site is Buffer Exempt, meaning that instead of a 100-foot Buffer, a 30-foot Buffer is required. No development activity should occur within the 30-foot Buffer. The stormwater facility is considered a development activity and it should be located outside of the Buffer (except for the required outfall). A variance may be necessary to locate the stormwater facility as proposed. This office would oppose a variance for new development in the Buffer.
3. Based on the photos of the site you have provided, the Buffer is currently vegetated with trees, shrubs and herbaceous vegetation. However, the site plan proposes grading the entire side including the slope along the shoreline. There is no justification for clearing the Buffer. The proposed rip-rap can be installed from the water without disturbing the slope. The vegetated condition of the slope demonstrates that there is not a significant erosion problem. We recommend that the existing vegetation be retained and enhanced by additional plantings.

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Mr. Matt Hedger
October 25, 2002
Page 2

4. It appears that the proposed rip-rap along the shoreline is excessive (over 16 feet from the toe to the top), especially given the relatively minor erosion problem. Some of the rip-rap is above mean high water and therefore within the Buffer. We recommend that the applicant consider a smaller revetment at the toe of the slope and avoid all grading within the Buffer. The outfall channel from the bioretention area appears overly large as well.
5. Many of the proposed plantings are not native to this region. We recommend that the applicant consider native alternatives for the non-natives. Also, the applicant should refer to the Maryland Department of the Environment's Stormwater Manual Appendix A for a list of plants to be used in and around stormwater facilities.
6. In addition to ensuring that the Buffer is fully vegetated, the City's Critical Area Program requires natural vegetation of an area twice the extent of the impervious surface created in the BEA to be planted in a Buffer Offset Area or some other location. No information was provided relative to this requirement.
7. The northeastern corner of the building extends into the Buffer along with what appears to be a double stairway. The building footprint proposed may simply be too large for a parcel of this size along the water. It appears clear that adequate room has not been provided for stormwater management and required plantings. The footprint intrudes into the required setback and the LOD covers the entire site. Disturbance in the Buffer should be avoided.

We recommend that the applicant address the issues listed above and revise the site plan accordingly. When revised information is provided, please forward it to this office for further review. If you have any questions or comments, please contact me at (410) 260-3477.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: SA636-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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

October 31, 2002

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

RE: Variance Case #V-090002, David A. Moss – ADDITIONAL COMMENTS

Dear Ms. Maxwell:

This office would like to submit additional comments in the above referenced variance request. The applicant in this case is requesting an after-the-fact floodplain variance to increase the allowable fill limit from 600 cubic yards to 1890 cubic yards. There is a house under construction on this lot.

As stated in our previous comments, the site plan provided does not properly show the Critical Area Buffer on this property. The shoreline, as it exists today, should be shown, along with the accompanying Buffer. This should be corrected. Our previous comments on this case raised concerns about the proposal due to the history of this lot. While those concerns are still valid, it has come to our attention that the plat recording the lot did not include plat notes prohibiting additional filling on the lots for construction of the dwellings, despite statements made in the original wetland permit applications and in correspondence between the developers and the State agencies. Fill has already been placed on the subject lot and some additional fill is proposed.

We recommend that additional fill be limited to only that necessary to provide access and a stable base for the shore erosion control planned for the remainder of the property's shoreline. Also, due to the lot's Bay-front location, the existing fill has impacted the Critical Area Buffer. While the area is Buffer-Exempt, the County Ordinance in §14-153 requires the Buffer to be established and maintained in natural vegetation and natural vegetation of an area twice the extent of the impervious surface must be created on the property. We recommend that the area that was filled be re-vegetated with native woody vegetation to help restore the water quality and habitat functions of the Buffer. Commission staff can provide guidance in selecting native tree and shrub species that will grow in the Bay-front environment of the subject property.

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Ms. Cathy Maxwell
October 31, 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. If you have any questions regarding these comments, please contact me at (410) 260-3477.

Sincerely,



LeeAnne Chandler
Natural Resources Planner

Enc.

cc: Mr. Garth Jones, P.E., Queen Anne's County, DPW
QC590-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
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1804 West Street, Suite 100, Annapolis, Maryland 21401
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November 4, 2002

Ms. Kathy Shatt
Anne Arundel Planning & Zoning
2664 Riva Rd., MS 6301
Annapolis, MD 21401

VIA FACSIMILE

RE: Variance Case No.2002-0411-V, Bryan Appell

Dear Ms. Shatt:

Thank you for providing information on the above referenced variance request. The applicant is requesting a variance to permit the construction of a driveway with disturbance to the 100-foot Buffer to a protected bog. The property has a split designation of LDA and RCA and it is currently undeveloped.

Provided this lot is properly grandfathered, this office does not oppose the siting of a single family dwelling on it. The subject lot is irregular in shape, with a narrow "pipestem" (20 to 80 feet in width) leading from the road frontage to a wider area on the peninsula between the bog and Blackhole Creek. The entire pipestem portion of the property is entirely within the 100-foot Buffer to the bog. Access to the lot and use of the lot would be impossible without a variance to disturb the Buffer. Based on our site visit, it appears that acquisition of an access easement from the neighboring property would be the optimal scenario. If such an easement were acquired, the drainage from the driveway could be directed entirely away from Eagle Hill Bog. Without such an easement, it appears that the applicant is trying to minimize impacts by locating the driveway only two feet from the property line and providing a trench along the length of the driveway to capture runoff. This office does not oppose the variance requested. However, it is our understanding that the acidic bog ecosystem is extremely sensitive to any changes in pH. We recommend that the applicant utilize silica-based stone on a sand base for the driveway and the infiltration trench. Any materials containing limestone (which is very basic) should be avoided. Mitigation for forest clearing should be provided at a 1:1 ratio in accordance with the County Zoning Ordinance.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this request. Also, please 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: AA628-02

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Judge John C. North, II
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Ren Serey
Executive Director

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

November 7, 2002

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

RE: Grasonville Senior Center, Request for Public Service Waiver

Dear Ms. Collison:

This office has received additional information on the proposed expansion of the Grasonville Senior Center. The Critical Area report was updated and the 10% calculations were re-done. After reviewing the calculations and revising the removal efficiency to reflect the new standards set by the Maryland Department of the Environment, it appears that the existing wet pond satisfies the 10% pollutant removal requirement. Mr. Kevin Shearon of McCrone, Inc. has further indicated that the Queen Anne's County Department of Public Works is satisfied that the pond is fully functional. Therefore, it appears that the project is consistent with the County's Critical Area Program. We have no further concerns regarding this project.

Thank you for the opportunity to provide comments. 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: QC500-02

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Ren Serey
Executive Director

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November 7, 2002

Mr. Matt Hedger
Salisbury/Wicomico Dept. of Planning, Zoning &
Community Development
PO Box 870
Salisbury, MD 21803-0870

RE: Tyaskin Trust – Resubdivision of Lots 4 & 5

Dear Mr. Hedger:

Thank you for providing the plat for the above referenced subdivision. Commission staff has reviewed the plat. It is our understanding that Lot 4 is currently LDA and Lot 5 is currently RCA. The proposed resubdivision would transfer a little over 10 acres from Lot 5 to Lot 4. Of the total, 3.88 acres are within the Critical Area. It appears that the transfer would not create any non-conformities on either lot. However, as indicated by the note on the site plan, no disturbance or development can occur in the RCA portion of Lot 4 without the award of growth allocation. Also, please note, there is a discrepancy between the before and after total acreages such that the exact acreage being transferred is unclear (either 10.24 acres or 10.34 acres). This should be explained or corrected if necessary.

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: WI660-02

Branch Office: 31 Creamery Lane, Easton, MD 21601
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November 12, 2002

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

RE: Major Site Plan – Bay Tree Storage
MASP #05-02-11-0001©

Dear Ms. Collison:

Thank you for providing information on the above referenced site plan. The applicant is proposing to construct a storage warehouse and associated parking on one of the commercial lots within the Grasonville Station subdivision. The area within the Critical Area is designated IDA.

Commission staff has reviewed the information provided. In the IDA, the primary Critical Area concern is stormwater management. When the Grasonville Station subdivision received growth allocation to change designation from LDA to IDA, the developer provided information on the stormwater management facility proposed to manage runoff from the entire subdivision developed at 80% impervious. The proposed development of Lot 5 with a warehouse storage facility will create 0.473 of impervious surface (or 17%) within the Critical Area portion of the site. Provided that all runoff from the proposed impervious surfaces is properly directed to the stormwater facility, it appears that the project is consistent with the County's Critical Area Program. However, we recommend that native species be used in landscaping the site, especially within the Critical Area. Currently, the majority of the proposed species are non-natives.

Thank you for the opportunity to comment on this site plan. Please feel free to 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: QC673-02

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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November 12, 2002

Ms. Nancy Scozzari
Department of Planning & Zoning
160 Coursevall Dr.
Centreville, Maryland 21617

RE: C & T Land, Inc. – Hotel and Commercial Retail/Office
Concept Plan – Revision #1

Dear Ms. Scozzari:

Thank you for providing the first revision of the above referenced concept plan. The applicant proposes to construct a hotel and a retail/office building with 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. Many of our concerns previously conveyed remain.

1. Commission staff visited the site in January 2002. At that time, much of the site was being used for boat storage and the bulkhead was in the process of being repaired. Significant piles of broken up concrete were scattered on the site. The site plan indicates that 0.7 acres of the site is currently covered by impervious surface. The site plan does not clearly identify where this impervious surface exists. This information should be provided.
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.
3. It is not clear why the building restriction line along the water changes from 50 feet to 15 feet. This should be explained. Also, without information on where impervious surface exists, it is not possible to assess compliance with the criteria for Buffer Exemption Areas as set out in §14-153(d)(1)&(2) of the County Code. We recommend a minimum 25-foot "bufferyard" within the setback to provide some water quality benefits in developed situations such as this one. Again, the size of the hotel and layout of the site may be affected.

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Ms. Nancy Scozzari
November 12, 2002
Page 2

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 hotel, 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. 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. I can be reached at (410) 260-3477.

Sincerely,



LeeAnne Chandler
Natural Resources Planner

cc: QC8-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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

November 14, 2002

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

RE: Variance Case No. V-100002, Wayne R. Prentice

Dear Ms. Maxwell:

Thank you for providing information on the above referenced variance request. The applicant is requesting a variance to the rear yard setback to permit construction of an addition and a pool shoreward of existing structures within the Critical Area Buffer. The property is designated LDA and is currently developed with a single-family dwelling, driveway, and pier.

First, no information was provided regarding the amount of impervious surfaces existing on this property. This information should be provided prior to any further development. With regard to the variance for the addition, this office often does not oppose variances for additions to existing dwellings provided impacts are minimized and the addition provides a reasonable expansion of living space. The addition is modest in size and intrudes only 8 feet into the required setback. We do not oppose the variance for the addition provided that impacts to the Buffer are mitigated at a two to one ratio.

With regard to the variance for the swimming pool, the proposed impacts to the Buffer are more significant. It appears that a swimming pool could be located in the south side yard without a variance. We recommend that the applicant redesign the proposal and move the pool to the side yard. Variances should not be lightly granted. There is no unwarranted hardship in this case. Reasonable use of the property exists without a swimming pool. Denial of the variance would not deprive the applicant of rights commonly enjoyed by other similar properties. A review of aerial photos taken in the vicinity of the subject property indicates that instead of a right commonly enjoyed, a swimming pool would be a special privilege. (No swimming pools were seen on the aerial photos.) All variance standards must be met in order for a variance to be granted. While we are sympathetic to the applicant's desire for a pool, this office can find no legal basis to support the request.

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

Sincerely,


Lee Anne Chandler
Natural Resources Planner

QC671-02

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Judge John C. North, II
Chairman



Ren Serey
Executive Director

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November 14, 2002

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

RE: Variance Case No. V-100007, Keys Marina/Trisport Marine

Dear Ms. Maxwell:

Thank you for providing the site plan for the above referenced variance request. The applicant is requesting a variance to the size limit for an accessory structure in the floodplain. The property is designated LDA and is currently developed as a commercial marina.

Because there are no impacts to any Habitat Protection Areas and because the whole site is already impervious, this office has no comment on the requested floodplain 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,


Lee Anne Chandler
Natural Resources Planner

cc: QC666-02

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Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
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CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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November 14, 2002

The Honorable John E. Bloxom, President
Worcester County Commissioners
One West Market St., Room 1103
Snow Hill, MD 21863-1195

RE: Approval with Conditions of the Coastal Bays Critical Area Program & Maps

Dear Commissioner Bloxom:

At its meeting of November 13, 2002, the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays approved the proposed Coastal Bays Critical Area Program (County Bill No. 02-13) and associated maps with conditions. The vote for approval was unanimous, with two abstentions.

The Commission was impressed with the quality of the Program and the professionalism of the County staff. Our approval contained a number of conditions which are set out as follows:

1. §NR 3-101(c)(10) – Remove the phrase “to the head of tide.”
2. §NR 3-101(H) – Delete this section in its entirety and replace with the following:

NR 3-101(h). APPLICABILITY TO PENDING APPROVALS. THE PROVISIONS OF THIS SUBTITLE SHALL NOT APPLY TO THE GRANTING OF AN APPROVAL OR ACTIVITY PURSUANT THERETO FOR THE INITIAL DEVELOPMENT OF LAND PURSUANT TO ANY APPROVAL LISTED HEREIN AS LIMITED HEREIN AND STRICTLY SUBJECT TO THE TIME LIMITATIONS HEREOF.

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APPROVAL	DATE OF APPROVAL/ISSUANCE (ON OR BEFORE)	LIMITATION
SECTION ZS 1-325 SITE PLAN APPROVAL	EFFECTIVE DATE OF THIS LAW	A BUILDING PERMIT IS ISSUED AND CONSTRUCTION COMMENCED AS EVIDENCED BY THE PLACEMENT OF THE BUILDING FOUNDATION WITHIN SIX MONTHS OF THE DATE OF ADOPTION OF THIS LAW. GROWTH ALLOCATION IS DEDUCTED WHERE NECESSARY.
BUILDING PERMIT ZONING PERMIT SHORELINE CONSTRUCTION APPLICATION ACCEPTED FOR REVIEW	EFFECTIVE DATE OF THIS LAW	NOTWITHSTANDING THE PROVISIONS OF ZS 1-115(g) IF THE WORK DESCRIBED IN ANY PERMIT AS DESCRIBED IN THIS SUBSECTION HAS NOT BEGUN WITHIN 6 MONTHS OF THE EFFECTIVE DATE OF THIS LAW, SUCH PERMIT SHALL EXPIRE. THEREAFTER NO WORK SHALL BEGIN UNTIL THE APPLICANT HAS FILED FOR AND RECEIVED A NEW PERMIT WHICH MAY ONLY BE ISSUED IN CONFORMANCE WITH THE REQUIREMENTS OF THIS SUBTITLE. FOR THE PURPOSES OF THIS SUBSECTION THE PLACEMENT AND APPROVAL OF THE BUILDING FOUNDATION SHALL BE CONSIDERED "BEGINNING OF CONSTRUCTION".
SPECIAL EXCEPTION BY THE BOARD OF ZONING APPEALS	EFFECTIVE DATE OF THIS LAW	A BUILDING PERMIT IS ISSUED AND CONSTRUCTION COMMENCED AS EVIDENCED BY THE PLACEMENT OF THE BUILDING FOUNDATION WITHIN 12 MONTHS OF THE DATE OF ADOPTION OF THIS LAW. GROWTH ALLOCATION IS DEDUCTED WHERE NECESSARY.
PRELIMINARY PLAT	JUNE 1, 2002	ALL PROVISIONS EXCEPT DENSITY LIMITATIONS SHALL APPLY. PLAT RECORDED WITHIN ONE YEAR FROM THE DATE OF ADOPTION OF THIS LAW. GROWTH ALLOCATION IS DEDUCTED WHERE NECESSARY.

3. §NR 3-104(d)(1)B. – Change the access width to six feet rather than eight.
4. §NR 3-104(d)(1)C. – Replace “on an equal basis” with “on a two to one basis.”
5. §NR 3-104(d)(6) – Insert “with a Critical Area site plan where the applicant demonstrates that Buffer impacts have been minimized” after “may be permitted.”
6. §NR 3-105(b)(1) & (2) – Remove the phrase “customary accessory structures” from these sections.
7. §NR 3-107(c)(6) – Insert “with a Critical Area site plan where the applicant demonstrates that resource impacts have been minimized” after “Forest Conservation Plan approval.”
8. §NR 3-108(c)(5) – Replace the phrase “without consideration of its impact on the Atlantic Coastal Bays and their tributaries” with “except as provided by Section 3-108(d) and 3-112 below.”
9. §NR 3-108(d)(3) & (4) – Replace “to an existing church” and “in an existing residential structure” with “to a church existing as of June 1, 2002” and “in a residential structure existing as of June 1, 2002” respectively.
10. §NR 3-108(d)(3) – Insert “if impervious surfaces are limited to 20,000 square feet or 15%, whichever is less” after “to a church existing as of June 1, 2002.”
11. §NR 3-109(b) – Replace “Natural Resources Conservation Office” with “Soil Conservation District.”
12. §NR 3-112(a)(1) – Replace “seven hundred fifty (750) acres” with “eight-hundred nineteen (819) acres.”
13. §NR 3-112(b) – Replace the phrase, “consider the following locational criteria,” with, “use these guidelines:”
14. §NR 3-112(b)(8) – Remove the phrase, “to be located in Resource Conservation Areas.”
15. §NR 3-112(c)(7) – Replace the word “may” with “shall.”
16. §NR 3-116(c)(2) – Insert “the banks of” before “tributary streams” and “the landward boundary of” prior to “tidal wetlands”.

17. §NR 3-116(g)(1) – Insert “at a three to one basis.” after “reforestation shall be required” in the first sentence and delete the remainder of the section.
18. §NR 3-118(e)(2)A – Restore the stricken language except for the general term, “Habitat Protection Areas,” so the section reads, “Areas where important natural resources such as threatened and endangered species, areas of scientific value, or rare assemblages of species occur.”
19. §NR 3-121(d) – Insert “grading,” after “clearing new farmlands,”
20. §NR 3-121(f) – Replace the latter half of the paragraph beginning with “If additional habitat areas are...” with, “If the Secretary of the Department of Natural Resources designates additional species by regulation in the future, a public hearing, as appropriate, shall be held to consider comments on the protection measures proposed for these species. The protection measures shall be adopted within 12 months of the date of the Secretary’s designation.”
21. §NR 3-122(a)(3) & (4) – Replace “including” with “for example.”
22. §NR 3-124(d) – Replace the reference to subsection (I) with subsection (h). Also insert “through the award of growth allocation in accordance with the provisions of § NR 3-112” after “shall only be allowed.” Delete “by variance...”
23. §NR 3-124(h)(5) – Delete the phrase “or moorings” unless the County has independent authority to regulate moorings.
24. §NR 3-125(b)(4)B. – Replace “eight” with “six.”
25. §NR 3-125(b)(4)D. – Insert “located to minimize impacts” after “shall be” and delete “along the most direct route.”
26. §NR 3-126(c)(1) – Replace “where appreciable erosion occurs” with “of significantly eroding shorelines.”
27. §NR 3-126(c) – Add “(6) Vegetation removed in the Buffer for construction of shore erosion control measures shall be replaced at an equal area basis.”
28. Critical Area Maps – Identify those parcels for which Growth Allocation will be deducted. This includes Parcel 161 on Tax Map 9 along Bishopville Prong.
29. Critical Area Map #21 – For the parcels identified as the proposed YMCA site, specify that only the initial development of the YMCA facility is exempt from the Program.

The Honorable John E. Bloxom

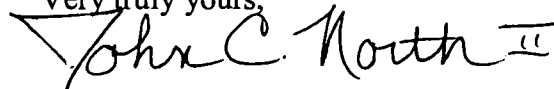
November 14, 2002

Page 5

30. Critical Area Map #22 – Change the Critical Area designation of the parcels north of Center Drive from LDA to RCA due to their undeveloped state and size of contiguous acreage (greater than 20 acres).
31. By the effective date of Bill 02-13, the County must provide the Commission with an accounting of all projects approved since June 1, 2002 for which growth allocation is deducted. The accounting must include subdivision/project name, tax map, parcel numbers, date of recordation, number of lots, and acreages. Based on this accounting, the County's remaining growth allocation will be determined.

The Critical Area Act requires the County to adopt the Program within 90 days of the Commission's approval. We understand from your letter of November 12, 2002 that the County intends to make additional changes at the November 19th legislative session. Please forward any changes to the Critical Area Commission. We will make every effort to process them in a timely manner as refinements, perhaps at the December 4, 2002 Commission meeting. Also, it was represented to us yesterday that the County is working diligently on a Buffer Management Plan. The Commission looks forward to the prompt submission of the Buffer Management Plan and associated maps. Commission staff is available to provide any assistance necessary. Again, we commend the County Commissioners for developing this resource protection program for the Coastal Bays in a most timely manner. If you have any questions or concerns, please contact me or Ren Serey, the Commission's Executive Director, at (410) 260-3460.

Very truly yours,



John C. North, II, Chairman

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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November 18, 2002

Ms. Kathy Shatt
Anne Arundel Planning & Zoning
2664 Riva Rd., MS 6301
Annapolis, MD 21401

VIA FACSIMILE

RE: Variance Case No.2002-0387-V, Renaissance Design, LLC

Dear Ms. Shatt:

This office has received information on the above referenced variance request. The applicant is requesting a variance to permit the construction of a pedestrian bridge with less setbacks and Buffer than required and with disturbance to steep slopes. The property is designated RCA. Clearing has been done for the house site (and more), though construction of the dwelling has not been initiated.

The subject lot is not grandfathered. Instead, it was created via an intra-family subdivision in 1999. For an unknown reason, the family conveyance restriction was removed in 2001 and the lot was sold commercially. Prior to the sale of the lot, extensive clearing of understory occurred (in habitat of forest interior dwelling birds) and it is our understanding that the violation is still outstanding. Nevertheless, the new owner started construction of an excessively sized pedestrian bridge without any permits. Work on site has been stopped pending this variance decision.

I visited the site on November 14, 2002. There is a large clearing for the proposed dwelling and clearing of understory is evident in the uniform size of some hollies that are growing from the remaining stumps. The lot has an extensive shoreline, some of which is dominated by a tidal marsh and pond (along Brewer Creek). Apparently the applicant plans on constructing a pier on the South River shoreline of the property. Due to the configuration of the lot, to reach the South River from the house site, a small scale "ravine" must be crossed. While this office does not oppose providing access to the shoreline, the proposed bridge is over-engineered and excessive in height (up to 18 feet[?]), width (6 feet) and length (135 feet). A stabilized path or stairs could be created down the slope with perhaps a small bridge that would span the bottom of the ravine to reach a stabilized path on the other side. Right now, the bridge is more than 10 feet in the air with massive footings. (It is unclear if the site plan is based on a field survey because the slope and coordinating bridge height are not accurately depicted. The site plan also does not match the bridge detail plan.) Placement of the footings that are there has caused some erosion already. We recommend that the bridge be made three feet in width, with at least four sets of footings

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taken off each end to reduce the height and length. Intrusion in the Buffer for access should be the minimum necessary. Installing such a massive structure in riparian forest interior dwelling bird habitat and the Critical Area Buffer does not minimize impacts, in both the short and long term. As proposed, we cannot support the request.

Variations should not be granted lightly. Both the County's Code in Article 28 Section 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 would still be able to construct a dwelling on the property and gain access to the shoreline. The pedestrian bridge as proposed is certainly not the only means of accessing the water. 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. All proposed development must minimize impacts to steep slopes, riparian habitat and Buffers.
- 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 owners of similar properties are restricted from impacting Habitat Protection Areas with unnecessary intrusion.
- 4) Section 11-102.1.B.4 addresses conditions or circumstances which are self-imposed and conditions or circumstances related to adjacent properties. While the applicant did not create the small ravine on the property, the location of the path to the water was chosen by the applicant. Similarly, the applicant began work without permits. There are numerous ways in which property owners have gained access to their steep shorelines without the need for a variance.
- 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 approval with the spirit and intent of the Critical Area Program. The completion of the excessively sized bridge would create permanent impacts to riparian habitat. Approval of the request as proposed would not be consistent with the spirit and intent of the Critical Area Program.

Ms. Kathy Shatt
November 18, 2002
Page 3

In summary, the applicant has failed to meet the heavy burden for a variance in this case. We have no legal basis to support the request. In addition, this office is extremely concerned about the outstanding violation on the property. Additional approvals should be withheld until the violation is resolved.

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: AA581-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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November 18, 2002

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

RE: Board of Appeals Case No. BA98-02, Variance Case No. 2002-0116-V, Brown

Dear Ms. Diffenderfer:

This office has acquired the revised plan for the above referenced Board of Appeals case. 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. Since the previous hearing, the house has been made smaller in size. The limits of disturbance have also been reduced. However, concerns remain in regard to the large amount of fill proposed. The site is actually a "hollow" with steep slopes on three sides. The applicant proposes to fill almost half of this "hollow" to provide a flat front yard and a level driveway to a one-car garage. There are a number of ways to reduce or eliminate the need for so much fill. First, the garage could be eliminated and parking could be provided at a parking pad along the street. Stairs or a bridge could be provided to access the house. (There are many examples of this in the communities of Epping Forest and Sherwood Forest.) Large trees could be conserved and the amount of fill could be drastically reduced. Second, the applicant could request a variance from the front setback requirement. Just bringing the house closer to the street would reduce the fill. The garage could also be incorporated into the dwelling, allowing the well to be shifted further south and helping to minimize the limits of disturbance.

Previously, we recommended that the applicant conduct an on-site topographical survey and also a survey to locate the large trees on the property. If this information were provided on the site plan, an optimal house location could be established. It does not appear that the topography has been field run, nor are any trees shown on the plan. In the field, the slopes appears to be much steeper than what appears on the site plan. We again recommend that the applicant provide field run topographical information for this property. This is not the type of site where a typical "spec" house can be placed with minimal impacts. Development of this lot should be designed according to the constraints of the site. Reasonable use of the property could be provided with fewer impacts.

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Ms. Suzanne Diffenderfer
November 18, 2002
Page 2

If a variance is granted, this office recommends mitigation at a 3 to 1 ratio for clearing over 30% of the site. We recommend that the approved limits of disturbance be fenced off to avoid unauthorized clearing. Also, the stormwater management note on the site plan states that stormwater infiltration is not feasible and that plantings are proposed to address runoff. Given the existing drainage and runoff problems from this property, new impervious areas and filling should be kept to the minimum feasible to ensure downstream properties and waterbodies are not negatively impacted by the proposed development.

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

Sincerely,



LeeAnne Chandler
Natural Resources Planner

cc: AA236-02



**STATE OF MARYLAND
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CHESAPEAKE AND ATLANTIC COASTAL BAYS**

1804 West Street, Suite 100, Annapolis, Maryland 21401
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November 15, 2002

Ms. Ramona Plociennik
Office of Planning and Zoning
2664 Riva Rd., MS 6301
Annapolis, MD 21401

RE: Variance Case No. 2002-0415-V, Scott & Annette Zepko

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 (swimming pool) in the front yard with less setbacks and Buffer than required. The property is designated LDA and is currently developed with a single-family dwelling, driveway, hot tub and shed.

The proposed pool will create an additional 950 square feet of impervious surface in the Buffer on this developed lot. While the property is Buffer-Exempt, the impact is closer to the water than the dwelling. It appears that a swimming pool could be located in the southwest side yard without intruding further into the Buffer than the dwelling. We recommend that the applicant redesign the proposal and perhaps eliminate the need for 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 Section 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 meet 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

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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. (The site plan shows that the adjacent property contains a small above ground pool. Please note that it is located further from the water than the dwelling.)

- 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 approval with the spirit and intent of the Critical Area Program. The construction of 950 square feet of impervious surface for a pool 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 this request. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



LeeAnne Chandler
Natural Resources Planner

cc: AA631-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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November 19, 2002

Ms. Nancy Scozzari
Department of Planning & Zoning
Queen Anne's County
160 Coursevall Drive
Centreville, Maryland 21617

**RE: Safeway Food Store – Major Site Plan
MASP # 04-02-11-0005©**

Dear Ms. Scozzari:

Thank you for providing the most recent plans and supporting documentation for the major site plan referenced above. 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. Commission staff has reviewed the stormwater calculations provided. The 10% calculations indicate that post development impervious cover will total 5.36 acres. This calculates to a pollutant removal requirement of 6.97 pounds of Phosphorus. The calculations indicate that multiple ponds (BMP Type P-4) will be used. However, based on a review of the site plan as well as the other stormwater calculations, it appears that the chosen Best Management Practice is actually a pocket pond (BMP Type P-5). The efficiency value for a pocket pond is 0.5 as compared to the 0.65 efficiency for multiple ponds. When you recalculate the load removed using the correct efficiency value for pocket ponds, the load removed does not meet the pollutant removal requirement. The issue of stormwater management should be revisited. It may be possible to provide water quality management to some offsite drainage to address the outstanding removal requirement.

Also, the other stormwater calculations show a total of 6.18 acres of proposed impervious cover rather than the 5.36 acres referenced above. This discrepancy should be explained. If the difference accounts for the future development of Lot 2 with a certain amount of impervious surface, this should also be taken into account for the 10% calculations. Doing so would alleviate the need to revisit the 10% requirement at the time development is proposed on Lot 2.

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

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Ms. Nancy Scozzari
November 19, 2002
Page 2

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

Sincerely,



LeeAnne Chandler
Natural Resources Planner

cc: QC662-00

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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

November 19, 2002

Mr. Matt Hedger
Salisbury/Wicomico Dept. of Planning, Zoning &
Community Development
PO Box 870
Salisbury, MD 21803-0870


RE: Harbor Pointe – Phase II – Section 4

Dear Mr. Hedger:

Thank you for providing the plat for the above referenced subdivision. Commission staff has reviewed the plat. It is our understanding that Lots 116 through 120 are partially located in the Critical Area with a land use designation of LDA. The Critical Area line should be added to the final subdivision plat before it is recorded. Also, additional Critical Area information should be added to the plat. For example, Lots 116 through 120 should be listed in a table that includes the square footage in the Critical Area and the allowable impervious surface in the Critical Area portion of each lot. Also, information should be provided on the amount of existing forest within the Critical Area portion of the subdivision. Clearing is limited to a maximum of 30% with replacement at a one to one ratio (for up to 20%) or at a one and a half to one ratio for clearing between 20 and 30%. If no forest exists, at least 15% of the Critical Area portion of the subdivision must be planted in forest vegetation. Forest clearing, reforestation and afforestation can be calculated on a lot-by-lot basis (e.g., provide 15% forest on each lot) or on an area basis with some lots having more forest than others. This information will help ensure future property owners are aware of the applicable 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: SA683-02

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

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Ren Serey
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November 19, 2002

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

RE: Administrative Subdivision #05-02-09-0004-C – REVISION #1
Broden/Trumpy

Dear Ms. Collison:

Thank you for providing revision #1 of the above referenced administrative subdivision. The applicants are proposing to relocate lot lines in order to "trade" septic reserve areas and to transfer 1.156 acres from one lot to the other. The lots are designated LDA and are currently developed with dwellings and some accessory structures.

Because it appears that no additional development is proposed and no non-conformities are being created, this subdivision appears to be consistent with the County's Critical Area Program. Any future development on either of these lots must be in accordance with all LDA development requirements.

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: QC591-02

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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

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CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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

November 19, 2002

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

**RE: Clark's Landing Boat Sales – Major Site Plan
MASP # 04-00-07©, Amendment #1**

Dear Mr. Cohoon:

Thank you for providing amendment #1 to the above referenced site plan. The applicant is proposing to use two TDRs to correct a non-conformity in regard to impervious cover on an existing commercial lot. The site is partially within the Critical Area with an IDA designation. Under the County's Critical Area regulations, there is no limit to impervious cover. The referenced non-conformity is in relation to the requirements of the zoning district. Provided that stormwater (i.e., the 10% requirement) was addressed at the time the renovations were completed and that the changed amount of impervious does not change the results of the calculations, this office does not oppose the site plan amendment.

Thank you for the opportunity to review this amendment to the site 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: QC271-00

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

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Ren Serey
Executive Director

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CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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

MEMORANDUM

TO: James W. Price, Director, Program Open Space
FROM: LeeAnne Chandler *LAC*
DATE: November 20, 2002
RE: POS Project #4307-22-159, Tennis Courts at the City Park, Salisbury

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

1. This project is located within the Critical Area. As a local project on lands owned by the local jurisdiction, this projects does not need to go through the formal Commission review process. However, redevelopment of the existing tennis courts must be consistent with the Salisbury Critical Area Program. A key aspect of consistency in this case will be ensuring that no new disturbance occurs within the Buffer.
2. The Critical Area Commission must receive certification from the City 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.
3. If the local jurisdiction provides the necessary information and certification to the Commission regarding this project and appropriate mitigation is required, the project 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, Salisbury/Wicomico Co. Critical Area Planner

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CLEARINGHOUSE REVIEW

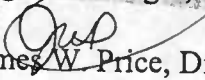
October 29, 2002

RECEIVED

OCT 31 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:  James W. Price, Director, Program Open Space

SUBJ: DNR Clearinghouse Review of Local POS Project #4307-22-159
Salisbury City Park - Tennis Courts, the City of Salisbury, Wicomico County

This project proposes a full restoration of the City Park Tennis Courts, which includes milling, court reconstruction, sealing and striping, new posts and nets, and fence replacement.

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

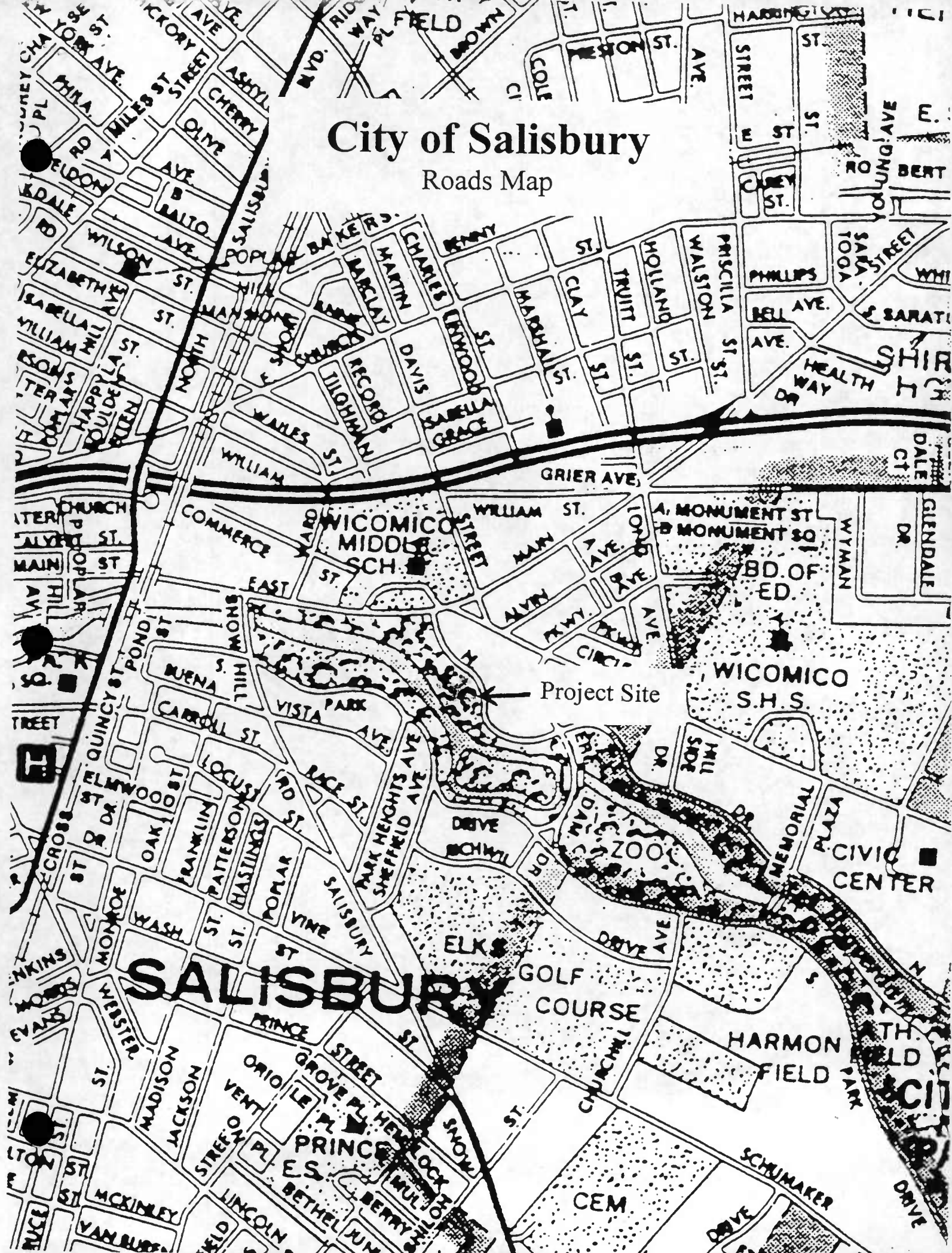
CHECK ONE AND INITIAL

	<u>CHECK</u>	<u>INITIAL</u>
1. The project does not conflict with the plans, programs or objectives of this Agency.	_____	_____
2. The project does not conflict with this Agency's plans, programs or objectives, but the attached comments are submitted for consideration.	✓ _____	 _____
3. The project conflicts with this Agency's plans, programs or objectives for the reasons indicated on the attachment.	_____	_____

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

City of Salisbury

Roads Map



Project Site

SALISBURY

WICOMICO
MIDDLE
SCH.

WICOMICO
S.H.S.

ELK'S
GOLF
COURSE

HARMON
FIELD

CIVIC
CENTER

CEM

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Chairman



Ren Serey
Executive Director

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

MEMORANDUM

TO: James W. Price, Director, Program Open Space
FROM: LeeAnne Chandler *LAC*
DATE: November 20, 2002
RE: POS/CPP Project #4275-23-146, Tot Lot at Byrd Park, Snow Hill

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

1. This project is located within the Critical Area. As a local project on lands owned by the local jurisdiction, this projects does not need to go through the formal Commission review process. However, development of the playground must be consistent with the Snow Hill Critical Area Program. A key aspect of consistency in this case will be ensuring that all development occurs outside of the 100-foot Buffer.
2. The Critical Area Commission must receive certification from the Town 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.
3. If the local jurisdiction provides the necessary information and certification to the Commission regarding this project and appropriate mitigation is required, the project 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: Kelly Brewington, Town Manager
Tracey Greene, Critical Area Circuit Rider

Branch Office: 31 Creamery Lane, Easton, MD 21601
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Chairman



Ren Serey
Executive Director

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CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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MEMORANDUM

TO: James W. Price, Director, Program Open Space
FROM: LeeAnne Chandler *LAC*
DATE: November 20, 2002
RE: POS Project #4307-22-159, Tennis Courts at the City Park, Salisbury

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

1. This project is located within the Critical Area. As a local project on lands owned by the local jurisdiction, this projects does not need to go through the formal Commission review process. However, redevelopment of the existing tennis courts must be consistent with the Salisbury Critical Area Program. A key aspect of consistency in this case will be ensuring that no new disturbance occurs within the Buffer.
2. The Critical Area Commission must receive certification from the City 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.
3. If the local jurisdiction provides the necessary information and certification to the Commission regarding this project and appropriate mitigation is required, the project 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, Salisbury/Wicomico Co. Critical Area Planner

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November 21, 2002

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

RE: Variance Case No. 2002-0428-V, Anne Arundel County Public Works

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 special exception and variance. The property is designated LDA and is currently development with a pumping station.

Provided that all conditions of the previous approvals are met, this office does not oppose the extension in time for this project.

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: AA691-02

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
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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

November 21, 2002

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

RE: Variance Case No. 2002-0440-V, Edward Mittelstedt

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance request. The applicant is requesting an after-the-fact variance to permit a dwelling addition with less setbacks than required. The subject property is designated IDA and is currently developed with a dwelling, shed, and detached deck.

Because it appears that there were no impacts to Habitat Protection Areas, this office has no comment on this setback variance. However, because the site is designated IDA, the 10% pollutant reduction rule should have been addressed at the time of construction. Usually, on lots of this size, plantings are sufficient to satisfy this requirement. (If the 10% rule was not addressed, we recommend that any approval be conditioned on meeting the 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 "Lee Anne Chandler".

Lee Anne Chandler
Natural Resources Planner

cc: AA694-02

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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CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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

November 21, 2002

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

RE: Revised Gateway Bioretention Plan – Response to Questions raised

Dear Ms. Greene:

Thank you for providing the response letter to the questions we raised on the revised Gateway Bioretention Plan. We now have a more complete understanding of various aspects of the project. We do not oppose the use of the blue stone dust if it is needed for stability. Also, given the large size of the trees to be planted, we do not oppose the use of the London Plane tree in this situation. We have no further Critical Area concerns in regard to this project.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: Gateway project file

Branch Office: 31 Creamery Lane, Easton, MD 21601
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CHESAPEAKE AND ATLANTIC COASTAL BAYS

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November 21, 2002

Commissioner Winfield Miller
Town of Queenstown
P.O. Box 4
Queenstown, MD 21658

Post-It™ brand fax transmittal memo 7671		# of pages ▶ 2
To Winfield Miller	From Lec Anne Chandler	
Co.	Co.	
Dept.	Phone# 410 260-3477	
Fax# (410) 827-7661	Fax #	

RE: Development in Proposed Queenstown Resort Development District

Dear Commissioner Miller:

As requested, I am writing in regard to a recent change in the Queen Anne's County Zoning Ordinance and its potential effects on development around Queenstown. A new zoning district, called the Queenstown Resort Development (QRD) District, has been added to the County's Zoning Ordinance. To date, no properties have been designated as QRD. While one rezoning to QRD was initially proposed, it was withdrawn due to a conflict with a section of Title 14, *Environmental Protection*, of the County Code. Specifically, §14-139(b)(3)(ii) states that, "additional land in the Resource Conservation Area (RCA) may not be zoned for industrial, institutional or commercial development." The proposed QRD district would allow these types of uses. If an RCA property were re-zoned to QRD, any commercial, industrial or institutional development project would need an award of growth allocation to proceed. The issue with Title 14 of the County Code is that it does not make a reference to growth allocation as a means of allowing commercial development on lands initially designated RCA. A simple text amendment could correct the problem. Adding "except as provided in §14-176" to the existing language in §14-139(b)(3)(ii) would provide the needed reference to growth allocation. Alternatively, if the County were concerned with the QRD district specifically, additional language could be provided in the development standards for the QRD district. For example, it could require development applications in the QRD to acquire growth allocation prior to proceeding through the development review process.

If any RCA property is rezoned to QRD by the County in the future, development projects in that district will be required to proceed through the County's growth allocation process. This will entail preparation of a concept plan to be reviewed according to specific criteria set out in §14-176(4) of the County Code. Also, according to the QRD district regulations, the development review process requires consultation with the Town of Queenstown's Planning Commission.

In the event that the developer requests annexation into the Town prior to preparing detailed development plans, the development process for the project would be similar but less



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CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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

November 21, 2002

Commissioner Winfield Miller
Town of Queenstown
P.O. Box 4
Queenstown, MD 21658

RE: Development in Proposed Queenstown Resort Development District

Dear Commissioner Miller:

As requested, I am writing in regard to a recent change in the Queen Anne's County Zoning Ordinance and its potential effects on development around Queenstown. A new zoning district, called the Queenstown Resort Development (QRD) District, has been added to the County's Zoning Ordinance. To date, no properties have been designated as QRD. While one rezoning to QRD was initially proposed, it was withdrawn due to a conflict with a section of Title 14, *Environmental Protection*, of the County Code. Specifically, §14-139(b)(3)(ii) states that, "additional land in the Resource Conservation Area (RCA) may not be zoned for industrial, institutional or commercial development." The proposed QRD district would allow these types of uses. If an RCA property were re-zoned to QRD, any commercial, industrial or institutional development project would need an award of growth allocation to proceed. The issue with Title 14 of the County Code is that it does not make a reference to growth allocation as a means of allowing commercial development on lands initially designated RCA. A simple text amendment could correct the problem. Adding "except as provided in §14-176" to the existing language in §14-139(b)(3)(ii) would provide the needed reference to growth allocation. Alternatively, if the County were concerned with the QRD district specifically, additional language could be provided in the development standards for the QRD district. For example, it could require development applications in the QRD to acquire growth allocation prior to proceeding through the development review process.

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In the event that the developer requests annexation into the Town prior to preparing detailed development plans, the development process for the project would be similar but less

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Commissioner Winfield Miller

November 21, 2002

Page 2

complicated. The Town's new Critical Area Ordinance does not contain the conflicting language that has hampered the County process. In addition, it is likely that the Town would be the only government reviewing the plans. However, growth allocation would still be required and may well be deducted from the Town's balance.

I hope this information is useful to the Town in their participation in the planning process. If you have any questions regarding the above information, please feel free to contact me at (410) 260-3477.

Sincerely,



LeeAnne Chandler
Natural Resources Planner

cc: Steve Cohoon, Queen Anne's County Planning & Zoning
Roby Hurley, Critical Area Circuit Rider

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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November 21, 2002

Commissioner Winfield Miller
Town of Queenstown
P.O. Box 4
Queenstown, MD 21658

RE: Development in Proposed Queenstown Resort Development District

Dear Commissioner Miller:

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Commissioner Winfield Miller

November 21, 2002

Page 2

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I hope this information is useful to the Town in their participation in the planning process. If you have any questions regarding the above information, please feel free to contact me at (410) 260-3477.

Sincerely,



LeeAnne Chandler

Natural Resources Planner

cc: Steve Cohoon, Queen Anne's County Planning & Zoning
Roby Hurley, Critical Area Circuit Rider

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

November 26, 2002

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

RE: Administrative Subdivision – Waterman/Priest
#05-02-10-0006-C

Dear Ms. Collison:

Thank you for providing information on the above referenced subdivision. The applicants are proposing to relocate a lot line to transfer approximately 0.8 acres from Lot 1 to Lot 2. The properties are designated RCA and are developed with dwellings and driveways.

Because it appears that no additional development is proposed and no non-conformities are being created, this subdivision appears to be consistent with the County's Critical Area Program. Any future development on either of these lots must be in accordance with all RCA development requirements.

Thank you for the opportunity to comment on this subdivision. Please feel free to 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: QC663-02

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
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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

November 21, 2002

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

RE: Variance Case No. 2002-0433-V, William Byrum

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 walkway with disturbance to steep slopes. The subject property is designated LDA and is currently developed with a dwelling, shed and concrete stairs.

This office does not oppose redevelopment of this lot. Impacts should be minimized and the variance requested should be the minimum to provide relief. Given the dilapidated condition of the existing dwelling, it appears that renovating is not an option. It appears that the steep slope disturbance will be mostly temporary (based on the before and after topography) and that they could be revegetated upon completion of the new dwelling. Given the proposed decrease in impervious cover and the temporary nature of the disturbance, this office does not oppose the variance requested. We recommend that the new wooden stairs be constructed with spaces between the boards to allow some infiltration. Also, we recommend that the slope be restored with woody vegetation to the extent possible.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this request. Also, please 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: AA692-02

Branch Office: 31 Creamery Lane, Easton, MD 21601
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Ren Serey
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**STATE OF MARYLAND
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1804 West Street, Suite 100, Annapolis, Maryland 21401
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November 26, 2002

The Honorable John E. Bloxom, President
Worcester County Commissioners
One West Market St., Room 1103
Snow Hill, MD 21863-1195

RE: Additional Text and Map Amendments

Dear Commissioner Bloxom:

This office has received information on the six additional text amendments to Bill 02-13 as well as the Critical Area map amendments described in your letter of November 22, 2002. We have accepted the text and map amendments as a complete submittal and Chairman North has determined that they may be handled as refinements to the County's Critical Area Program. The Commission will discuss the amendments for concurrence with the Chairman's determination at the December 4, 2002 Commission meeting in Crownsville. An agenda for the day has been forwarded to County staff.

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

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: Mr. Ed Tudor, Director, Development Review and Permitting
Mr. Sandy Coyman, Director, Comprehensive Planning
Amendment File

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



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

1804 West Street, Suite 100, Annapolis, Maryland 21401
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November 26, 2002

Mr. Richard A. McIntyre
Queen Anne's Parks & Recreation
PO Box 37
Centreville, MD 21617

RE: MD 8 – Corridor Trail (Kent Island South Trail)

Dear Mr. McIntyre:

Thank you for providing information regarding the proposed Kent Island South Trail. We understand that the project entails construction of seven miles of a 10-foot wide hiker/biker trail from Stevensville to Romancoke. The construction will primarily take place in a utility right-of-way. We have reviewed the information provided and we have the following comments:

1. The project is partially located within the Critical Area. It would be helpful to have the Critical Area line on the plans in order to address comments 2 and 3 below.
2. Those areas within the Critical Area should be reviewed to ensure that the drainage-ways shown on the profiles are artificial ditches and not streams. Streams within the Critical Area require a 100-foot Buffer. While disturbance in the Buffer may be permitted for a bridge for access to the other side, mitigation would be required for any disturbance. If there are no streams within the Critical Area portion of the project, please forward documentation for our files.
3. Similarly, clearing within the Critical Area portion of the project will require mitigation with native species at a minimum one to one ratio. Given the scale of the project, the number of trees to be removed may not be known at this time. However, as the project moves forward, documentation regarding tree clearing and replacement should be provided for our files.
4. The County should acquire permits or letter of authorization from the Maryland Department of the Environment for the proposed wetland disturbance.

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Mr. Richard A. McIntyre
November 26, 2002
Page 2

Thank your for the opportunity to review this project. Please forward the additional information requested above when it becomes available. If you have any questions, please contact me at (410) 260-3477.

Sincerely,



LeeAnne Chandler
Natural Resources Planner

cc: QC701-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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

November 27, 2002

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

RE: Proposed Revetment and Related Work at 300 White Banks Lane, Queenstown

Dear Ms. Swinson:

It has come to my attention that an extensive rip-rap revetment is proposed at the above address. The Maryland Department of the Environment has reviewed the application (Tracking No. 200263936) and the license is on the December 4, 2002 agenda for the Board of Public Works. A copy of the permit application is attached for your information. This office does not have concerns about the revetment itself. However, the site plan provided with the application shows a large parking area adjacent to the bulkhead, within the Buffer. It is unclear from the information provided whether this parking area already exists or if it is proposed to be constructed when the revetment is installed. While access to the shoreline to construct shore erosion control measures is certainly permitted, a permanent parking lot is not. An aerial photo of the property from 1992 does not show a parking lot adjacent to the shore. A parking lot, even if it is gravel, is considered a non-water-dependent structure that should be placed outside of the Buffer unless a variance is granted. To my knowledge, a variance has not been granted for the parking lot.

It would be helpful if a County inspector would visit the property as soon as possible and assess the situation. Please contact me at (410) 260-3477 after a site visit is conducted to discuss any follow-up actions that may be necessary. Thank you for your attention to this matter.

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: QA Misc. file

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



Ren Serey
Executive Director

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

December 6, 2002

The Honorable John E. Bloxom, President
Worcester County Commissioners
One West Market St., Room 1103
Snow Hill, MD 21863-1195

RE: Additional Text and Map Amendments

Dear Commissioner Bloxom:

At its meeting of December 4, 2002, the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays concurred with the Chairman's determination that the text and map amendments referenced in your letter of November 22, 2002 together qualify as a refinement to the County's Coastal Bays Critical Area Program. Chairman North has approved this refinement.

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: Mr. Ed Tudor, Director, Development Review and Permitting
Mr. Sandy Coyman, Director, Comprehensive Planning
Amendment File

Branch Office: 31 Creamery Lane, Easton, MD 21601
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Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450

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

MEMORANDUM

To: Critical Area Commission

From: Ren Serey, LeeAnne Chandler

Date: December 4, 2002

Subject: Town of Ocean City - Request for an Extension for Program Submittal

The Town of Ocean City has submitted a request for a 30-day extension to the January 1, 2003 deadline for submittal of their Critical Area Program. According to the Atlantic Coastal Bays Protection Act, the Commission may extend the period for up to 30 days if the local jurisdiction submits evidence satisfactory to the Commission that the jurisdiction is making reasonable progress in the development of a program.

Summary of Progress to Date:

1. The Town is using the Worcester County Coastal Bays Critical Area Program as a guide in developing their program. However, under the Atlantic Coastal Bays Protection Act, the Town's Critical Area is designated as an Intensely Developed Area. Therefore, the Town's Program will include development standards for IDAs only.
2. A public hearing was held by the Ocean City Planning Commission to discuss the Critical Area Program in general as well as highlights of the proposed Program (e.g., the entire Town is IDA and is proposed to be designated as a Buffer Management Area).
3. The Town submitted a draft Program to Commission staff for review on November 14, 2002. Commission staff met with three members of the Town staff on November 25th to review the draft and discuss outstanding issues. For the most part, only minor changes were recommended. The main issue to be resolved is a program to manage and mitigate for development in Buffer Management Areas.

A 30-day extension to the deadline for Program submittal would allow the Town to fully develop Buffer Management Area regulations prior to Program submittal. Also, an extension would give the Mayor and City Council time to hold an additional public hearing prior to formal submission to the Critical Area Commission.

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

1804 West Street, Suite 100, Annapolis, Maryland 21401

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

December 6, 2002

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

RE: Major Site Plan #MASP 05-02-02-0009© - REVISION #2
Offshore Performance, LLC

Dear Ms. Collison:

Thank you for providing Revision #2 of the above referenced site plan. The site is currently developed with a dwelling and accessory structures. 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.

Commission staff has reviewed the revised information. We have the following comments:

1. The design of the stormwater pond has been revised to eliminate all disturbance in the 50-foot Buffer, except for the outfall. The outfall is considered a water-dependent structure that is permitted within the Buffer.
2. As indicated in previous comments, the 10% pollutant reduction requirement is not being met by the proposed BMP. The applicants are proposing installation of a "water quality inlet" along Drummer Drive to provide the additional treatment. However, as indicated in the MDE stormwater manual, Appendix D (page D.4.12), water quality inlets are not given any credit for Phosphorus removal. (The revised 10% calculations indicate an efficiency of 15% but this is unsupported.) Other alternatives remain available. Offsite runoff could be directed into the on-site BMP. A small BMP could be installed on one of the applicant's other properties. Rooftop runoff could be disconnected, reducing the amount of impervious to be treated. Other alternatives should be explored.
3. If it is determined that there are no other alternatives for providing the pollutant removal required, Commission staff is available to meet with County staff to discuss other offset options.

Thank you for the opportunity to provide comments. 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

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
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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

December 6, 2002

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

RE: Minor Site Plan – File # 04-02-11-0020-C
Dr. Pichada Honick

Dear Mr. Cohoon:

Thank you for providing information on the above referenced site plan. The applicant is proposing to convert an existing residence into a dental office and add the required parking. The site is 0.477 acres in size, with just .003 acres within the Critical Area designated IDA. Because there is no disturbance proposed in the Critical Area portion of the site, this office has no comment on this project.

Thank you for the opportunity to review this project. 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: QC711-02

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

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Annapolis: (410) 974- 2609 D.C. Metro: (301) 586-0450

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Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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

December 6, 2002

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

RE: Variance Case No. 2001-0103-V, Frederick Johnston

Dear Mr. Konowal:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling with less setbacks and Buffer than required and with disturbance to steep slopes. The property is designated LDA and is currently developed with a number of existing structures, one of which appears to be a dwelling.

This office does not oppose redevelopment of this lot. The same property was the subject of a variance approved in May 2001 (Case #2001-0103-V). The current proposal appears to be consistent with the Hearing Officer's decision in that case. We do not oppose the variance requested. However, in addition to all of the conditions on the previous approval, we recommend that stormwater management be provided to treat runoff from the driveway and 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 variance request. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: AA690-02

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
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**
1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

December 9, 2002

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

RE: Variance Case No. 2002-0435-V, Charles Ray

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance request. The applicant is requesting a variance to permit a porch addition with less setbacks than required and an in-ground swimming pool with less Buffer than required. The subject property is designated IDA and is currently developed with a dwelling and driveway.

This office has no comment on the setback variance. In regard to the variance for the swimming pool, we oppose the variance and instead recommend that the applicant re-design the proposal to eliminate the need for a variance. This non-waterfront lot is partially impacted by the Buffer. Based on the scale of the site plan, it appears that the existing house is 92 feet from Rock Creek. The lot is Buffer Exempt and it is our understanding that as long as accessory structures are not closer to the water than the dwelling, a variance is not required. It appears that the pool could be rotated and shifted so it would be oriented in a north-northwest to southeast direction (instead of the northeast to southwest direction). The enclosed drawing demonstrates how this could be done. Redesigning the proposal would eliminate the need for a variance for the swimming pool.

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,

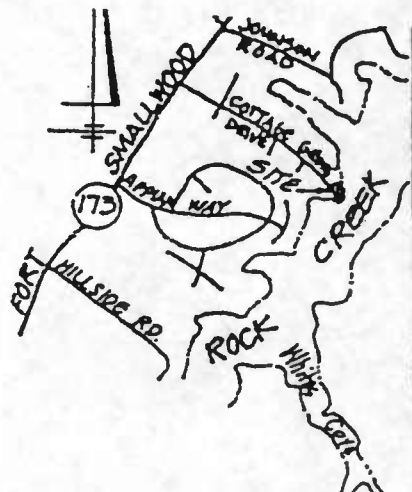
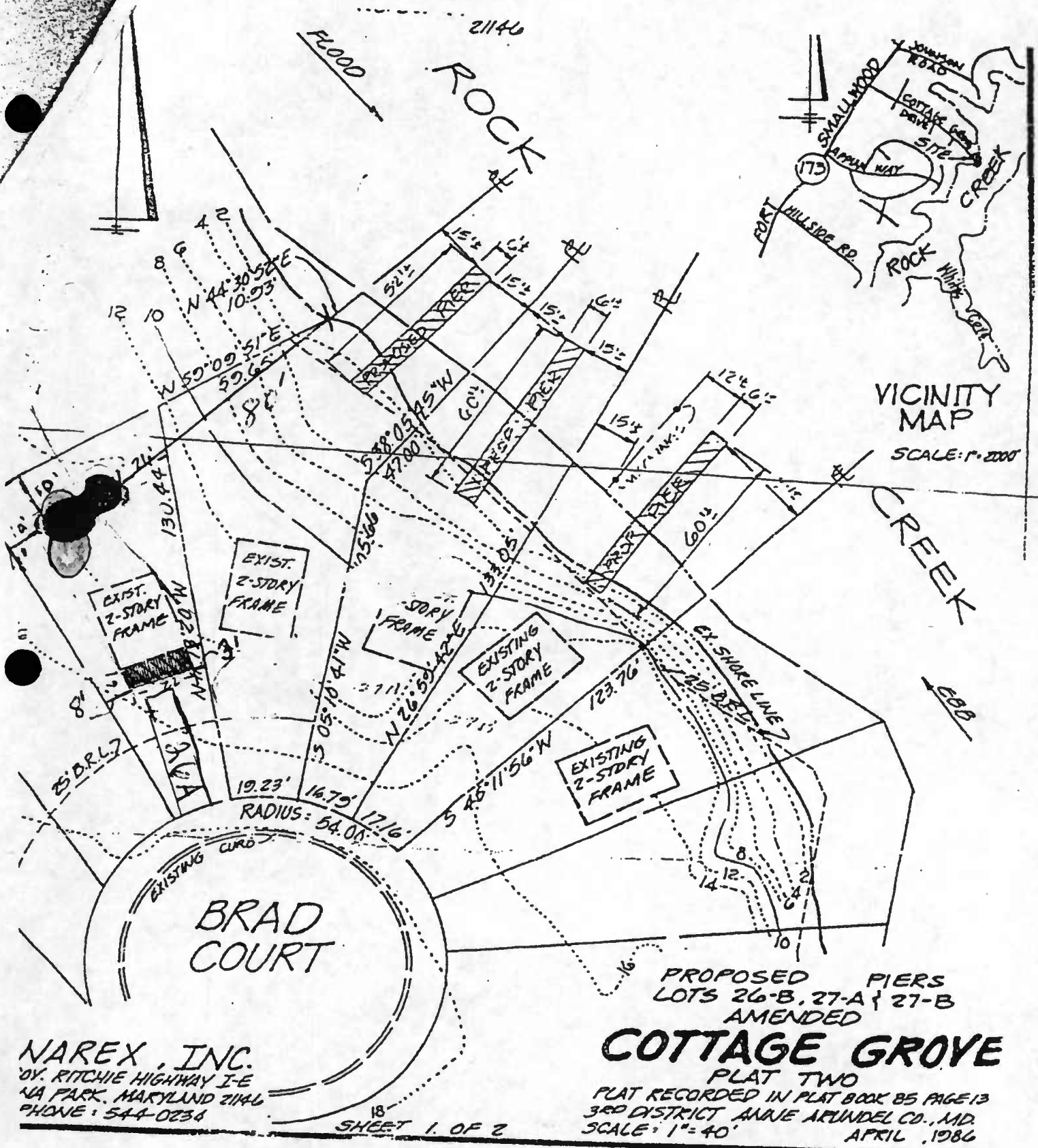
A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA693-02

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

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VICINITY MAP
SCALE: 1" = 2000'

NAREX, INC.
 107 RITCHIE HIGHWAY I-E
 NA PARK, MARYLAND 21146
 PHONE: 544-0234

PROPOSED PIERS
 LOTS 26-B, 27-A & 27-B
 AMENDED
COTTAGE GROVE
 PLAT TWO
 PLAT RECORDED IN PLAT BOOK 85 PAGE 13
 3RD DISTRICT ANNE ARUNDEL CO., MD.
 SCALE: 1" = 40'
 APRIL, 1986

SHEET 1 OF 2

Request #1

front porch 6' x 22'

pool in buffer

80' from shoreline

File

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

December 11, 2002

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

RE: Large Lot Minor Subdivision – Wathen Property
File #04-02-11-0022-C

Dear Mr. Keeley:

This office has received information on the above referenced subdivision. The applicant proposes to subdivide an existing developed 1.177-acre residential lot into two lots. We have reviewed the information provided and we have the following comments:

1. The subject property will lose its Buffer Exemption status if it is subdivided. Lot 2 will have to be fully compliant with all Critical Area requirements for development in the LDA, including the full 100-foot Buffer. Section 14-153(c) of the County Zoning Ordinance states that the provisions for buffer exempted areas “applies only to new development or redevelopment within 100 feet of tidal waters, tidal wetlands and tributary streams **on lots of record as of December 1, 1985...**” (emphasis added). In addition to requiring the 100-foot Buffer on Lot 2, a 100-foot Buffer would have to be applied to Lot 1 if any further development is proposed in the future.
2. Lot 2 will have a building envelope of approximately 20 feet by 57 feet once a 100-foot Buffer is properly drawn on the plat. Constructing a dwelling within this envelope will be difficult.
3. In regard to the impervious cover calculations, Lot 2 is allocated 1800 square feet for development of a dwelling. However, this number relies on the removal of the concrete slab adjacent to the water and a large portion of the existing driveway. This office questions the future permeability of the driveway if it is still going to be used as a driveway.

As proposed, this office cannot support approval of this subdivision. Please have the applicant address the issues listed above. 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: QC708-02

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
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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

December 11, 2002

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

RE: Large Lot Minor Subdivision – Humpleby
#06-02-11-0023-C

Dear Ms. Krista-Maenhardt:

Thank you for providing information on the above referenced subdivision. The applicants are proposing to subdivide a 5.083 acre parcel into two lots. The parcel is designated as LDA and is developed with one single-family dwelling. Lot 1 will be incorporate the existing dwelling while Lot 2 will be developed in the future.

Provided that development of Lot 2 is consistent with all requirements for the LDA, this office has no comment on this subdivision request. It appears that the afforestation requirement is already being met through the existing forest on Lot 1.

Thank you for the opportunity to comment on this subdivision. Please feel free to 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: QC707-02

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
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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

December 13, 2002

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

RE: Variance case #SA-0218-03B, John and Lou Elin Sheller

Dear Mr. Hedger:

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

This office often does not oppose variances for additions when they are reasonably sized, without an alternative location, and when impacts have been minimized. The dwelling on this lot is already within the 100-foot Buffer as measured on-site. It appears that nearly any addition to the dwelling would require a variance. Both of the proposed additions are reasonable in size and there does not appear to be an alternative location. Provided that the new impact in the Buffer (408 square feet) is mitigated, we do not oppose the variance requested. Also, because the lot is designated IDA, the 10% pollutant reduction rule should be addressed. Usually, on lots of this size, plantings are sufficient to satisfy this requirement. We recommend mitigation at a 2:1 ratio for the impact within the Buffer (which is consistent with the City's rules for Buffer Exemption Areas) and a 1:1 ratio to address the 10% requirement. A combination of native trees and shrubs is recommended.

Thank you for the opportunity to comment. Please include this letter in your staff report and submit it to the record for this case. Also, please notify the Commission in writing of the Board's decision.

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: SA605-02(2)

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
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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

December 11, 2002

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

RE: Large Lot Minor Subdivision – William Wohl
#05-02-12-0003-C

Dear Ms. Krista-Maenhardt:

Thank you for providing information on the above referenced subdivision. The applicants are proposing to subdivide a 1.867 acre parcel into three lots. The parcel is designated as LDA and is developed with one single-family dwelling. Lot 1 will be incorporate the existing dwelling while Lots 2 and 3 will be developed in the future.

In regard to the impervious surface calculations, the entire site is permitted 12,199 square feet. The plat states that the existing gravel drive and garage will be removed and then the remaining 15% impervious allowance will be split amongst the three lots. Areas where impervious surfaces are removed should be revegetated to ensure perviousness. In regard to the afforestation calculations, the area to be forested is 0.28 acres. By the County standards (70 trees per acre of afforestation), this equates to 20 trees. However, under "Cost Estimate for Critical Area Afforestation," the calculations are based on 14 trees. This should be corrected. Also, this office strongly recommends a mix of species to emulate a native forest community.

Thank you for the opportunity to comment on this subdivision. Please feel free to 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: QC713-02

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
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

1804 West Street, Suite 100, Annapolis, Maryland 21401

December 16, 2002

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

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

RE: Conditional Use Case No. CU-120001, Irishtown Limited Partnership

Dear Ms. Maxwell:

Thank you for providing information on the above referenced conditional use request. The applicant is requesting approval of a conditional use to allow an existing bed and breakfast to convert into a 20-room country inn. The project is primarily outside of the Critical Area but the small portion within the Critical Area is on land designated RCA.

This office has no comment on the conditional use request and the project occurring outside of the Critical Area. However, there is a small area of impervious surfaces associated with the conversion of the bed and breakfast into an inn within the RCA. Under the County's Critical Area Program, certain non-residential uses are permitted in the RCA. This includes bed and breakfasts in an existing residential structure. The conversion to a larger commercial inn is not consistent with the County's Critical Area Program for uses within the RCA. Since the problem is created by only a small portion of the driveway, the applicant should seriously consider re-designing the layout of the proposed additions to eliminate the impact within the Critical Area. This would enable the applicant to avoid further review under the County's Critical Area Program. Otherwise, the applicant would be required to obtain growth allocation for the area of the proposed improvements within the Critical Area. Given the County's exhaustive growth allocation process, we recommend redesigning the proposal.

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: QC666-02

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

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CRITICAL AREA COMMISSION
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December 20, 2002

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

RE: SSP#04-02-12-0015©, **The Cloisters on Kent Island**

Dear Mr. Cohoon:

This office has received information on the above referenced sketch plan. The proposal involves the construction of a 300-unit age restricted residential subdivision. The property is 104.99 acres in size, with 16.56 acres within the Critical Area designated RCA. We have reviewed the information provided and we have the following comments:

1. With the exception of a trail, no development is proposed within the Critical Area portion of the property. It does not appear that growth allocation will be needed for this project.
2. There is an intermittent stream that flows north to south into the Critical Area on this property. Within the Critical Area, tributary streams have a minimum 100-foot Buffer from each bank. The Buffer should be shown on the plan.
3. There is another feature shown on the site plan, just to the left of the label of "Proposed Afforestation Area." It appears to be a drainageway of some kind flowing from an area of wetlands. The nature of this drainageway should be clarified. If it is or was a stream, a Buffer should be provided.
4. The trail, as proposed, impacts the Buffer to the stream. It appears possible to re-route the trail to avoid or minimize impacts to the Buffer.
5. This office supports the proposal to meet the afforestation requirements within the Critical Area portions of the site. A mix of native species should be used.

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

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: QC739-02

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Ren Serey
Executive Director

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December 23, 2002

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

RE: Peter Sheaffer, Transfer of Development Rights
File: TDR #03-02-09-0009C – REVISION #1

Dear Mr. Cohoon:

Thank you for providing information on the proposed transfer of seven additional development rights from Pioneer Point Farm. Five TDRs were lifted from the property in 2001. If this TDR moves forward, four development rights will remain on the CS zoned portion of the property, one of which is assigned to the existing trailer. The revised plan now indicates that three (3) unassigned development rights remain on the property, in accordance with our previous comments. We have no further comments on this TDR application.

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

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: QC607-02

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December 23, 2002

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

RE: Variance Case No. V-120010, Offshore Performance, LLC

Dear Ms. Maxwell:

Thank you for providing the site plan for the above referenced variance request. The applicant is requesting a variance to permit more than 600 cy. of fill in the floodplain. The property is designated IDA and is currently developed with a dwelling and associated accessory structures.

Provided that all appropriate sediment and erosion control measures are used and that the proposed grading is consistent with the site plan going through the development review process, this office has no comments on the requested variance.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record 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: QC730-02

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Executive Director

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December 23, 2002

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

RE: Minor Subdivision – Brent and Peggy Lewis
File #05-02-12-0009-C

Dear Mr. Keeley:

This office has received information on the above referenced subdivision. The applicant proposes to subdivide an existing developed 30,000 square foot residential parcel into three 10,000 square foot lots. The property is designated IDA and is not waterfront. The Critical Area report appears to indicate that there are no sensitive resources on this site, yet the jurisdiction determination request includes a data form that gives positive results for each of the three wetland parameters. The wetland issue should be resolved prior to any approval of this subdivision. If wetlands are found to exist on this site, there may be an alternative layout that would minimize impacts to the wetlands. Otherwise, provided that future development of Lots 2 and 3 complies with the 10% pollutant reduction requirement, this office has no Critical Area concerns regarding this subdivision.

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

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: QC719-02

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December 23, 2002

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Mr. Merrill E. Plait, P.E.
Chief Engineer, Development Division
PO Box 6675
Annapolis, MD 21401

RE: Carolstown subdivision (MS 97-095)– Stormwater Issues

Dear Mr. Plait:

The Critical Area Commission has appealed a variance granted to Utz Construction Company for construction of a stormwater management pond on steep slopes for the above referenced subdivision. A number of weeks ago, Mary Owens mentioned this issue to you after a meeting you held regarding stormwater management in the Critical Area. At that time, you indicated that you would like to review the comments submitted during the subdivision review process. Enclosed, please find both the Commission comments and County department comments that we had in our files.

The Commission is concerned about this case for a number of reasons. The proposed stormwater pond will impact forested steep slopes. It seems to Commission staff that the pond could be moved elsewhere (albeit by eliminating at least two lots), making the variance unnecessary. The applicant's engineer convinced the Administrative Hearing Officer that the proposed location was the only viable option due to the quantity management required by the new regulations and the lack of outfall options for other suggested locations. Commission staff would appreciate the opportunity to meet with you to discuss this project and potential options for stormwater management.

The hearing before the Board of Appeals has been scheduled for early February. I will contact you early in the New Year to schedule a meeting. If you have any questions or need additional information, please contact me at (410) 260-3477.

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

Enc.

cc: AA346-02

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Staff Correspondence Volume II: Hoerger

2002

S1832-151-2

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December 20, 2002

Mr. Denis Canavan
Director of Planning
Department of Planning and Zoning
2664 Riva Road, MS 6402
Annapolis, Maryland 21401

Re: Anne Arundel County's Third Comprehensive Review
List of Final Items

Dear Mr. Canavan:

We greatly appreciate the time and effort that you and many other County officials have spent over the last several months addressing enforcement and coordination issues raised by our Program Subcommittee. Related to these efforts, County staff informed us that submission of the County's Comprehensive Review of the local Critical Area Program to the County Council is scheduled for early next year; therefore, they requested that we try to finalize a final list of items the Commission wishes the County to address during this process. During the review process other issues or questions may be raised by the Commission Members. I have outlined those issues below.

1. It has come to our attention that some planning actions (permits, variances, etc.) may be accepted for processing when there may be an unresolved violation on the same property. Does the County require an applicant to resolve all outstanding violations prior to allowing further development on that property?
2. Please provide clarification on the intrafamily transfer provision in the case where the County allows a subsequent transfer to a person that is not an immediate family member and when that transfer occurs prior to the five-year limit as provided for in the County Code. Also, it appears there is a deficiency in the County Code with respect to the intrafamily transfer provisions. In addition to requiring an explanation of a change in circumstances, the County must also find that the lot was not created for purposes of ultimate commercial sale. I have attached that section of the Natural Resources Article at §8-1808.2(g)(1).

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3. We understand that the County interprets principal structure to include any portion of the primary dwelling for the purpose of interpreting its Buffer Exemption Area (BEA) provisions. This interpretation has had the effect of allowing accessory uses closer to the water than the primary dwelling. The Commission is not opposed to allowing accessory structures closer to the water in BEAs and has approved such provisions in other local Critical Area Programs. The County, however, should clarify its residential BEA provisions to include under what circumstances accessory uses are allowed closer to the water. This action would help to limit the size and impacts to the Buffer associated with accessory structures, which is the Commission's primary concern.
4. Commission staff continues to see variances for decks inside the 100-foot Buffer on dwellings that were constructed since the adoption of the County's Critical Area Program. The County needs to find a method in the subdivision process to ensure a reasonable LOD such as ten to fifteen feet to provide adequate room for additional accessory uses in the future without the need for a variance.
5. The County should require a variance for any disturbance to the 100-foot Buffer; therefore, any plans that show a portion or all of the LOD in the Buffer should require a variance.
6. Based on the latest correspondence from the County (letter dated November 21, 2002 to Dr. James Foor from County Executive Owens), it appears the County acknowledges the need to clarify the responsibilities between the Town of Highland Beach and the County with regard to environmental review and inspections and enforcement. We request this issue be part of the County's Comprehensive Review. This may require the current Memorandum of Understanding to be updated.
7. Over the years, the Commission has requested the County to provide an explanation for the following terms: outlot, reserve parcel, residue parcel, developers interest. The Commission has also requested clarification of the County's grandfathering policies and procedures. In order to consistently apply the County's grandfathering provisions, there should be specific provisions in the Code about these terms and procedures in order to determine whether specific parcels are properly grandfathered under the requirements of the Critical Area Criteria; i.e., final subdivision approval, legally buildable status, and recorded prior to December 1, 1985 or the effective date of the County's Program.

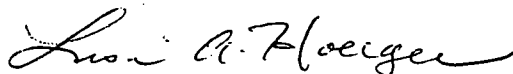
8. Based on the November 21, 2002 letter (referenced above), it appears the County has taken the position that as long as domestic housing is part of a principal residential use in the RA, R1 and R2 zoning districts and is subject to an agreement, it does not count for density purposes in the RCA. As you know, the Commission uses the BOCA Code definition of a dwelling unit which states, "A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation." If the domestic housing does not meet the BOCA Code definition, then the Commission would agree that these structures do not have to be counted toward the density in the RCA. Please provide additional information regarding these structures.
9. In your August 5, 2002 letter, the County appears to be taking the position that riparian access paths may be permitted to be six feet wide. Most counties allow a maximum width of three feet for riparian lot access with a six-foot allowance for unusual situations. We need to understand the County's procedures for review of the paths in order to be able to explain them to the Commission.
10. Commission staff continues to receive inquiries and requests to use the County reforestation monies to fund projects. Until the Commission receives a complete accounting of that fund and where and how the monies have been spent, funding new projects at this time is inappropriate. The Commission generally supports projects that might use the portion of the reforestation funds that were collected above the 1:1 replacement rate required by the Critical Area Criteria; however, it is not clear what percentage of the fund comprises these monies. The County is required to replace all forests cleared within the Critical Area on, at least, an equal area basis, and it is not clear that this requirement is currently being met. The Commission is concerned about this issue and will likely request a summary of how the funds have been used.
11. Recently, Commission staff met with County staff and a project applicant regarding the possibility of amending one of the County's Critical Area maps during the comprehensive review, as outlined in §8-1809 (h)(2) of the Critical Area Act. Map amendments not based on a mistake in the original mapping that are undertaken during the Comprehensive Review must be part of a comprehensive re-mapping effort rather than propose to change the classification or boundary on a single parcel. The comprehensive re-mapping may focus on specific areas in the County where it is recognized that more accurate mapping is needed, but the re-mapping must be comprehensive in nature.

Mr. Canavan
December 20, 2002
Page Four

12. This past fall the Commission staff met with County staff to discuss drafting a list of procedures an applicant would be required to submit to the County when applying for a mapping mistake. We recommend this be completed with the comprehensive review or sooner since we continue to see mapping mistake requests and there are no standards in the Code by which to review these cases, including the documentation necessary for review (i.e. aerial photographs, wetland delineation by a non-biased party, etc.).

Thank you again for your and your staff's efforts to investigate and resolve these issues. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

LAH/jjd

cc: Mr. Robert Walker, Land Use and Environmental Officer
Ms. Betty Dixon, Land Use and Environmental Coordinator
Ms. Elinor Gawel, Environmental Planner
Ms. Marianne Mason, Assistant Attorney General
Mr. Ren Serey, Executive Director, CBCAC
Ms. Mary Owens, Chief, Program Implementation, CBCAC

lots.

(3) A parcel that is 12 acres or more and less than 60 acres in size may be subdivided into 3 lots. The lots may be created at different times.

(f) *Same — Conditions of approval.* — (1) As a condition of approval, a local jurisdiction shall require that:

(i) Any deed for a lot that is created by a bona fide intrafamily transfer shall contain a covenant stating that the lot is created subject to the provisions of this section; and

(ii) A lot created by a bona fide intrafamily transfer may not be conveyed subsequently to any person other than a member of the owner's immediate family, except under procedures established pursuant to subsection (g) of this section.

(2) This subsection does not prevent the conveyance of the lot to a third party as security for a mortgage or deed of trust.

(g) *Standards and procedures for subsequent conveyance of lots.* — If a local jurisdiction includes provisions for bona fide intrafamily transfers as part of the local jurisdiction's local Program, the local jurisdiction shall establish standards and procedures, subject to the approval of the Commission, by which the local jurisdiction will permit the subsequent conveyance of lots to persons other than immediate family members. The standards and procedures shall assure that:

(1) The lot was created as part of a bona fide intrafamily transfer and not with the intent of subdividing the original parcel of land for purposes of ultimate commercial sale; and

(2) (i) A change in circumstances has occurred since the original transfer was made that is not inconsistent with this subtitle and that warrants an exception; or

(ii) Other circumstances that are consistent with this subtitle and with the Commission's Criteria to maintain land areas necessary to support the protective uses of agriculture, forestry, open space, and natural habitats in Resource Conservation Areas warrant an exception.

§ 8-1808.3. Impervious surfaces limitation.

(a) *Applicability of section.* — This section applies notwithstanding:

(1) Any other provision of this subtitle; or

(2) Any criteria or guideline of the Commission adopted under this subtitle.

(b) *Priority of section.* — This section controls over any other requirement concerning impervious surfaces limitations in Limited Development Areas and Resource Conservation Areas in the Critical Area.

(c) *Amendment of local Programs required.* — On or before December 31, 1996, a local jurisdiction shall amend its local Critical Area Protection Program to meet the provisions of this section.

(d) *Stormwater runoff.* — (1) Except as otherwise provided in this subsection for stormwater runoff, man-made impervious surfaces are limited to 15% of a parcel or lot.

(2) If a parcel or lot one-half acre or less in size existed on or before December 1, 1985, then man-made impervious surfaces are limited to 25% of the parcel or lot.

(3) If a parcel or lot greater than one-half acre and less than one acre in size existed on or

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Chairman



Ren Serey
Executive Director

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December 19, 2002

Ms. Kelly Krinetz
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Boyd's Ridge - Goettee Property
S #1999-089, P #2002-028

Dear Ms. Krinetz:

I have received the resubmittal of the final plans for the above-referenced subdivision request. In the response letter to you dated November 11, 2002, it appears the applicant has addressed most of the comments in my previous letter with the exception of the issue regarding reforestation on site. I have outlined my remaining comments below.

1. In my last letter dated July 22, 2002 I stated that the location of the access road would require a variance due to impacts to a nontidal wetland and its buffer. Since that time, it is my understanding that the access road is considered a public road, which is permitted to cross Habitat Protection Areas, provided no feasible alternatives exists.
2. From our calculations, it appears not all required reforestation can be accommodated on site. We met with the applicant's engineer and explained that no emergent vegetation associated with the creation of the wetland/stormwater management area may count towards reforestation. It is my understanding that the engineer is re-working the Critical Area reforestation numbers with regard to how much credit should be afforded to the replanting efforts that will take place on site. Since not all reforestation will be met on-site, the applicant will need to find a place off-site to plant or put in an easement, or pay a fee-in-lieu-of for the remaining obligation. Please forward the updated reforestation numbers and site plan when it becomes available.

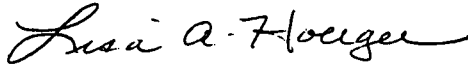
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Ms. Krinetz
December 19, 2002
Page Two

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

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: AA 415-99

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Chairman



Ren Serey
Executive Director

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December 18, 2002

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

Re: Magothy Beach, Lots 10-14R
S # 96-136, P # 02-227

Dear Mr. Torney:

Thank you for forwarding the final plans for the above-referenced subdivision. It appears the 100-foot Buffer is delineated on the plan and the proposed development will remain outside the Buffer, and the allowable and proposed impervious surface information appears on the plat. One remaining issue is whether a letter was received by the Department of Natural Resources (DNR), Heritage and Biodiversity Division indicating whether any threatened or endangered species utilize this site. This letter should be received prior to final recordation to ensure that any other habitat issues are properly addressed.

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,

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

Lisa A. Hoerger
Natural Resources Planner

cc: AA 649-02

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December 18, 2002

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

Re: Homeport Farm - Revised Sketch Plan

Dear Mr. Soldano:

Thank you for forwarding the revised sketch plan to this office for review and comment. It is my understanding the County did not send the Commission a copy of this revised plan during its review period since the comments of my October 11, 2001 letter would be addressed during final review. In that regard I assume the comments of that letter will be included in the plans at the final phase. Below I have outlined my comments for this version of the sketch plan.

1. It appears the development envelope has slightly changed since the first sketch plan. The information provided reports the total area of LDA is now 18.65 acres. Since this is less than the original allocation request, this information can be presented to the Critical Area Commission as an old business item in order to acknowledge the proper amount of growth allocation is deducted from the County's growth allocation reserves.
2. The issue regarding the conservation easement that will ensure a twenty-acre residue of Resource Conservation Area (RCA) on the southern portion of the property, and the proposed transfer documents for the 25.15 acre tract proposed for a County park still remains. These documents should be forwarded to the Commission for their review and approval prior to final recordation.

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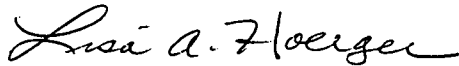
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Mr. Chris Soldano
Page Two
December 18, 2002

3. Based on the acreage figures on the current plan, it appears there is sufficient acreage that will be placed in an easement on the adjoining property to satisfy the 20 area requirement mentioned above.
4. We continue to recommend that tables be added to the final plat that include impervious surface and forest clearing and planting information

Thank you for the opportunity to comment. Please telephone me if you have any questions, or require additional information.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: Elinor Gawel, Planning and Zoning
AA 524-01

Judge John C. North, II
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Ren Serey
Executive Director

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December 16, 2002

Mary Kay Verdery
Talbot County Office of Planning & Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601-3178

Re: Charles and Caroline Benson, M1028

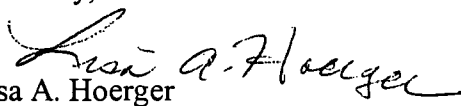
Dear Ms. Verdery:

I have received the above-referenced subdivision and lot line adjustment for review and comment. It appears the applicant is revising a parcel boundary between parcels 59 and 38, and creating two additional lots for a total of three lots on parcel 38. Based on its acreage, parcel 38 can support as many as five dwelling units in the RCA. Presently, there is one dwelling unit on this parcel. This office offers the following comments.

1. It appears the current plan provides adequate information regarding the impervious surface limitations and the required forest cover for each resulting lot.
2. The proposed private driveway to proposed lots 1 and 2 would cross an intermittent stream. A variance is required for disturbance to a Habitat Protection Area (HPA) for private roads. The applicant should explore other potential access points since this office will find it difficult to support a variance to an HPA for the creation of two new lots in the Critical Area.
3. A letter from the Department of Natural Resources, Heritage and Biodiversity Division should be received by the County prior to final recordation to ensure that any potential threatened or endangered species that may utilize this site are adequately protected.

Thank you for the opportunity to comment. Please telephone me if you have any questions, or if I can provide you with additional information.

Sincerely,


Lisa A. Hoerger
Natural Resources Planner

cc: TC 731-02

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December 13, 2002

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

Re: County Council Bill #60-02, Bog Protection Program - Maps

Dear Ms. Gawel:

At its meeting on December 4, 2002, the Critical Area Commission concurred with the Chairman's determination that County Council Bill #60-02, known as the Bog Protection Program - Maps is a refinement to the Anne Arundel County Critical Area Program, and it was approved.

The County is required to finalize the 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

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
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**
1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

December 10, 2002

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

Re: Brian Czarnowski
MS 02-108

Dear Mr. Soldano:

I have received the above-referenced subdivision request to legalize and reconfigure two adjoining parcels. This office provided comments to the County in a letter dated April 30, 2002. Our concern at that time was that the undeveloped parcel may require a variance for any proposed new development activities (enclosed). That letter clearly stated this office would not support any variances. I have outlined our comments below:

1. The limits of disturbance do not appear adequate, particularly around the northeast corners of the proposed dwelling. Any disturbance to the 100-foot Buffer will require a variance.
2. A well appears within the limits of the Buffer. This would also require a variance.
3. The location of the dwelling should be located closer to location of the existing barn to minimize clearing of natural vegetation. The current plan indicates clearing at 33% of the existing forest cover. This should be minimized further since this is not a grandfathered lot.
4. Reforestation should occur on site within the 100-foot Buffer before the County accepts a fee-in-lieu-of even if the entire obligation cannot be met on-site.

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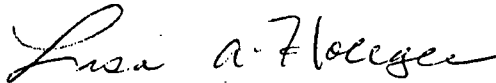
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Mr. Soldano
December 10, 2002
Page Two

5. A plat note indicating the remaining area of the lot inside the 100-foot Buffer is held within a perpetual conservation easement that excludes any new development activities.
6. A plat note stating any future development activities are only permitted in the area outside the 100-foot Buffer.

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

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

Enclosure

cc: AA 716-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

December 10, 2002

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

Re: Ponder Cove Beach Club
S 02-109, P 02-259

Dear Mr. Soldano:

I have received the above-referenced subdivision request to combine three existing lots into two lots. From the information provided it appears the resulting lots will not require the need for any variances. Provided this is the case, this office has no further comment.

Thank you for the opportunity to comment. Please telephone me if you have any questions or need additional information.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: AA 714-02

Branch Office: 31 Creamery Lane, Easton, MD 21601
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December 6, 2002

Mr. Steve Burzenski, P.E., Assistant Chief
Department of Public Works
Bureau of Engineering
2662 Riva Road
Annapolis, Maryland 21401

Re: Broadwater Reclamation Facility – Plant Upgrades

Dear Mr. Burzenski:

At its meeting on December 4, 2002, the Critical Area Commission unanimously approved the proposed plant upgrades to the Broadwater Reclamation Facility. The following condition was required as part of the approval:

The Department of Public Works will perform 3:1 mitigation for the new areas of impervious surface in the expanded Buffer.

I have enclosed a Plantings Agreement Form, which should be completed and returned to me with 90 days. Please attach a site plan to this form, which indicates where on the project site the plantings will occur.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

Enclosure

cc: Ms. Elinor Gawel, Planning and Zoning

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

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Chairman



Ren Serey
Executive Director

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

December 6, 2002

Ms. Kelly Krinetz
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: The Overlook at Broad Creek
S #98-071

Dear Ms. Krinetz:

I have received the request to establish an intrafamily transfer at the above-referenced subdivision. I have outlined my comments below.

1. There are two structures labeled on the site plan as "non residential structures". The County should verify this prior to final subdivision approval to ensure the lot would not exceed its allowable density.
2. There is no LOD shown around the proposed dwelling and wrap around porch on proposed lot 32R. Given the proximity to the expanded Buffer, it appears the LOD may extend into the expanded Buffer and this should require a variance. This situation should be avoided by shifting the proposed dwelling away from the expanded Buffer.
3. The table at the bottom right hand corner indicates that proposed clearing is at 30%. I calculate 6% clearing based on the proposed clearing to be at 39,540.08 square feet. Please have the applicant check item.
4. The letter from the Department of Natural Resources (DNR), Heritage and Biodiversity Division indicates there is a record for the state endangered Wister's Coralroot (Corallorhiza wisteriana) and the Noctuid Moth (Meropleon titan); however, the Critical Area Report does not address whether a survey was conducted for either of these species. Please have the applicant address this issue.

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

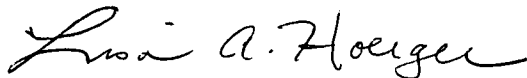
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Ms. Krinetz
December 6, 2002
Page Two

5. The letter from DNR also indicates the presence of Forest Interior Dwelling (FID) bird habitat. While the parcel is 17 acres, the forest on site is contiguous to a large tract of forested area; therefore, a portion of this parcel may support FID habitat.
6. In any case, it appears the proposed clearing is within the 300-foot "forest edge" which is consistent with our guidance document. Mitigation required for clearing in the Critical Area should be subject to routine mitigation ratios and requirements.

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: AA 677-02

Critical Area Commission

STAFF REPORT

December 4, 2002

APPLICANT: Anne Arundel County Department of Public Works

PROPOSAL: Broadwater Reclamation Facility – Plant Upgrades

JURISDICTION: Anne Arundel County

COMMISSION ACTION: Vote

STAFF RECOMMENDATION: Approval

STAFF: Lisa A. Hoerger

**APPLICABLE LAW/
REGULATIONS:** COMAR 27.02.06 Conditional Approval of State or
Local Agency Programs in the Critical Area

DISCUSSION:

Anne Arundel County Department of Public Works (DPW) proposes to upgrade the Broadwater Reclamation Facility in order to increase plant efficiency and the safety of operations by minimizing impacts of wastewater flow, reduce or eliminate safety hazards, and enhance the treatment process performance and operations. These upgrades will be accomplished by installing a primary clarifier bypass vault, a secondary clarifier splitter box and a sodium bisulfite storage tank. These structures are all located within the expanded Buffer for hydric soils; therefore, the project must be reviewed through the Commission's conditional approval process.

The Broadwater Reclamation Facility is an existing facility located in Churchton on Deep Cove Road in southern Anne Arundel County. The site is 21.8 acres with 18 acres inside the Critical Area. There are 9.3 acres in the Resource Conservation Area and 8.7 acres in the Limited Development Area. The facility was constructed in 1971 and was upgraded in 1996 to achieve biological nutrient removal to reduce nitrogen and phosphorus in its effluent.

Since that upgrade, the plant personnel determined that several related upgrades would be necessary to further increase the process reliability and effectiveness. The proposed improvements include: a primary clarifier bypass to improve the control of organic loading to the reactors; a secondary clarifier distribution box to allow the selection of any of the three clarifiers with either reactor and a sodium bisulfite tank to replace the chlorine gas disinfections.

The total footprint of these three structures is 172 square feet. All are within the Critical Area portion of the site and within the expanded Buffer for hydric soils. The new impervious areas will be offset by removing an equal amount of impervious areas on the site. The current impervious area is 4.066 acres and will remain at 4.066 acres after the installation of these structures. All three structures will be situated on existing grassed areas. No clearing is proposed.

The Heritage and Biodiversity Division of the Department of Natural Resources, (DNR), provided a comment letter indicating the site may contain habitat for a State-endangered Grass-like Beakrush (*Rhynchospora globularis*); however, after field review this species was not found to inhabit the site. DNR also indicated the forested areas may contain Forest Interior Dwelling Bird Habitat. The surrounding properties may contain these species; however, DPW proposed no clearing and the area of the plant is not suitable habitat for FIDs.

The applicant is currently seeking approval from the County Soil Conservation District for the proposed sediment and erosion control plan and the stormwater management plan. No permits are required from the Maryland Department of the Environment since no wetlands will be impacted. The Administrative Hearing Officer of Anne Arundel County has heard and approved the variance to allow this disturbance in the expanded Buffer. He did not apply any conditions or mitigation requirements as part of his approval.

Conditional Approval Process

B. In order to qualify for consideration by the Commission for conditional approval, Anne Arundel County Department of Public Works must show that the project or program has the following characteristics: (the responses are that of DPW staff)

(1) That there exist special features of a site or there are other special circumstances such that the literal enforcement of these regulations would prevent a project or program from being implemented;

The County Soil Survey map shows Elkton and Othello soils present over the entire site area including those areas where disturbance is proposed. As such, there is no practical manner of constructing any of the planned modifications outside of these areas of hydric soils in order to be in strict compliance with the expanded Buffer requirements.

(2) That the project or program otherwise provides substantial public benefits to the Chesapeake Bay Critical Area Program;

The public benefits of this project include improved treatment of the wastewater (primary clarifier by-pass), enhanced equipment reliability and operational flexibility (secondary clarifier distribution box), and improved safety (replace gaseous chlorine disinfection system with sodium hypochlorite).

(3) That the project or program is otherwise in conformance with this subtitle.

The project conforms in all other ways to the Critical Area Program.

C. The conditional approval request shall, at a minimum, contain the following:

(1) A showing that the literal enforcement of the provisions of this subtitle would prevent the conduct of an authorized State or local agency program or project;

Literal enforcement of the provisions of this subtitle will prevent construction of any of the planned modifications. The planned modifications are engineered to be part of or direct the process flow and cannot be situated remotely from the process tanks and piping.

(2) A proposed process by which the program or project could be so conducted as to conform, insofar as possible, with the approved local Critical Area Program or, if the development is to occur on State-owned lands, with the criteria set forth in COMAR 27.02.05;

The disturbance is the minimum necessary for the proposed upgrades and will conform, insofar as possible, with the Anne Arundel County Critical Area Program.

(3) Measures proposed to mitigate adverse effects of the project or program or an approved local Critical Area Program or, if on State-owned lands, on the criteria set forth in COMAR 27.02.05.

Since the design of the project includes removing equal amounts of impervious surface, and because the plant has allowed areas that are wet to naturally revegetate into nontidal wetland areas, no mitigation is proposed.

Commission staff recommends approval of this conditional approval request with the condition that DPW perform 3:1 mitigation for the new areas of impervious surface in the expanded Buffer.

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

December 2, 2002

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

Re: Collison Property – S 92-201, P 00-231

Dear Ms. Chalkley:

I have received an update from the applicant's consultant regarding the issues raised in my May 7, 2002 letter to Ms. Penny Chalkley of your office. It appears the applicant has addressed those comments regarding the 10% Pollutant Removal Rule requirement for development activities occurring in Intensely Developed Areas. Since infiltration is not possible on this site, the planting scenario is an acceptable alternative. I have enclosed some guidance for local governments regarding compliance with the 10% Rule on residential single lots for your information. It includes planting ratios and options for applicants to follow to meet the 10% Rule.

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

Enclosure

cc: AA 550-00

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

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Judge John C. North, II
Chairman



Ren Serey
Executive Director

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CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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

November 26, 2002

Mr. Ray C. Dintaman, Jr., Director
Environmental Review Unit
Department of Natural Resources
Tawes State Office Building
580 Taylor Avenue, B-3
Annapolis, Maryland 21401

Re: ERU File No. 03-MIS-063
MD 214 Improvements at MD 468 – Anne Arundel County

Dear Mr. Dintaman:

Thank you for forwarding the above-referenced project to this office for review and comment. This office is aware of the Anne Arundel County Department of Public Works (DPW) intentions to improve MD 214 at MD 468. This project will require approval by the Critical Area Commission due to possible impacts to the 100-foot Buffer to Glebe Creek and clearing.

We have met with a representative from the Department of Planning and Zoning and the consultants for DPW to discuss the relevant Critical Area issues that will need to be addressed. They are aware that mitigation will be required for impacts to the 100-foot Buffer and clearing. As always, proper sediment and erosion control and any necessary stormwater management measures must be taken. For the portion of the project outside of the Critical Area, DPW and State Highway Administration will need to coordinate compliance with the Reforestation Law.

Thank you for the opportunity to provide comments. If you need additional information, 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

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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
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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

November 25, 2002

Mary Kay Verdery
Talbot County Office of Planning & Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601-3178

Re: William Ewing, Jr.
L-852

Dear Ms. Verdery:

I have received the revised plan for the above-referenced lot line revision. This office has no further comments regarding this request since the lots grandfathered.

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 279-01

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
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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

November 25, 2002

Mary Kay Verdery
Talbot County Office of Planning & Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601-3178

Re: Linda and Jeff Fellows
S-955

Dear Ms. Verdery:

I have received the revised plan for the above-referenced lot line revision. It appears the applicant addressed the comments in my last letter to you dated September 26, 2002; therefore, this office has no further comments regarding this request.

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 601-02

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
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

1804 West Street, Suite 100, Annapolis, Maryland 21401

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

November 25, 2002

Mary Kay Verdery
Talbot County Office of Planning & Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601-3178

Re: David Bean
L-905

Dear Ms. Verdery:

I have received the plan for the above-referenced lot line revision. It appears the resulting lot configurations for parcels A, B and C will not preclude future development activities in meeting the County's Critical Area Program requirements; therefore, this office has no further comments.

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 695-02

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
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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

November 25, 2002

Mary Kay Verdery
Talbot County Office of Planning & Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601-3178

Re: Charles Martin
L 903

Dear Ms. Verdery:

I have received the plan for the above-referenced lot line revision. It appears the applicant is revising the existing lot line to correct a future access issue; therefore, this office has no comment regarding the proposed revision.

We would like to comment on what appears to be the standard plat note language regarding Forest Interior Dwelling (FID) bird habitat on all site plans. We proposed the language be reworded to state, "Construction will be limited in Forest Habitat Areas to the non-breeding season for forest interior dwelling birds (September – March)."

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 696-02

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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CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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November 25, 2002

Mary Kay Verdery
Talbot County Office of Planning & Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601-3178

Re: William Newman - S-953

Dear Ms. Verdery:

I have received the plan for the above-referenced intrafamily transfer subdivision request. The applicant proposes to subdivide an existing parcel that will result in three lots. I have outlined my comments below.

1. The plans show an area labeled "private tidal wetlands." Please have the applicant indicate the type of vegetation on the site to ensure these wetlands are private. This is important since the allowable number of intrafamily transfer lots is determined based on the acreage of the site inside the Critical Area. Tidal wetlands may not be counted in that total acreage figure if they are not private wetlands.
2. The applicant should be certain that the configuration of proposed lot 2 has an adequate building envelope for future development activities. This office will not support variance requests for new development activities on newly created lots.
3. No environmental features (i.e. forest cover, wetlands, streams) appear on the portion of that plan where lot 1 is proposed. This should be provided to ensure this lot also has sufficient buildable area.

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 697-02

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

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November 14, 2002

Ms. Elinor Gawel
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS 630
Annapolis, Maryland 21401

Re: Reforestation Sites Map

Dear Ms. Gawel:

Thank you for providing us with the Reforestation Sites Map. The map provides us with a comprehensive, geographical representation of how the various reforestation sites are dispersed throughout the County. In that regard I have some remaining questions which the map does not address. As requested in my letter to Mr. Canavan dated October 16, 2001, the Commission also requests that the amount of monies collected and they types of projects that were completed be provided.

1. Please indicate how many acres were cleared in the Critical Area and how much money was collected.
2. Please indicate how the money was spent. Provide information on sites that were planted including tax map, block, and parcel and the acres planted. If the money was spent to acquire forested properties, please provide information on the sites that were purchased including tax map, block, and parcel, and the acres of forest place under some types of long-term protection. Please identify which sites are located within the Critical Area.

Thank you for your cooperation. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

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November 14, 2002

Mr. Sidney S. Campen, Jr.
Town Commissioner
Town of Oxford
100 North Morris Street
P.O. Box 339
Oxford, Maryland 21654

Re: Annexation of Parcels 152 and 194 of Tax Map 53

Dear Mr. Campen:

On November 13, 2002, the Chesapeake Bay Critical Area Commission concurred with Chairman North's determination that the annexation of certain lands into the Town of Oxford, 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. Mr. Roby Hurley, the Town's Critical Area Circuit Rider, has already provided us with a copy of the Town's amended Critical Area map; therefore there is no need to send in an amended map.

Thank you for coordinating this map change with our 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: Ms. Lillian Lord, Town of Oxford
Mr. Roby Hurley, MDOP
Mr. Dan Cowee, Talbot County

Branch Office: 31 Creamery Lane, Easton, MD 21601
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CHESAPEAKE BAY CRITICAL AREA COMMISSION
1804 West Street, Suite 100
Annapolis, Maryland 21401

MEMORANDUM

To: Judge North

From: Lisa Hoerger

Date: November 14, 2002

Subject: Town of Easton - Patriot Square, Clearing in the IDA and the 100-foot Buffer

On October 29 I received an email from a citizen who was inquiring about tree clearing at the Patriot Square site in Easton. I immediately contacted town staff who were already aware of the clearing as they had received a few telephone calls in their office from citizens who had also witnessed the clearing.

Tom Hamilton called me back later that day to explain that the site plan reviewed by the planning staff and approved by the Planning Commission was not consistent with the improvements plan that was reviewed and approved by Easton Utilities. The site plan approved by Town staff and the Planning Commission did not permit any clearing activities in the 100-foot Buffer. The improvements plan did show some disturbance in the 100-foot Buffer to permit an outfall structure. This outfall structure is the reason for the clearing inside the Buffer.

An outfall structure is a component of a stormwater management device, like a pond, that conveys treated stormwater from the treatment and/or storage area of a stormwater management device to receiving waters. They usually consist of a pipe or stone channel.

Commission staff considers these outfall structures to be water dependent since they need to cross the 100-foot Buffer to reach tidal water; however, the stormwater device itself that collects and treats the stormwater must be located outside the 100-foot Buffer. The pond on this site is outside the Buffer. I told Tom Hamilton that the outfall structure would be permitted since it is considered a water dependent use, although mitigation for any clearing or disturbance is still required.

Mitigation in most cases consists of planting. When a developer or property owner removes vegetation inside or outside the 100-foot Buffer, or grades within the 100-foot Buffer, mitigation in the form of native plantings is required. If the site has scattered trees and no understory then the trees removed are counted and replaced. If there is a mixture of trees and understory then the square footage of area cleared is calculated and replaced.

The order of preference for mitigation is to replant on site elsewhere in the Buffer. If there is no area to plant in the Buffer then the next order of preference is somewhere on site. Off-site would be the final preference before a fee-on-lieu is accepted by a local jurisdiction.

Town staff has assured me that they will work with the developer on a mitigation plan for the clearing that occurred in the 100-foot Buffer for the outfall structure. It is the view of Town staff that the required mitigation can be accommodated on site. The area cleared outside the 100-foot Buffer is in the IDA and there are no replacement requirements in the IDA as there are for LDA and RCA development activities that permit clearing.

If you need additional information, please telephone me and I will gladly research any further inquiries.

Critical Area Commission

STAFF REPORT November 13, 2002

APPLICANT: Town of Oxford

PROPOSAL: Annexation

COMMISSION ACTION: Refinement

STAFF RECOMMENDATION: Concur with Chairman's Determination of Refinement

STAFF: Roby Hurley

**APPLICABLE LAW/
REGULATIONS:** Natural Resources Article §8-1809(h)

DISCUSSION:

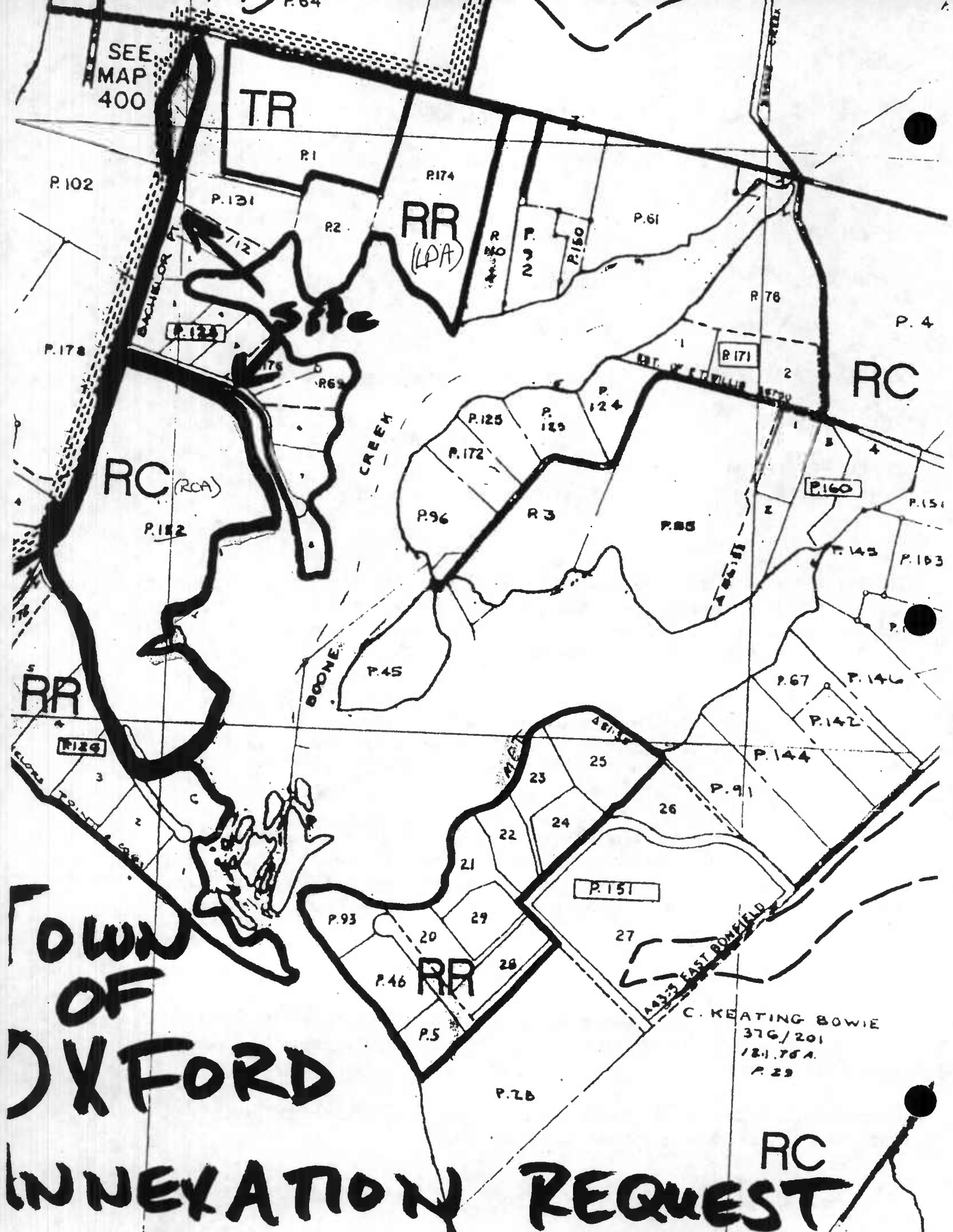
The Town of Oxford recently annexed 42 acres from Talbot County. This annexation resulted in a change to the Town's Critical Area maps and must be reviewed by the Commission. Chairman North has determined this map change to be a refinement to the Town's Critical Area Program since it is consistent with the Town's Comprehensive Plan and Critical Area Program.

The annexation added two lots and a section of County road into the Town's Critical Area. Parcel 152 consists of approximately 29 +/- acres and has a County zone of RC (RCA). The property is improved with a small cabin with well and septic. The existing septic system is currently failing. The applicants propose to build a new single family home and connect to the Town sewer and water.

Lot 194 and Bachelor Point Road contain approximately 13 +/- acres. Lot 194 is zoned RR (LDA) by the County. The inclusion of Bachelors Point Road will improve access to Town utilities within the right of way and ease maintenance issues between the Town and the County. Also consideration of a pedestrian trail beside the road and across part of parcel 194 is now feasible.

The Town Commissioners held public hearings on July 9 and August 6, 2002. There was considerable public comment received that related to how this annexation might enable future annexations. The Town Commissioners approved the new Critical Area Map on August 13, 2002. There are no proposed changes in the Critical Area designations on any of the properties annexed into the Town.

Chairman North has determined this annexation request to be a refinement to the Town of Oxford's Critical Area Program and seeks your concurrence.



TOWN OF OXFORD

RC ANNEXATION REQUEST

SEE MAP 400

C. KEATING BOWIE
376/201
121.764.
P.29

RR

RR (LPA)

RC

RC (RCA)

RR

RC

TR

R1

R174

P.102

P.131

R2

R NO

NJF

R150

P.61

R78

P.4

P.171

P.178

P.123

P.124

R6

RT. W. E. BOWFIELD

P.125

P.126

P.124

P.172

P.96

R3

P.85

P.160

P.151

P.143

P.103

P.152

P.45

P.67

P.146

P.129

P.142

P.144

P.91

P.151

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26

22

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P.93

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29

27

P.46

28

P.5

P.28

ANNEXATION REQUEST

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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

November 7, 2002

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

Re: Mary Gilmer
Appeal # 1243

Dear Ms. Verdery:

I have received the allegation of error that the Planning Office erred in finding a commercial use in a VC zone a violation of the zoning code. This office has no comment regarding this alleged commercial use, as this is strictly a local zoning issue.

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: TC 669-02

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
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**
1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

November 7, 2002

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

Re: Bog Protection Program – County Council Bill 60-02
Bog Protection Maps

Dear Ms. Gawel:

This office is in receipt of the above-referenced Council Bill 60-02 and associated maps. Chairman North will review this request to adopt the Bog Protection Maps into the County's Critical Area Program and will make a refinement determination within 30 days. The Critical Area Commission will review his determination at its December meeting. I will notify you of its decision.

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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

November 6, 2002

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

Re: Bellevue Ferry Dock Project

Dear Ms. Verdery:

Thank you for forwarding a Consistency Report for the above-referenced project. Based on the information you provided, this office agrees that the project is consistent with the County's Critical Area Program and Code. Therefore, no further action is required by this office or the Critical Area Commission.

If I can provide additional 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 665-02

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
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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

October 29, 2002

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

Re: The Boat House at Easton Point – 351
Strong Company Builders, LLC

Dear Ms. Verdery:

Thank you for forwarding the above-referenced site plan to this office for review and comment. It is my understanding from our telephone conversation yesterday that the applicant proposes to change the use of this property from one type of commercial use to another type of commercial use. This office has no comment regarding this request. Although the site is in the IDA, the 10% Rule Compliance is not required since there will be no new disturbance.

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 654-02

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
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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

October 29, 2002

Mr. Roby Hurley
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 Oxford, Map Amendment
Tax Map 53, Parcels 152 and 194

Dear Mr. Hurley:

Thank you for forwarding the above-referenced request. Chairman North will review this request for annexation of approximately 42 acres into the Town of Oxford and make a refinement determination within 30 days. The Critical Area Commission will review his determination at its November meeting. I will notify you of its decision.

Please telephone me at (410) 260-3478 if you have questions or comments regarding this process.

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: Ms. Lillian Lord
Mr. Daniel Cowee

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
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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

October 28, 2002

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

Re: US 50 Noise Barriers Ridgely Road to the Severn River Bridge
Critical Area Planting Agreement

Dear Ms. Simpson:

Thank you for forwarding the Planting Agreement Form and revised drawings of the reforestation measures for the US 50 Noise Barrier project in Anne Arundel County. Staff have reviewed the plan and determined that it is acceptable. I will contact your staff after the first growing season has occurred to inspect the plantings.

Thank you for your cooperation with this project. As always, it is a pleasure working with you.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: Donald Sparklin, DOT
Mark James, DOT
Linda Mott, DOT
Claudia Jones, CBCAC

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
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**
1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

October 28, 2002

Ms. Michele Floam
Environmental Manager
Woodrow Wilson Bridge Center
1800 Duke Street, Suite 200
Alexandria, VA 22314

Re: Bladensburg Marina, Pedestrian Bridge
ADDENDUM to comments of 10/20/02

Dear Ms. Floam:

Since our meeting last Monday, I realized that I needed to further clarify the mitigation requirements for the pedestrian bridge project. According to the Commission files, the Bladensburg Marina site was granted Buffer Exemption Status by the Critical Area Commission in 1996. Buffer Exemption Areas (BEAs) have different mitigation requirements than the usual 3:1 ratio for disturbance to the Buffer. I have enclosed a copy of the Commission's Buffer Exemption Area Policy for your information.

Mitigation in BEAs for recreational development activities requires a 25-foot vegetated bufferyard. In addition to the bufferyard, natural forest vegetation of an area twice the extent of the footprint of the development activity within the 100-foot Buffer shall be planted on site in the Buffer or at another location. The setbacks in BEAs are 50 feet for new development activities (predevelopment impervious less than 15%) and 25 feet for redevelopment activities (predevelopment imperviousness greater than 15%).

Therefore, the area of the path leading to the bridge must be mitigated for as stated above. Since the 100-foot Buffer was not provided on the plan, it is unclear where the second pathway lies in relation to the Buffer or the setbacks (i.e. 50 feet or 25 feet) established in BEAs. In any case, if it lies within the Buffer, it will also require mitigation.

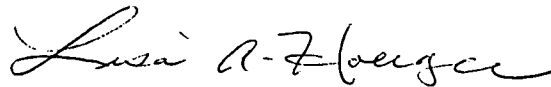
Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

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Ms. Floam
October 28, 2002
Page Two

If you have any questions, or if I can provide 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: Ms. Regina Esslinger, Chief, Project Evaluation - CAC

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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

October 25, 2002

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: Arthur W. Webb, Jr. & Susan Ray Webb
S 958

Dear Ms. Verdery:

Thank you for forwarding the above-referenced subdivision request to this office for review and comment. Provided the creation of lot 2 will not require the need for any variances, this office has no objections to this request. Based on the information provided, it appears the request is consistent with the Talbot County Critical Area Program.

We request that the note regarding cutting and clearing of trees greater than 4' caliper be removed since this provision in the Talbot County Critical Area program that defines trees as 4-inch caliper or greater is no longer valid. All clearing of any natural vegetation in the 100-foot Buffer, regardless of size, must be reviewed and approved with a Buffer Management Plan.

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: TC 652-02

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
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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

October 25, 2002

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: Tilghman on the Chesapeake, Phase 4 & 5
M 1022

Dear Ms. Verdery:

Thank you for forwarding the above-referenced subdivision request to this office for review and comment. It appears the entirety of Phase 5 is outside the Chesapeake Bay Critical Area. I have outlined my comments below concerning Phase 4.

1. Please clarify which portion of Phase 4 is inside the Critical Area. Based on the direction of the arcs of the 1000-foot boundary line, it appears this parcel could be entirely inside the Critical Area.
2. There is a nontidal wetland indicated on the sketch plan that is in the location of proposed lot 14. The nontidal wetland buffer extends on to proposed lots 13 and 15 and the proposed road. There should be no disturbance to this wetland or its associated 25-foot buffer. This office will not support any variances for lots created after the adoption of the County's Critical Area Program. These lots need to be reconfigured.
3. There are dashed lines on the plan that are not labeled. Please have the applicant label these lines or provide a key on the plan.
4. The total impervious surface for the entire subdivision may not exceed 15%. The next plan should include a table that lists each lot, any open space areas and public roads and the accompanying impervious areas.

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

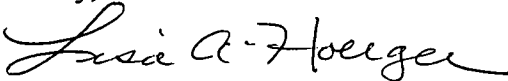
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Ms. Verdery
October 25, 2002
Page Two

5. Prior to final plat approval, the applicant should provide the County with a letter from the Department of Natural Resources, Heritage and Biodiversity Division that provides information on any threatened or endangered species that may utilize this site as habitat.
6. The total clearing must be provided, and the method for reforestation. For example, the plan might show an area set aside for reforestation, or indicate that a fee-in-lieu of will be paid to Talbot County.

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: TC -02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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

October 25, 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
M 1013

Dear Ms. Verdery:

I have received the revised plan for the above-referenced subdivision request. It appears the applicant has made some changes since the last revision including adding the restrictions for the great blue heron colony and changing the status of wetland type 48 to State wetlands. I have outlined our remaining comments below.

1. Has the applicant performed a jurisdictional determination with the Army Corps of Engineers? My primary concern lies with the limits of the wetlands that are closest to proposed lot 1.
2. It appears a note regarding the pine tree that holds the abandoned bald eagles nest was not included on this revision. While the tree is labeled on the plat indicating it will not be removed, it is this office's recommendation that a note be added to the final plat to make clear to the present and future lot owners that this tree may not be cut.
3. The impervious surface figures for lots 1 and 2 appear incorrect. I calculate 37,026 square feet for lot 1 and 18,295 square feet for lot 2.
4. There is no information regarding the amount of existing impervious area for the roads or structures that may already exist inside the Critical Area. These figures should be shown on the plat and the overall impervious area for the subdivision inside the Critical Area may not exceed 15%.

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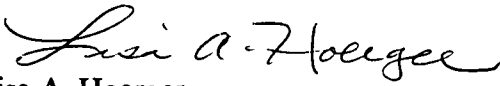
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Ms. Verdery
October 25, 2002
Page Two

5. The note regarding cutting and clearing in the Buffer should be removed since this provision in the Talbot County Critical Area program that defines trees as 4-inch caliper or greater is no longer valid. All clearing of any natural vegetation in the 100-foot Buffer, regardless of size, must be reviewed and approved with a Buffer Management 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 24-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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

October 25, 2002

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: John Dell
L 900

Dear Ms. Verdery:

Thank you for forwarding the above-referenced lot line revision to this office for review and comment. It appears the request is consistent with the Talbot County Critical Area Program and this office has no further comment.

We request that the note regarding cutting and clearing of trees greater than 4' caliper be removed since this provision in the Talbot County Critical Area program that defines trees as 4-inch caliper or greater is no longer valid. All clearing of any natural vegetation in the 100-foot Buffer, regardless of size, must be reviewed and approved with a Buffer Management Plan.

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: TC 650-02

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
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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

October 25, 2002

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: Lewis M. Dabney, III & Ross H. Dabney
L 901

Dear Ms. Verdery:

Thank you for forwarding the above-referenced lot line revision to this office for review and comment. We have no comment regarding the lot line revision. I have outlined my remaining comments below.

1. The note regarding the Critical Area development right calculations indicates that one development right was used and three are remaining; however, the site plan appears to show three existing dwellings. Please clarify.
2. We request that the note regarding cutting and clearing of trees greater than 4' caliper be removed since this provision in the Talbot County Critical Area Program that defines trees as 4-inch caliper or greater is no longer valid. All clearing of any natural vegetation in the 100-foot Buffer, regardless of size, must be reviewed and approved with a Buffer Management Plan.

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: TC 651-02

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
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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

October 25, 2002

Mr. Jeff Torney
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS
Annapolis, Maryland 21401

Re: Magothy Beach, Lots 10A-14A
S #96-136, P #02-227

Dear Mr. Torney:

I have received the request to reconfigure four existing, legal lots for the above-referenced property. The package I received did not include a site plan showing the existing and/or proposed configuration of this subdivision request.

In any case, if the four lots are properly grandfathered (i.e. existing, legally platted and legally buildable lots as of December 1, 1985), then this office has no comment on the reconfiguration request. The reconfiguration should not result in the need for any variances above those that may be necessary for development of the final lot.

The information provided indicates an ephemeral channel exists on the site. The wetland consultant describes this area to be a nontidal wetland which requires a 25-foot buffer. It appears the site also has steep slopes which may be impacted. The reconfiguration of the site should minimize any required variances to these Habitat Protection Areas.

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 649-02

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

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Annapolis: (410) 974- 2609 D.C. Metro: (301) 586-0450

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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

October 25, 2002

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

Re: Carr Property, Lot 2 - MS 02-096

Dear Mr. Soldano:

I have received the request to legalize the lot on the above-referenced property. This office has no further comment provided the County is satisfied that no variances will be required. This office cannot support subdivision requests when the County's Critical Area requirements cannot be met. Based on the Critical Area report provided, it appears the development of this lot would not require the need for any variances.

Thank you for the opportunity to comment. Please do not hesitate to 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 660-02

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
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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

October 24, 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:

I have received the response comments for the above-referenced project. Although the applicant's response says they are responding to my February 25, 2002 letter, it appears they have responded to my comment letter of June 3, 2002 letter. I have outlined my remaining comments below.

1. It appears not all of the proposed impervious surface for lot 2 was listed on the plans or the plat. The site plan shows a sidewalk leading from the driveway to the house but it is not included in the impervious surface calculations. Please have the applicant clarify this issue.
2. While the plat lists the variances granted to this property, this office still recommends the conditions of the variances also be stated on the plat. We understand the impervious surface information is listed elsewhere on the plat; however, the variance conditions also stated that no further improvements be made to this property.
3. The amended conservation easement due to the development on lot 2 still appears to conflict with the original purpose of the original conservation easement. We have asked the County to address this issue in the pending four-year comprehensive review process.

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

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
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

1804 West Street, Suite 100, Annapolis, Maryland 21401
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October 22, 2002

Mr. Jim Stasz
Environmental Resources Division
The Maryland-National Capital Park and Planning Commission
14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772

Re: Lot 42 Tantallon on the Potomac, VC-02005

Dear Mr. Stasz:

Thank you for forwarding the above-referenced variance request to this office for review and comment. The applicant proposes to construct a single family dwelling that would disturb 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 the 100-foot Buffer should be the minimum necessary.

The current plan does not appear to be the minimum disturbance necessary. The applicant should consider reconfiguring the dwelling and garage in order to minimize the intrusion of impervious surface and disturbance in the Buffer. Mitigation for all new disturbance inside the primary Buffer should be at a 3:1 ratio. New disturbance includes grading, footprint and clearing. All other disturbances outside the primary Buffer should occur at a 1:1 ratio. Any required reforestation should first occur inside the primary Buffer or elsewhere on the lot before a fee is paid to the County.

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: Mr. Richard Thompson, PG Co. DER
PG -02

Branch Office: 31 Creamery Lane, Easton, MD 21601
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CHESAPEAKE AND ATLANTIC COASTAL BAYS**

1804 West Street, Suite 100, Annapolis, Maryland 21401

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October 22, 2002

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

Re: Sharon Harding
Appeal # 1240

Dear Ms. Verdery:

Thank you for forwarding the above-referenced variance request to this office for review and comment. The applicant requests setback variances and a variance to the 25% impervious surface limitation. This office has no comment regarding the setback variances.

In regard to the impervious surface variance, it appears the total proposed impervious area exceeds the allowable limits by a small fraction; therefore, a opportunity may exist on site to remove some impervious area in order to minimize or eliminate the variance request. For example, could a portion of the proposed sidewalk or driveway be reduced? Would the County consider semi porous pavers for the sidewalks? What constitutes the 173 square feet listed under "other" on the impervious surface worksheet? Is this a shed or patio? If a patio is proposed, perhaps it could be changed to a porous, wooden deck.

If the applicant cannot find some existing impervious area on site that could be removed to minimize or avoid the impervious surface variance, this office will not oppose the variance. What is shown on the enclosed drawing appears reasonable, and this lot is severely constrained by its relatively small size.

Thank you for the opportunity to comment. Please submit this letter as part of the record for variance. Please notify the Commission of the decision made in this case. If I can provide you with additional assistance, please do not hesitate to contact me at (410) 260-3478.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: TC 622-02

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
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CHESAPEAKE AND ATLANTIC COASTAL BAYS**

1804 West Street, Suite 100, Annapolis, Maryland 21401

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October 22, 2002

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

Re: Chisholm Property
MS 02-053

Dear Mr. Soldano:

I have received the response letter and accompanying documents from the applicant for the above-referenced subdivision request. It appears the comments of my last letter to you dated July 2, 2002 were addressed. My only remaining comment is that the County staff ensure the proper acreage figure is set aside for reforestation purposes for Lot 2.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: AA 332-02

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Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

1804 West Street, Suite 100, Annapolis, Maryland 21401
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October 20, 2002

Ms. Michele Floam
Environmental Manager
Woodrow Wilson Bridge Center
1800 Duke Street, Suite 200
Alexandria, VA 22314

Re: Aquatic Resources Compensatory Mitigation
Bladensburg Marina Mitigation Project

Dear Ms. Floam:

Thank you for forwarding the 90% design plans for the wetland mitigation site and the pedestrian bridge at the Bladensburg Marina. At the August meeting of the Critical Area Commission this wetland mitigation project was approved as part of the overall aquatic mitigation package for the Woodrow Wilson Bridge project. Commission staff and SHA have agreed upon the species selected for planting at the site and will enter into a Planting Agreement for follow-up and monitoring purposes by Commission staff.

The pedestrian bridge proposed on this site must also be reviewed and approved by the Commission. It appears the project will be scheduled for advertising in March of 2003; therefore, approval by the Commission should occur prior to that time. As always, we will work with you and MNCPPC to meet that deadline. In that regard I have outlined several comments for consideration by MNCPPC concerning the pedestrian bridge project based on the plans submitted.

1. In 1996 the Commission approved the Master Plan for the Bladensburg Marina site which included a pedestrian bridge that would connect the western and eastern banks of the Anacostia River. Therefore, the pedestrian bridge concept was reviewed and accepted in a conceptual format in 1996.
2. All other Federal, State and local permits should be secured by MNCPPC prior to review and approval by the Commission.

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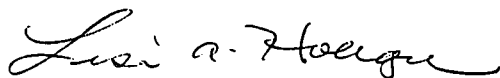
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Ms. Floam
October 20, 2002
Page Two

3. The plans showing the proposed mitigation site, the pedestrian bridge and proposed asphalt path should include the location of the 100-foot Buffer from the Anacostia River. The Buffer should be measured from the proposed landward edge of tidal wetlands.
4. The amount of proposed impervious areas and disturbance due to grading activities both inside and outside the 100-foot Buffer should be provided on the plans.
5. Mitigation for new disturbance due to impervious areas or grading associated with the construction of the pedestrian bridge may require mitigation. Disturbance within the 100-foot Buffer requires mitigation at a 3:1 ratio, and disturbance outside the 100-foot Buffer requires 1:1 mitigation.
6. Since this site is located in an Intensely Development Overlay area (IDO), the 10% Pollutant Reduction Calculations must be performed. Commission staff can provide assistance.
7. Does MNCPPC plan to plant additional trees, shrubs or herbaceous cover on site?
8. Has the Department of Natural Resources, Heritage and Biodiversity Division provided comments concerning any threatened or endangered species on or near this site?

Thank you for the opportunity to provide comments. If you have any questions, or if I can provide assistance, please do not hesitate to contact me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: Ms. Regina Esslinger, Chief, Project Evaluation - CAC

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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

October 16, 2002

Ms. Tracey Greene Gordy, Regional Planner/Circuit Rider
Maryland Department of Planning
Lower Eastern Shore Regional Office
Salisbury Multi-Service Center
201 Baptist Street, Suite 24
Salisbury, Maryland 21801-4974

Re: Town of Vienna
LeCompte Impervious Surface Variance

Dear Ms. Gordy:

I have received the above-referenced variance request to the Town's impervious surface limitations. The applicant is requesting a variance for an additional 1,282 square feet of impervious surface in order to construct a dwelling addition and a new storage shed. The current impervious surface on this lot already exceeds the 25% limitation. With the proposed impervious surfaces, the lot will also exceed the additional provisions in the Town's Ordinance which allow lots of this size to accommodate an additional 25% or 500 square feet of impervious surface, whichever is greater.

This office typically does not support variances to the impervious surface limitations since State law and the Town's Ordinance have already provided for additional impervious areas above the 25% limitation. The Town's Board of Appeals must consider all five variance provisions are met before this variance request can be granted. It appears the applicant is unable to meet all five standards; therefore, this office cannot support the requested variance.

If you have any questions, or if I can provide you or the Town with any 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

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Ren Serey
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STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

1804 West Street, Suite 100, Annapolis, Maryland 21401
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October 17, 2002

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

Re: Eagles Passage, Section 5, Lot 41
S #86-263, P #00-229

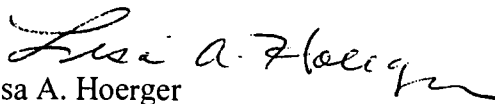
Dear Mr. Soldano:

I have received the revised plan for the above-referenced lot. The applicant proposes to relocate a portion of the 10,000 square foot septic system in an area labeled "Sensitive Area." I see from the plan that a portion of this site, including the new area proposed for the septic system lies within 1,320 feet of an eagles nest and is subject to time of year restrictions. Is there another issue not apparent on the plans, like steep slopes or expanded Buffer that might constitute a sensitive area? While the applicant has enclosed photographs it is difficult to determine if these features exist on this site.

In any case, any new disturbance to steep slopes or the expanded Buffer would require a variance. If this lot was created after the adoption of the County's Critical Area program, this office could not support a variance.

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

Sincerely,


Lisa A. Hoerger
Natural Resources Planner

cc: AA 623-02

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



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Executive Director

**STATE OF MARYLAND
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CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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October 10, 2002

Ms. Sherry Conway Appel
Prince George's County Department of Environmental Resources
Programs and Planning Division
9400 Peppercorn Places, Suite 610
Largo, Maryland 20785

Re: Growth Allocation Reserves

Dear Ms. Appel:

This letter serves as a follow-up to my recent letter to you dated September 24, 2002 concerning the discrepancy between the growth allocation figures reported by the County and our office. I was contacted by Ms. Catherine Wallace of the Maryland National Capital Park and Planning Commission concerning this discrepancy and we were able to pinpoint the error and resolve this issue. By copy of this letter I am notifying MNCPPC of the error and the correct figures for growth allocation.

After researching our file for the Tepaske growth allocation request, MNCPPC and our office discovered a letter dated September 24, 1992 which stated that 9.8 acres were approved for change from RCO to LDO, and the remaining 5.6 acres would remain in RCO. After checking the minutes of the September 2, 1992 meeting of the Critical Area Commission, and listening to the audio tape of that meeting, it is clear that the Commission approved the request by Prince George's County to debit 15.4 acres of growth allocation, but only remap 9.8 acres as LDO. Therefore, the correct acreage figure that should be debited for the Tepaske growth allocation is 15.4 acres, with the understanding that the County's Critical Area map for this property shows 9.8 acres remapped as LDO rather than the entire parcel.

Please except our apologies for any confusion caused by the September 24, 1992 letter. I have enclosed a copy of the September 2, 1992 minutes of the Commission for your files. If your office or MNCPPC would like to listen to the audiotapes, I can make them available at your convenience.

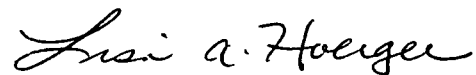
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Ms. Appel
October 10, 2002
Page Two

As always, it is a pleasure working with you and the staff of MNCPPC on Critical Area issues. 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: Ms. Catherine Wallace, MNCPPC
Ms. Marianne Mason, Assistant Attorney General, DNR
Mr. Ren Serey, Executive Director, CAC

CHESAPEAKE BAY CRITICAL AREA COMMISSION
MINUTES

September 2, 1992

approved
17-0

The regular monthly meeting of the Chesapeake Bay Critical Area Commission was held on September 2, 1992 at 1:00 p.m. at the Department of Housing and Community Development, Conference Room 1100 A, Crownsville, Maryland. The meeting was called to order by Chairman John C. North, II with the following Members in attendance:

Peck, Jim, DNR	Hearn, J. L., Dept. of Env.
Hickernell, Ron	Lawrence, Louise, Dept. of Ag.
Elbrich, Joseph,	Whitson, Michael
Krech, Shep	Little, Rodney, DHCD
Gutman, Jim	Williams, Roger
Blake, Russell	Corkran, William
Langner, Kathryn	Schoepflein, Bob, DEED
Bowling, Samuel	Jarvis, Thomas
Bostian, William	Phillips, Steele
Kassoff, Hal, MdTA	Glendening, Parris (arrived 1:30)
Young, Ron, Md. Office of Planning (arrived 2:30)	
Watson, Carolyn for Parris Glendening	

Chairman North presented a Certificate of Appreciation to Anne Hairston, CBCAC Planner, who will be leaving for Oregon later in September to begin studies for a doctorate at the Oregon State University. Anne has been with the Commission since October 1988 and will be missed very much.

The Minutes of August 5th were read and amended to reflect the attendance of Hal Kassoff. Commissioner James Gutman moved to approve the Minutes as amended. The motion was seconded and carried unanimously.

Ms. Theresa Corless, CBCAC Planner, gave an informational report to the Commission on Broad Creek Waste Water Pump Station in Prince George's County - WSSC. She said that a hearing will be scheduled. Joe Mantua of WSSC described the project to the Commission. He said that the pump station will be expanded and that a section will be added to the electrical substation to eliminate power outages that create an overflow. Chairman North stated that the panel members will be studying the issue and it will be brought to the Commission for a vote next month.

Ms. Corless addressed the Commission on the Prince George's County Growth Allocation. She reminded the Commission that this request was presented last month as information and there has since been a public hearing. Ms. Corless said that the County has requested 15.4 acres of growth allocation to change the zoning from RCO to LDO. She said that only 9.8 acres will be remapped as LDO which was what the applicant requested and is consistent with the Prince George's Critical Area Program. Commissioner Ron Hickernell stated that the panel had a public hearing and the recommendation was to approve the application. Mr. Hickernell moved to approve the request as presented. The motion was seconded and carried unanimously.

Ms. Corless updated the Commission on the Hyattsville Gravity Sewer Project which was approved in August. She stated that there is now a planting plan and the wetlands will be restored.

Ms. Elizabeth Zucker, CBCAC Science Advisor, informed the Commission that a General Approval for mosquito control had been drafted. She said that there was a compilation of comments on the General Approval from the 60 local

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
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CHESAPEAKE AND ATLANTIC COASTAL BAYS**

1804 West Street, Suite 100, Annapolis, Maryland 21401

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

October 10, 2002

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

Re: Oyster Harbor, S 91-070, P 02-207

Dear Mr. Soldano:

I have received the request for consolidation of four antiquated lots into three lots in order to meet the 15,000 square foot minimum lot size requirement. While we encourage lot consolidation, it appears the reason for lot consolidation is for zoning purposes and does not consider any environmental factors that might necessitate further consolidation.

Two of the three lots will require a variance to the 100-foot Buffer requirement. All lots are severely constrained by their proximity to tidal wetlands, and any resulting development of these lots should be minimal. If the County cannot require further consolidation based on the existence of the 100-foot Buffer, we recommend a note be added to the final plat stating all new development activities on lots 15R, 16R and 17R must be limited to the front of the lots and the remaining areas be placed in a conservation easement.

I would like to comment on the Environmental Report accompanying the application. The minimum forest size that can support Forest Interior Dwelling Bird habitat is now 50 acres. The 100-acre minimum, as indicated in the report, has been superceded by the Commission's recent guidance document titled, "A Guide to the Conservation of Forest Interior Dwelling Birds in the Chesapeake Bay Critical Area - June 2000." This information is based on more recent scientific data and evidence.

Thank you for the opportunity to comment. Please do not hesitate to 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 609-02

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Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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October 10, 2002

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

Re: Spectec Property – Willow-o-Brooke, Section 2 Addition
S #01-044, P #01-137

Dear Mr. Torney:

I have received your comment letter concerning the above-referenced subdivision request. Thank you for following-up on my remaining comments. It appears all issues have been addressed.

If you have any questions for me or require 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: AA 267-02

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

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Chairman



Ren Serey
Executive Director

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CRITICAL AREA COMMISSION
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October 3, 2002

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

Re: Ponder Cove, Residue Parcel 505
S 00-146, P 02-073

Dear Mr. Soldano:

I have received the final plans for the above-referenced subdivision request. It appears the applicant has addressed the comments of my previous letter dated May 7, 2002. We request that the final plat might include a note referring to the 100-foot Buffer as an area of no new disturbance including clearing without an approved Buffer Management Plan from the County Forester.

Thank you for the opportunity to comment. Please do not hesitate to 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 242-02

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October 3, 2002

Ms. Tracey Greene Gordy, Regional Planner/Circuit Rider
Maryland Department of Planning
Lower Eastern Shore Regional Office
Salisbury Multi-Service Center
201 Baptist Street, Suite 24
Salisbury, Maryland 21801-4974

Re: Town of Vienna
Verizon Equipment Shed

Dear Ms. Gordy:

Thank you for providing this office with the consistency report for the above-referenced project. It is my understanding that Verizon has asked the Town to install a 12' x 30' equipment shed within the fenced area of the Town's water tower. Based on the information you have provided, it appears this project is consistent with the Town of Vienna's Critical Area Program. We concur that Verizon should be responsible for planting four trees on Town property to comply with any afforestation requirements.

If you have any questions, or if I can provide you or the Town with any 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

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October 3, 2002

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

Re: Geis Property, Lots 4 & 5
S# 78-056, P# 01-037

Dear Ms. Allen:

Thank you for forwarding the revised plans to the above-referenced subdivision request. It appears the applicant addressed the issues raised in my February 27, 2001 letter. However, we disagree with the note on the plat that states, "No lot shall have greater than 25% impervious."

Lot 4R is well over one acre and is subject to the 15% impervious surface limitation. The allowable impervious area for Lot 5R depends on when this lot was originally platted. The Natural Resources Article and the County Code address these lots:

If a parcel or lot greater than one-half acre and less than one acre in size existed on or before December 1, 1985, then man-made impervious surfaces are limited to 15% of the parcel or lot.

If an individual lot 1 acre or less in size is part of a subdivision approved after December 1, 1985, then man-made impervious surfaces of the lot may not exceed 25% of the lot; however, the total of the impervious surfaces over the entire subdivision may not exceed 15%.

So, if lot 5R was platted before December 1, 1985 then it is limited to 15%, but if it was platted after December 1, 1985 then it may not exceed 25%. Lot 4R is excluded because it is over one acre regardless of when it was platted. Please have the applicant correct these figures and remove this note from the plat.


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Ms. Allen
October 3, 2002
Page Two

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

CC: AA 110-01

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**
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October 3, 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: Woodrow Wilson Bridge
Construction Staging Area- Concrete Wash Water Detention Basin

Dear Sirs:

At its meeting on October 2, 2002, the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays unanimously approved the request from the State Highway Administration to locate a detention basin in the 100-foot Buffer to Smoots Cove. This request is based upon a conditional approval since the detention basin is located in a Habitat Protection Area.

The Project Subcommittee was able to recommend approval of an amended plan. The original submittal request included a detention basin inside the 100-foot Buffer that would serve the concrete batch plant and the three barges in the river. The amended plan only permitted a small detention basin for the wash water from the concrete batch plant inside the 100-foot Buffer, while the remaining wash water collected from the three barges would be pumped to a larger basin outside of the 100-foot Buffer on an adjoining site. The amended plans should be forwarded to Commission staff as soon as they become available so we may include them in our file.

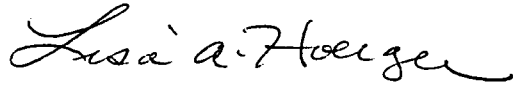
Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

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

October 3, 2002
Page Two

Thank you for your continued cooperation. If you have any questions, or if I can provide you with assistance, please do not hesitate to contact me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: Mr. Samuel Wynkoop, Jr., Prince George's County
Ms. Sherry Conway Appel, Prince George's County
Mr. Richard Thompson, Prince George's County
Ms. Meg Andrews, SHA

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

October 3, 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: Woodrow Wilson Bridge - Amendment to the Reforestation Package

Dear Sirs:

At its meeting on October 2, 2002, the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays unanimously approved the request from the State Highway Administration to amend the Reforestation Package. This amendment allows the project to relocate approximately five acres of reforestation on the Hohensee Tract, owned by the City of Bowie, to an adjacent agricultural field that is also part of the Hohensee Tract. This approval is conditioned on the Bowie City Council approving this request at its upcoming meeting and placing an easement on the forested tract that separates each reforestation area.

Thank you for your continued cooperation. If you have any questions, or if I can provide you with additional assistance, please do not hesitate to contact me at (410) 260-3478.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: Mr. Samuel Wynkoop, PG DER
Ms. Sherry Conway Appel, PG DER
Ms. Meg Andrews, SHA
Mr. Scott Burroughs, PCC

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

Critical Area Commission

STAFF REPORT

October 2, 2002

APPLICANT: Department of Transportation
State Highway Administration

PROPOSAL: Woodrow Wilson Bridge (WWB)
Amendment to the Forest Mitigation Package

JURISDICTION: Prince George's County

COMMISSION ACTION: Vote

STAFF RECOMMENDATION: Pending City Council Hearing

STAFF: Lisa Hoerger

**APPLICABLE LAW/
REGULATIONS:** COMAR 27.02.05 - State Agency Actions
Resulting in Development on State-Owned Lands

DISCUSSION:

At its meeting on October 3, 2001, the Critical Area Commission approved the Forest Mitigation Package for the Woodrow Wilson Bridge project. The original approval by the Commission included a condition that any changes be reviewed and approved by the Commission. Within the last month one of the sites required some reconfiguring in order to meet the requirements of a local user group of the site; therefore, the reconfiguration of this site must be reexamined and approved by the Commission.

The total required mitigation for the project was 81.8 acres. Four sites were screened and selected for use as the mitigation sites. The following sites were included as part of that package: the Oxon Hill Children's Farm, owned by the National Park Service; a site owned by the Washington Suburban and Sanitary Commission; the Puterbaugh Farm, a privately-owned site; and the Hohensee Farm, a site owned by the City of Bowie.

The Hohensee tract is the tract that requires an amendment to the Forest Mitigation Package. This site is currently an agricultural field. The City allows a model airplane club to use this site. This was known when the site was selected; however, the project forester carefully designed the mitigation site so that a large area of the agricultural field remained open for the park users. After a recent public meeting, the City Council instructed the State Highway Administration to work with this user group to create a larger area for their use.

After two meetings with this group and the City of Bowie's Department of Public Works, both groups found a compromise position. The proposal includes removing no more than five acres of the 30 acres from the existing, approved mitigation site, to a nearby open field that is not used by the model airplane club. This site is also part of the Hohensee tract owned by the City of Bowie and is available for planting. It is directly adjacent to a forested area which is adjacent to the site proposed for the original mitigation site.

Approximately 25 acres will remain on the tract that was originally proposed for mitigation; however, it will be configured to allow the maximum area for the model airplane club users. The forester has also amended his planting list to include slower growing, shorter tree species.

Claudia Jones, the Commission's Science Advisor, reviewed the request and determined this site offers the same benefits from reforestation as the original site. It appears this tract and adjacent tracts may support Forest Interior Dwelling Birds. With the additional plantings at the original location approved by the Commission at the proposed site, it appears more interior habitat could be created.






The issue that concerns Commission staff is the protection measures afforded to the forested tract that will connect the two planting areas. The City's Department of Public Works suggests that an easement be placed on this area; however, this provision will have to be reviewed and approved by the City Council which meets just prior to the Commission's October 2 meeting. Also, the protective measure for the mitigation sites must be decided.

Commission staff recommendation is pending the outcome of the City Council's public hearing. Once we are assured that appropriate protective measures will be placed on the two mitigation sites and the forested tract in between, we will offer a recommendation.



600 0 600 1200 Feet

LEGEND

- 1000' CBCA Boundary
- 300' Expanded Buffer
- Approximate Wetland Boundary
-  30 Acre Original Planting Area
-  25 Acre Adjusted Planting Area
-  5 Acre Relocated Planting Area
-  Existing Reforestation Area
-  Proposed Forest Conservation Easement Area (approx 33 acres)

POTENTIAL CBCA CREDITS
Buffer: 4.1 acres
General CBCA: 25.9 acres

**Woodrow Wilson Bridge Project
City of Bowie - Hohensee Property
Reforestation Site PAX81
PG map 86 parcel 3**

plan prepared September 2002
PAX81p2.apr

Critical Area Commission

STAFF REPORT

October 2, 2002

APPLICANT: Department of Transportation
State Highway Administration

PROPOSAL: Woodrow Wilson Bridge (WWB)
Construction Staging Area
Concrete Wash Water Detention Basin

JURISDICTION: Prince George's County

COMMISSION ACTION: Vote

STAFF RECOMMENDATION: Pending Subcommittee Discussion

STAFF: Lisa Hoerger

**APPLICABLE LAW/
REGULATIONS:** COMAR 27.02.06 - Conditional Approval of State
or Local Agency Programs in the Critical Area

DISCUSSION:

The State Highway Administration (SHA), on behalf of Tidewater/Keiwit/Clark Joint Venture ("TKC"), the foundation's contractor for the Woodrow Wilson Bridge project, requests the Critical Area Commission consider a proposal to site a detention basin in the 100-foot Buffer inside the existing construction staging area.

In order to trap and contain concrete wash water as required through the Maryland Department of the Environment's (MDE) General Mineral and Mines Permit (Registration No. 00-MM-9727), TKC and SHA propose to construct a temporary detention basin adjacent to the existing batch plant within the TKC staging area. This basin will serve all components of the concrete system that produce wash water, including the wash water from the barges in the river and from the anticipated increase of frequency and volume of production and placement of wash water that will be generated by the batch plant.

A two-stage basin is proposed in order to minimize impacts to the greatest extent possible. No excavation is required, only the construction of a 3' high berm. The bermed area has no outfall. The southern portion requires minimal excavation to create a sump that batch plant wash water will flow into. The management of concrete wash water generated on the three transport barges will be pumped into the second stage of the detention basin for proper treatment.

Approximately 18,000 gallons of wash water will be generated from the barge conveyance / placement system and 1,500 gallons of wash water will be generated from the batch plant; therefore, total usage for these pours is anticipated to be approximately 20,000 gallons. The detention basin has been designed to accommodate 40,000 gallons which will safely hold twice the maximum volume anticipated.

Water within the detention basin will primarily infiltrate into the ground or evaporate, leaving only sediment for disposal. If necessary, water can be pumped out and utilized on the project for dust control once the pH stabilizes between 6 and 9. Sediment will be removed on an as needed basis prior to reaching 50% of basin capacity. Disposal of sediment will be in an approved upland disposal site.

The Maryland Department of the Environment issued approval of this modification on September 30, 2002.

The State Highway Administration is seeking conditional approval for the use of a detention basin, located along the Smoot Cove shoreline, south of the existing Woodrow Wilson Bridge, to support receive the concrete wash water from the barges that transport the concrete. In accordance with COMAR 27.02.06, TKC and the SHA provided justification to the Critical Area staff for conditional approval to permit certain activities within the 100-foot Buffer.

Below are the criteria that must be met in order for the Commission to approve the request. The text that appears in **bold** are the Critical Area Commission staff's responses, and the text that appears underlined are SHA's responses.

01 Criteria

B.(1) That there exist special features of a site or there are other special circumstances such that the literal enforcement of these regulations would prevent a project or program from being implemented;

The General Mineral and Mines permit (Registration No. 00-MM-9727) requires no discharge to surface waters from concrete batch plant operations. The site naturally drains to the northwest corner of the staging area and requires some means to prevent wash water from leaving the staging area. Reasons for requesting approval of the detention basin:

- a) Construction activities / concrete production are increasing. Generation of additional wash water needs to be contained.
- b) The sediment basin outside the staging area has been removed to prepare the site for new contracts in the future. With this sediment basin removed, there is increased risk that water could be discharged into surface waters in violation of the Mineral and Mines Permit and Private Wetlands Permit. A detention basin is necessary to ensure compliance at all times.

- c) Note that this is a proactive measure to accommodate the influx of additional wash water.

While there is no additional area left inside the construction staging area for additional activities outside the 100-foot Buffer, there is sufficient room outside of the 100-foot Buffer adjacent to Smoots Cove to locate the proposed detention basin. On September 19th, SHA provided me a copy of a proposal to locate the detention basin adjacent to the existing construction staging area, outside of the 100-foot Buffer. At that time it was suggested the water could be pumped through a hose. Pumping will be required to transport the concrete wash water from the barges to the land anyway, so locating the detention basin outside the 100-foot Buffer appears feasible and will still allow SHA to meet the requirements of the General Mineral and Mines permit.

B.(2): That the project or program otherwise provides substantial public benefits to the Chesapeake Bay Critical Area Program;

The addition of a detention basin ensures protection of water quality relating to concrete production activities.

The proposal to locate the detention basin in the 100-foot Buffer will not provide substantial public benefits to the Critical Area Program especially if there is an overflow incident. Locating the detention basin in the 100-foot Buffer as opposed to outside the Buffer allows little if no opportunity for a spill to be contained or averted before it would reach Smoots Cove.

B.(3)

That the project or program is otherwise in conformance with this subtitle.

The project site is in conformance with the Critical Area Criteria. Work in this area was originally authorized by the CBCAC on June 7, 2001. Since that time, TKC has been in compliance with conditions as permitted. PCC inspectors have conducted daily inspections and summarize these in the PCC Environmental Inspection reports. No non-compliance issues have been noted.

The detention basin is in conformance with this subtitle in as much as it enhances and protects the water quality of Smoots Cove and the Potomac River; however, detention basins are not appropriate in the 100-foot Buffer.

The Commission's approval of this site as a construction staging area did not allow any activities in the Buffer with the exception of a "lay-down" area, which allows space for inert construction materials such as steel plates, sheet piles, steel piles, steel forms, and reinforcement bar. The concrete batch plant, an aggregate storage area, trailers for TKC, a trailer for MDOT/SHA, mechanical areas, temporary storage containers, and parking were to remain outside of the 100-foot Buffer.

C.(1)

A showing that the literal enforcement of the provisions of this subtitle would prevent the conduct of an authorized State or local agency program or project;

Refer to B.(1). Approval of this proposal will ensure that this Federal / State project may continue in compliance with the General Mineral and Mines Permit as well as water quality special conditions in other Federal and State Permits. Conversely, literal enforcement may result in a non-compliance or violation which may result in a stop-work order. In addition, SHA or the Contractor may elect to stop activities if a non-compliance or violation is eminent, preventing progress of the project.

The requirements of the General Mineral and Mines Permit can be met without requiring a conditional approval to place the detention basin inside the 100-foot Buffer since there appear to be opportunities to locate the detention basin outside the Buffer.

C.(2)

A proposed process by which the program or project could be so conducted as to conform, insofar as possible, with the approved local Critical Area Program or, if the development is to occur on State-owned lands, with the criteria set forth in COMAR 27.02.05;

This task will remain in conformance with the process outlined in accordance with the June 6, 2001 CBCAC Staff Report. Please note that this is a temporary basin with minimal excavation that will be removed at the completion of the contract (approximately July 1, 2003). The affected area will be restored to its original condition at completion.

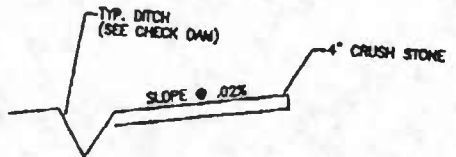
Not applicable since it appears this project can meet the criteria in COMAR 27.02.05 without the need to impact the 100-foot Buffer.

C.(3)

Measures proposed to mitigate any adverse effects of the project or program or an approved local Critical Area Program or, if on State-owned lands, on the criteria set forth in COMAR 27.02.05.

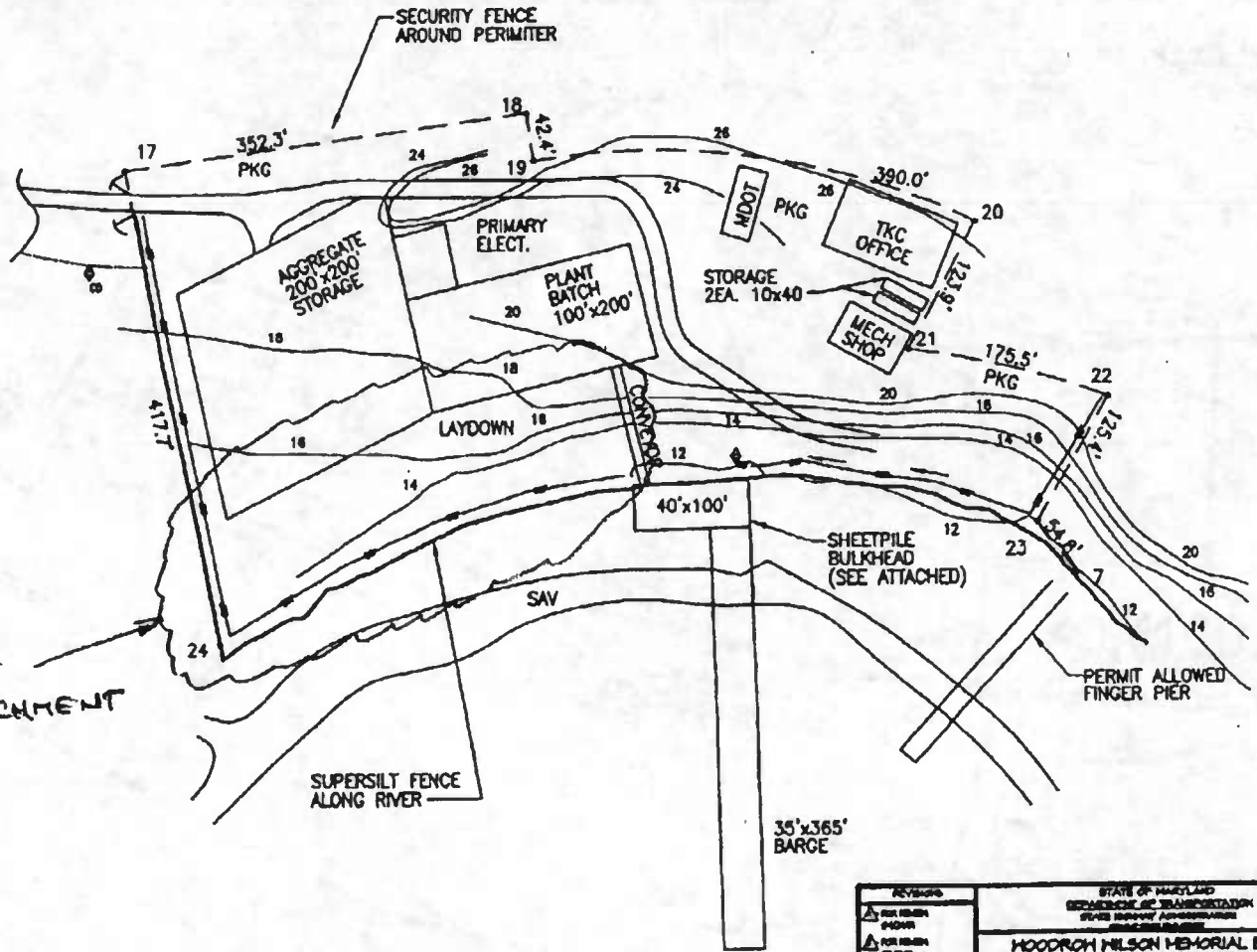
This proposal does not include disturbance of any additional area above and beyond that previously approved. The required 3:1 mitigation as noted in the June 7, 2001 CBCAC approval letter has been added to the Woodrow Wilson Bridge Project Reforestation Package.

No mitigation would be necessary for the alternative location outside the Buffer.



CROSS SECTION OF HAUL ROAD
NTS

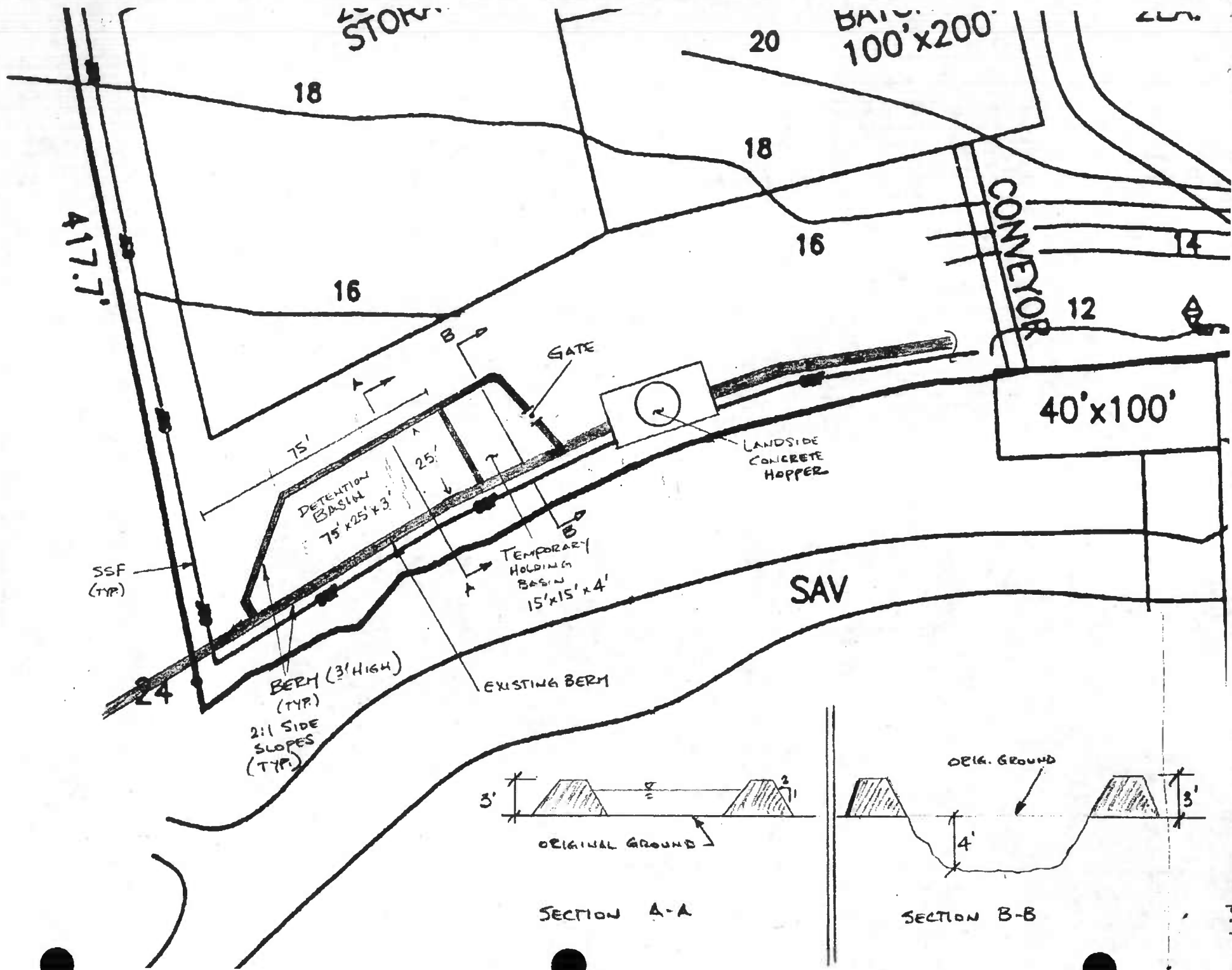
SEE ATTACHMENT



FIELD OFFICE SITE PLAN
1"=100'

TKC JOINT VENTURE
TCC: 2250-5A-01

REVISIONS Δ FOR REVISION Δ FOR REVISION	STATE OF MARYLAND DEPARTMENT OF TRANSPORTATION PUBLIC INFRASTRUCTURE ADMINISTRATION BRIDGE DIVISION
	HOODORH NELSON MEMORIAL BRIDGE ON I-49 / I-495 OVER THE POTOMAC RIVER PROPOSED STAGING AREA
DRAWN BY: [blank] CHECKED BY: [blank]	DATE: APRIL 28, 2000
DESIGNED BY: [blank] PROJECT NO.: [blank]	SHEET NO.: [blank]



Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

September 30, 2002

Mr. Stephen Nevas
Vice President
Cape St. John Citizens Association
P.O. Box 130
Riva, MD 21140

Re: Boyds Ridge Subdivision (Goettee Property)

Dear Mr. Nevas:

I am in receipt of your letter requesting information on the above-referenced subdivision application that is pending at the Anne Arundel County Department of Planning and Zoning. It is my understanding that on Friday, September 27, 2002 you visited our offices and reviewed and copied those documents of your choosing from our file. It is also my understanding that you and Mr. Semick met with and discussed this case with Ms. Lisa Hoerger of our staff.

Therefore, it appears your request for information from the file of the Boyds Ridge Subdivision was met. If you need additional assistance, please do not hesitate to contact our offices at (410) 260-3460.

Sincerely,

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

Ren Serey
Executive Director

cc: Mr. Daniel Semick
Mr. Kenneth Cole
Ms. Lisa Hoerger

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

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

September 27, 2002

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

Re: Back Bay Beach
Lots 10 thru 21 P/O 9

Dear Mr. Soldano:

I have received the above-referenced subdivision request for review and comment. The applicant proposes to reconfigure three existing buildable lots. It appears this action will not be contrary to the Anne Arundel County Critical Area program; therefore, this office has no further comments.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: AA 596-02

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

September 27, 2002

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: Terrance M. Gallagher
S 956

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 the request since it appears there will be no changes that are contrary to the County's Critical Area program.

We request that the note referencing trees that are 4' caliper or greater be removed since this is no longer valid in the Talbot County Critical Area program. Any clearing of natural vegetation in the Critical Area is now recognized as clearing in Talbot County and it subject to replacement.

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, appearing to read "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: TC 603-02

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

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Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

September 26, 2002

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: John M. Camper, III
S 957

Dear Ms. Verdery:

Thank you for forwarding the above-referenced subdivision request to this office for review and comment. The applicant proposes to create one lot in the Critical Area portion of the parcel. I have outlined our comments below.

1. It appears proposed lot 4 has two dwellings on a lot that is only 20 acres. Please verify this information. If there are two dwellings, the proposed lot exceeds the allowable density of one dwelling unit per twenty acres in the RC zone and is inconsistent with the Talbot County Critical Area program.
2. The impervious surface and afforestation figures appear to be correct. We support planting the required afforestation mitigation along the existing stream; however, some replanting on the 100-foot Buffer to the cove of Irish Creek should also be performed if the use of this property is converting from an agricultural use to a residential use.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: TC 600-02

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

September 26, 2002

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: Claylands Farm, Jeff Fellows
S 955

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. It appears one lot is in the Critical Area. I have outlined our comments below.

1. The area of the 100-foot Buffer that is not currently vegetated must be reestablished in native Buffer vegetation. Any required afforestation or reforestation can be planted in the Buffer to satisfy these requirements.
2. The note referencing the cutting and clearing of trees greater than 4 inch caliper should be removed since this limit is no longer valid under the Talbot County Critical Area program. All clearing of any natural vegetation in the 100-foot Buffer, regardless of size, must be reviewed and approved with a Buffer Management Plan.
3. A note should be added to the final plat that states the total allowable impervious coverage for proposed lot 3.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: TC 601-02

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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September 26, 2002

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: Joseph McLaughlin, Mark Higginbottom
L-899

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 the request. It appears the acreage figures will not change on either lot as a result of this lot line adjustment and the adjustment will provide for adequate setback from the neighboring property.

However, we request that two notes be removed from the plat since they are no longer valid under the Talbot County Critical Area program. The note referencing trees that are 4' caliper or greater and the note referencing tree cutting should be removed. All clearing of any natural vegetation in the 100-foot Buffer, regardless of size, must be reviewed and approved with a Buffer Management Plan.

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: TC 602-02

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

September 26, 2002

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: Lawrence P. McSweeney
L-898

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 the request since it appears there will be no changes that are contrary to the County's Critical Area program. However, there is a discrepancy between the Project Information Form and the site plan provided. The form indicates the lots are in the RC zone while the site plan indicates the lots are in the RR zone. Please clarify this issue prior to final approval.

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: TC 599-02

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

1804 West Street, Suite 100, Annapolis, Maryland 21401
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September 26, 2002

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: Richard Grieves
L 897

Dear Ms. Verdery:

Thank you for forwarding the above-referenced lot line abandonment to this office for review and comment. It appears the applicant is abandoning two lot lines that separate the parcel into three lots, and is now proposing one division line that will result in two lots. This office has no comment based on the reasons outlined below.

1. It appears the density in the Critical Area will not increase beyond what was permitted at the time the County adopted its Critical Area Program.
2. The resulting lot line change will create a lot that should not require the need for any Critical Area variances unlike the current configuration.

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: TC 597-02

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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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September 26, 2002

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: Pioneer Properties, LLC
L 896

Dear Ms. Verdery:

Thank you for forwarding the above-referenced lot line abandonment to this office for review and comment. This office has no comment regarding the request since it appears there will be no changes that are contrary to the County's Critical Area program.

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: TC 598-02

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

September 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 - REVISED

Dear Ms. Verdery:

Thank you for forwarding the revision to the above-referenced subdivision request. It appears the applicant still proposes to create three lots. I have outlined our comments below.

1. The acreage figure for the area of State-owned tidal wetlands was not provided. Please have the applicant provide this information to insure the parcel has sufficient acreage to create three lots.
2. Note #17 should be removed since the provision in the Talbot County Critical Area program that defines trees as 4-inch caliper or greater is no longer valid. All clearing of any natural vegetation in the 100-foot Buffer, regardless of size, must be reviewed and approved with a Buffer Management Plan.
3. The note regarding the Buffer should indicate 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.
4. Has the applicant contacted the U.S. Fish and Wildlife Service and the Department of Natural Resources concerning Delmarva Fox Squirrel habitat? If any clearing is required the County should ensure this coordination happens to ensure the preservation of any habitat that may be on site.

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Ms. Verdery
September 26, 2002
Page Two

5. The stated impervious coverage limit for proposed lot 2 is confusing. It states that 1.341 acres is allowed, but only .750 acres are remaining. How can this be when the existing impervious area figure is zero? Did the applicant forget to include an existing impervious figure here to account for what appears to be several accessory structures within the boundaries of proposed lot 2?
6. The remaining impervious area for proposed lot 3 appears incorrect. When I subtract the allowable acreage figure from the existing impervious area (5.06-1.086) I get 3.974 acres remaining.
7. I calculate that .48 acres are required to meet the 15% afforestation threshold ($71.187 \times .15 = 10.67$, $10.67 - 10.20 = .478$). This planting may be accomplished by reestablishing any areas inside the 100-foot Buffer as well as any required reforestation.

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

1804 West Street, Suite 100, Annapolis, Maryland 21401
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September 26, 2002

Ms. Lori Allen
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS 6402
Annapolis, Maryland 21401

Re: Marvista
S # 01-017, P # 01-048

Dear Ms. Allen:

I have received a copy of the response letter to you from Anarex, Inc. and a set of the final development plans for the above-referenced subdivision request. I have outlined my comments below.

1. Please ensure the expansion of the 100-foot Buffer is correct according to the County's expansion methodology.
2. A note should be added to the final plat indicating the area of the conservation easements and that no clearing or disturbance is permitted in these areas and/or the 100-foot Buffer.
3. We recommend fencing or signage to alert future property owners of the limits of the 100-foot Buffer and conservation easement areas.
4. The proposed clearing is 16.60 acres, which is 30% of the existing forested area. The Critical Area Analysis on sheet 1 of 20 of the final development plans indicates reforestation will occur off-site. Has the applicant provided the County with the off-site location? This should be resolved prior to final recordation.
5. The stated mitigation ratio is 1.5: 1. This is the correct mitigation ratio; however, the stated square footage is misleading. It should read 1,084,644 square feet or 24.90 acres rather than 723,066 square feet.

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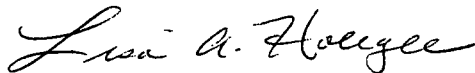
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Ms. Allen
September 26, 2002
Page Two

6. I did not receive a copy of the final plats. Do the Critical Area Computations appear on the plat? They do not appear on the final plans. For example, there should be a table that lists the allowable impervious surface, and proposed for each lot within this subdivision.
7. Where do the rear lot lines extend? Are they contiguous with the LOD?
8. Where is the LDA/RCA line on the plans? These should be shown to ensure new development activities are in the LDA including any required stormwater management devices.
9. The proposed community pier request requires some clarification. The applicant is proposing 47 boat slips. According to my calculations there are 92 lots proposed in the Critical Area. The Natural Resources Article § 8-1808.5 (d) provides for the permitted number of slips. The formula for the number of permitted slips is the lesser of the following: one slip for each 50 feet of shoreline in the LDA, and one slip for each 300 feet of shoreline in the RCA; or 30 slips or 50% of 92 lots, whichever is greater. Since half of 92 is 46, then 46 slips would be permitted since 46 is greater than 30; however, I have not seen the analysis for the linear feet of shoreline to determine whether that number of slips is greater than or less than 46. Please have the applicant provide that information to determine the permitted number of slips under State law.
10. All parking and other non water dependent uses associated with this community pier should be located outside the 100-foot Buffer, otherwise a variance may be necessary and this office cannot support a variance for new development activities.
11. Will the existing road that currently accesses the water be abandoned?

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

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: AA 144-01

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

MEMORANDUM

To: Judge North

From: Lisa Hoerger

Date: September 24, 2002

Subject: St. Michael's Maritime Museum Proposed Building on Navy Point

Last August Regina, Roby and I met with Town staff and representatives from the Maritime Museum including John Ford and Mark Adams. We discussed the proposed "Recreation on the Bay" building. At that meeting we were told that the building would be used as an educational exhibit.

The site is in the 100-foot Buffer in a Buffer Exemption Area. We thought, and the Town staff agreed, that the proposed building qualified as a water-dependent education facility as described in COMAR 27.01.03.08 A. This provision in COMAR permits this class of activities in the 100-foot Buffer without a variance. The Town's Code follows the Criteria and allows educational, research and marine studies in the Buffer. The Museum was still required to address a local setback issue, which has been heard and granted by the Board of Appeals.

Jim McHutchinson contacted me a few weeks ago. He was interested in the Critical Area requirements for the proposed building. I told him that a Buffer variance was not required based on the water-dependent and educational nature of the proposed building.

Ren also has talked to Mr. McHutchinson and has invited him to meet with the Project Subcommittee on Oct. 2nd to talk about the project and our interpretation of the Criteria. His group didn't appeal the variance for the Town's 15-foot setback and has missed the opportunity for it. But, the Museum also will need approval from the Historic Commission and the Port Wardens. Ren told him that there may not be anything the Commission can or will decide to do, but that he is welcome to attend the subcommittee meeting and talk about it.

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

September 24, 2002

Ms. Sherry Conway Appel
Prince George's County Department of Environmental Resources
Programs and Planning Division
9400 Peppercorn Place, Suite 610
Largo, Maryland 20785

Re: Growth Allocation Reserves

Dear Ms. Appel:

As you know Commission staff are reviewing the rezoning application for the Brusso property off the Potomac River. In the course of that review, I discovered a discrepancy between the available growth allocation figures reported by the Maryland National Capital Park and Planning Commission and our office. I have attached a copy of the page from the above-referenced rezoning application for your review.

The acreage figures for the Waterside and National Harbor properties are correct. The reported number of acres deducted for the Tepaske property is 9.8 acres; however, our records show 15.40 acres were deducted from the County's growth allocation (a difference of 5.6 acres). The table does not show the last two growth allocation deductions for the more recent National Harbor requests. Our records show 5.10 acres were deducted from LDO to IDO and 8.70 acres were deducted from RCO to IDO.

Overall, with the adjustment to the Tepaske property of an additional 5.6 acres and the two, recent National Harbor requests, the total number of remaining acres in RCO should be 103 acres, and the total number of acres remaining in LDO should be 60.90 acres. I have attached a copy of our record for your review.

Please check you records and those of MNCPPC so we can reconcile these differences. As always, I will be glad to meet with you and the staff of MNCPPC anytime to discuss this issue.

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Ms. Appel
September 23, 2002
Page Two

Thank you for your attention to this matter. Please telephone me at (410) 260-3478 if you have any questions, or would like to schedule a meeting.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

Enclosures

cc: Ms. Careen Wallace, MNCPPC
Ms. Marianne Mason, Assistant Attorney General, DNR
Mr. Ren Serey, Executive Director, CAC

following:

- (A) *Acreage. The maximum area of future additional Intense Development or Limited Development Overlay Zones shall be five percent (5%) of the total area designated as Resource Conservation Overlay Zones at the time of adoption of the initial Chesapeake Bay Critical Area Overlay Zoning Map Amendment. A maximum of fifty percent (50%) of the permissible growth increment may be used to rezone a Resource Conservation Overlay Zone to another Chesapeake Bay Critical Area Overlay Zone."*

Subparagraph Analysis:

Table 1 summarizes the current status of the approved growth allocation. When the initial Chesapeake Bay Critical Area Overlay Zones were established, a benchmark to allow for future growth was also established. In addition, an analysis of the growth allocation was prepared which assumed certain areas would experience growth based on the underlying zoning and proximity to other L-D-O and I-D-O zones. One area that was evaluated was the subject property which was assumed to be a likely choice for use of the growth allocation. The growth allocation may be used to change Resource Conservation Overlay Zone to Limited Development Overlay Zone or Intense Development Overlay Zone or to change Limited Development Overlay Zone to Intense Development Overlay Zone if other provisions of Section 27-213.13(b)(1) are met. By regulation, the total allocation of 328.4 acres was divided in half to allow 164.2 acres of change from R-C-O to L-D-O or I-D-O and 164.2 acres from L-D-O to I-D-O.

TABLE 1

CHESAPEAKE BAY CRITICAL AREA GROWTH ALLOCATION CURRENT STATUS ¹			
Change from R-C-O	(acres)	Change from L-D-O	(acres)
R-C-O Allocation	164.2	L-D-O Allocation	164.2
Waterside (SMA)	-36.9	Port America	-98.0
Tepaske (A-9849)	-9.8		
Remaining Balance	117.5	Remaining Balance	66.2

¹ Total allocation available was 328 acres.

The application requests a growth allocation of 9.9685 acres, however, growth allocation has typically been measured in tenths of an acre, resulting in a request to convert 10.0 acres to L-D-O

PRINCE GEORGE'S COUNTY

GROWTH ALLOCATION USED				
PROJECT	DATE	AMEND.	CHANGE	ACRES
Original growth allocation total (per approved '88 program)*				328.00
Waterside	8/88	PGA-1	RCA to LDA	36.90
Port America	8/88	PGA-2	LDA to IDA	98.00
Tepaske Property	9/92	PGA-10	RCA to LDA	15.40
National Harbor	12/99	PGA-14	LDA to IDA	5.10
National Harbor	12/99	PGA-14	RCA to IDA	8.70
Total used by County to date - 6/00				164.10
Prince George's County Growth Allocation Remaining				163.90
Total remaining usable in RCO				103.00
Total remaining usable in LDO				60.90

*This number does not equal 5% of RCA (less tidal wetlands and federal land) - calculation mistake? See pg. 18 of 1988 Zoning Map Amendment.

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

September 23, 2002

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: Chapman & Bittorf
Appeal # 1237

Dear Ms. Verdery:

I have received the above-referenced allegation of error for review and comment. The adjoining property owners contend that the Talbot County Permitting Officer issued a permit in error. The applicants contend that the pier length that was permitted is hazardous. This office has no comment regarding pier length as this is strictly a local zoning issue.

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: TC 567-02

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**

1804 West Street, Suite 100, Annapolis, Maryland 21401
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September 17, 2002

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

Re: Arthur Padella – MS 02-043

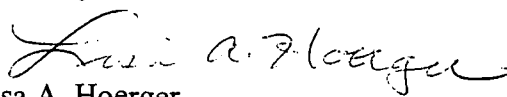
Dear Mr. Soldano:

I have received the above-referenced subdivision request to legalize a parcel created by deed. It appears the applicant is seeking to legalize the parcel in order to apply for a building permit to replace the existing dwelling. I have outlined my comments below.

1. Since this parcel is not considered properly grandfathered under the County's Critical Area Program, any proposed development activities, including the proposed rebuild, should not require a variance.
2. Since no variances should be permitted, the County should ensure that the expanded Buffer is properly reflected on the signed plat. This will provide the applicant and County reviewers with the buildable area for this parcel.
3. The total allowable impervious area (15%), including the existing impervious areas and the remaining impervious areas should be on the final plat.

Thank you for the opportunity to comment. Please telephone me if you have any questions or require additional information.

Sincerely,


Lisa A. Hoerger
Natural Resources Planner

cc: AA 556-02

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



Ren Serey
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION

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September 17, 2002

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

Re: Hardesty Property – S 02-089, P 02-191

Dear Mr. Soldano:

I have received the above-referenced request to subdivide a 12.92-acre site into three commercial sites. I have outlined my comments below.

1. The Critical Area Report suggests the existing stormwater management pond constructed by SHA for the Route 2 widening project will serve the proposed development. Has SHA been contacted regarding this proposition? This should be confirmed before final Sketch approval.
2. Our office is aware of the existing SHA stormwater management pond since it was a matter before the Critical Area Commission as a conditional approval because a portion of this pond is inside the 100-foot Buffer to tidal wetlands. Any retrofitting of this pond to accommodate the new development activities should not require expansion inside the 100-foot Buffer to tidal wetlands and the 25-foot buffer to nontidal wetlands.
3. The limits of the 100-foot Buffer on the plans appear incorrect. It seems the applicant measured from the edge of nontidal wetlands rather than the edge of tidal wetlands; therefore, most of the pond is outside the 100-foot Buffer. Please have the applicant correct the Buffer lines.
4. Since a portion of each proposed lot is inside the Intensely Developed Area (IDA), it seems the 10% Pollutant Reduction Calculations must be completed prior to final approval to determine the pollutant removal requirements, and to ensure the most appropriate Best Management Practice is selected for this site.

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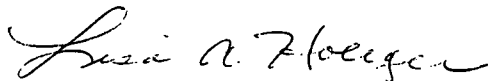
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Mr. Soldano
September 17, 2002
Page Two

5. It is unclear how the remaining area of the proposed Residue parcel could support future residential development. How would the interior of the site be accessed?
6. The applicant proposes to clear approximately 17% of the existing forest cover. Where is the proposed mitigation site? It appears there is room on-site to accommodate the required reforestation.

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 additional information.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: AA 557-02

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

September 17, 2002

Mr. Roby Hurley
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 St. Michaels – Town Park and Parking Lot

Dear Mr. Hurley:

Thank you for forwarding the consistency report for the proposed Town Park and Parking Lot along Mill Street in the Town of St. Michaels. Based on the information provided, it appears the project is consistent with the Town's Critical Area Program.

I have reviewed the 10% calculations and they appear correct. The proposed Best Management Practices also appear correct and are a preferred method for treating stormwater. As suggested in your letter any clearing must be mitigated at a 1:1 ratio outside the 100-foot Buffer and should be replanted on-site.

Thank you for coordinating these local government projects between the Town and this office. If I can provide the Town 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: Ms. Jean Weisman, Town of St. Michaels

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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September 11, 2002

Robert F. Karge, Town Clerk
Town of Easton
P.O. Box 520
Easton, Maryland 21601

Re: Resolution No. 5751

Dear Mr. Karge:

I have received the above-referenced annexation request that annexes approximately 52.291 acres of land into the Town of Easton. Based on the site plan submitted, it appears the lands that were subject to the annexation are not inside the Chesapeake Bay Critical Area; therefore, no further action is required by this office.

Thank you for the opportunity to review and comment on this annexation. If you have any questions, please feel free 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: Mr. Thomas Hamilton

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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September 10, 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: Woodrow Wilson Bridge - Aquatic Mitigation Package
Follow-up Discussion of Project Subcommittee

Dear Sirs:

A condition of the approval of the Aquatic Mitigation Package was that staff would explore with State Highway Administration (SHA) long-term conservation measures that would be applied to the Anacostia 11 site. At its meeting on September 4, 2002, the Project Subcommittee of the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays discussed with staff some language provided by SHA.

The specific document discussed was a sample of a document titled, "Declaration of Covenants and Restrictions". It is our understanding that this document is used by SHA for mitigation sites on their own lands. In general, the language in this document appears sufficient to ensure the created wetland will not be altered for future development activities.

We are awaiting some language from SHA that is used for mitigation sites on other public lands. When we receive this information, staff will present it to the Project Subcommittee for discussion. The result of our recent meeting was that SHA should record any easement, covenants or restrictions in the property deed.

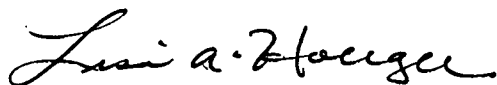
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September 10, 2002
Page Two

Thank you for your assistance. 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

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

September 9, 2002

Mr. Michael S. Baker
Environmental Construction Manager
Woodrow Wilson Bridge Center
1800 Duke Street, Suite 200
Alexandria, VA 22314

Re: Woodrow Wilson Bridge Project
Bascule Span (BR3-A) Contract (PG3455173R)

Dear Mr. Baker:

I have received the above-referenced contract to this office for review and comment. It is our understanding that this contract involves the construction of the bascule piers V1 and M1, and the construction of concrete pier ribs and deck, movable span, post-tensioning, submarine cables, and electrical and mechanical equipment. These activities fall under the approval granted to the project by the Critical Area Commission on July 5, 2000; therefore, no further action is required by this office notwithstanding any other required Federal or State approvals.

Thank you for your continued 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 E. Wynkoop, Jr., Prince George's Co.
Ms. Sherry Conway Appel, Prince George's Co.

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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September 10, 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:

Next month will mark one year since the Critical Area Commission approved the Woodland Beach Pumping Station Expansion project with the expectation that a Plantings Agreement be initiated for the required mitigation. In February I wrote a follow-up letter to inquire about the Plantings Agreement Form. Since I have not received the form to date we will schedule you on our Project Subcommittee's agenda to provide them with a status report of the search for a mitigation site. The next meeting of the Commission will be Wednesday, October 2, 2002 at the Department of Housing and Community Development in Crownsville, Maryland. We will discuss this issue at 10:30.

If you have any questions prior to the meeting or need specific directions, please do not hesitate to contact me at (410) 260-3478. Thank you for your cooperation.

Sincerely,


Lisa A. Hoerger
Natural Resources Planner

cc: Ms. Elinor Gawel

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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September 10, 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: Woodrow Wilson Bridge - Aquatic Mitigation Package
Follow-up Discussion of Project Subcommittee

Dear Sirs:

A condition of the approval of the Aquatic Mitigation Package was that staff would explore with State Highway Administration (SHA) long-term conservation measures that would be applied to the Anacostia 11 site. At its meeting on September 4, 2002, the Project Subcommittee of the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays discussed with staff some language provided by SHA.

The specific document discussed was a sample of a document titled, "Declaration of Covenants and Restrictions". It is our understanding that this document is used by SHA for mitigation sites on their own lands. In general, the language in this document appears sufficient to ensure the created wetland will not be alter for future development activities.

We are awaiting some language from SHA that is used for mitigation sites on other public lands. When we receive this information, staff will present it to the Project Subcommittee for discussion. The result of our recent meeting was that SHA should record any easement, covenants or restrictions in the property deed.

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

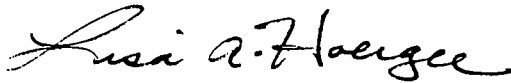
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September 10, 2002

Page Two

Thank you for your assistance. 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

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

September 9, 2002

Robert F. Karge, Town Clerk
Town of Easton
P.O. Box 520
Easton, Maryland 21601

Re: Resolution No. 5765

Dear Mr. Karge:

I have received the above-referenced annexation request that annexes approximately 23.08 acres of land into the Town of Easton. Based on the site plan submitted, it appears the lands that were subject to the annexation are not inside the Chesapeake Bay Critical Area; therefore, no further action is required by this office.

Thank you for the opportunity to review and comment on this annexation. If you have any questions, please feel free 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: Mr. Thomas Hamilton

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Executive Director

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September 9, 2002

Mr. Michael S. Baker
Environmental Construction Manager
Woodrow Wilson Bridge Center
1800 Duke Street, Suite 200
Alexandria, VA 22314

Re: Woodrow Wilson Bridge Project
Bascule Span (BR3-A) Contract (PG3455173R)

Dear Mr. Baker:

I have received the above-referenced contract to this office for review and comment. It is our understanding that this contract involves the construction of the bascule piers V1 and M1, and the construction of concrete pier ribs and deck, movable span, post-tensioning, submarine cables, and electrical and mechanical equipment. These activities fall under the approval granted to the project by the Critical Area Commission on July 5, 2000; therefore, no further action is required by this office notwithstanding any other required Federal or State approvals.

Thank you for your continued cooperation. If you have any questions, please contact me at (410) 260-3478.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: Mr. Samuel E. Wynkoop, Jr., Prince George's Co.
Ms. Sherry Conway Appel, Prince George's Co.

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September 6, 2002

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

Re: Phelps Property Revised Sketch
S 98-073, P 98-165-1

Dear Ms. Allen;

Thank you for forwarding the revisions to site plan for the above-referenced subdivision request. I also received the written response from DFI, Inc. and Ben Dyer and Associates. I have outlined my comments below.

1. The latest plans dated August 1, 2002 indicate the total Critical Area acreage to be 17.02 acres; therefore, the total allowable impervious area over the portion of this subdivision inside the Critical Area is , and the maximum clearing allowed is .
2. The written response from DFI indicated a table was added to the plans which provide the impervious surface information. I was unable to locate that table. This table should list each lot inside the Critical Area, roads and open space along with the proposed impervious area for each lot and the additional impervious area permitted for future use.
3. Has the rare plant survey been performed and submitted to the Department of Natural Resources, Heritage and Biodiversity Division? This should happen as soon as possible to allow DNR to evaluate any impacts that may result to these species as a result of the proposed development activities.
4. We note that the 25-foot buffer to nontidal wetlands will be impacted for the construction of Dixon Drive. It appears those impacts were minimized compared to earlier plans. Will this road be private or public? If it will be considered a public road, it may not require a local variance, provided impacts are minimized and the applicant has received any required permits from MDE for this disturbance.

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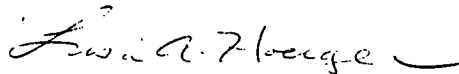
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Ms. Allen
September 6, 2002
Page Two

Thank you for continuing to provide this office with the latest plans and comments. If you have any questions regarding the comments above, please do not hesitate to contact me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: The Honorable Philip C. Jimeno
The Honorable Joan Cadden
Mr. Frederick W. Hager, Citizen
Ms. Harriet Cavey, Citizen
Ms. Katherine McCarthy, DNR
Ms. Judy Cole, MDE
AA 394-98

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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September 6, 2002

Ms. Tracey Greene Gordy, Regional Planner/Circuit Rider
Maryland Department of Planning
Lower Eastern Shore Regional Office
Salisbury Multi-Service Center
201 Baptist Street, Suite 24
Salisbury, Maryland 21801-4974

Re: Town of Vienna Waterfront Park
Phase III – Floating Docks

Dear Ms. Gordy:

Thank you for providing this office with the details of Phase III for the Town of Vienna's Waterfront Park project. According to your letter, it is my understanding that Phase III will involve the construction of two floating piers, with four mooring piers for each and 24 piles to protect the existing bulkhead. The Code of Maryland Regulations (COMAR) at 27.01.03 allow for new water-dependent facilities, like public piers, in Intensely Developed Areas (IDA). The Critical Area Criteria at COMAR 27.01.02.03 also promote public access in IDAs such as public recreational facilities.

Below I have outlined the criteria found in COMAR 27.01.03.03A(1-5) that local jurisdictions shall follow when addressing water-dependent facilities:

1. That they are water-dependent;
2. That the project meets a recognized private right or public need;
3. That adverse effects on water quality and fish, plant, and wildlife habitat are minimized;
4. That, insofar as possible, nonwater-dependent structures or operations associated with water-dependent projects or activities are located outside the Buffer; and
5. That the facilities are consistent with an approved local plan.

Based on the information provided, it is clear that Phase III meets the criteria above; however, the Town should ensure that #3 is met with regard to submerged aquatic vegetation or shellfish beds that may be at or near the site of the proposed piers.

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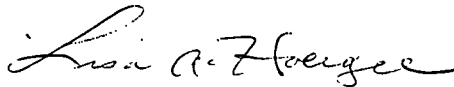
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Ms. Gordy
September 6, 2002
Page Two

The activities of Phase III, because they are waterward of mean high water, will not require inclusion in any required 10% calculations for this site. Only those activities above mean high water need to be included in the 10% calculations. We are aware that the Town intends to implement a Buffer Management Plan for this site and will install all required plantings after all construction activities are completed.

Thank you for continuing to update this office on the progress of the Town's Waterfront Park Project. It appears the activities associated with Phase III are consistent with the Town's Critical Area Program. We look forward to assisting you and the Town with the Buffer Management Plan and the planting process once all construction is complete.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

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Chairman



Ren Serey
Executive Director

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September 6, 2002

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: Martha Frazier
Appeal # 1232

Dear Ms. Verdery:

I have received the above-referenced allegation of error for review and comment. The applicant appealed a decision of the Talbot County Office of Planning and Zoning regarding an existing fence that encroaches into the 100-foot Buffer and sideyard setback.

This issue is not ripe for comment by this office since it appears to be a dispute between the County and the applicant. In any case, please do inform us of the Board of Appeals decision.

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: TC 510-02

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August 29, 2002

Mr. Charles J. Montrie, Jr.
Maryland National Capital Park and Planning Commission
6600 Kenilworth Road
Riverdale, MD 20737

Re: Northwest Branch Fish Passage Project – NOW
Woodrow Wilson Bridge Mitigation

Dear Mr. Montrie:

Thank you for forwarding the above-referenced project to this office for review and comment. It is our understanding that this fish passage project is proposed to accomplish mitigation for the Woodrow Wilson Bridge contractor who violated the dredging permit. Your agency is merely providing access to the site and will benefit from restoring several miles of historic migratory fish habitat.

Since the project is considered a habitat restoration project it does not require formal approval by the Critical Area Commission. However, staff review is necessary to ensure that the project is otherwise consistent with the Critical Area requirements.

Our Science Advisor, Ms. Claudia Jones, and I accompanied Mr. Chuck Weinkam of Coastal Resources to the site this past Tuesday. We understand this site already has a fish passage device; however, it only functions approximately 50% of the time. The project goal is to reconfigure the existing passage to have more successful passage by spawning fish.

The area of the 100-foot Buffer is currently mowed grass and access to the site will not require any clearing or grading. It is our understanding this area will be restored to its current conditions. Outside the Buffer there is an existing, paved roadway that can be easily accessed by nearby Route 1 so no clearing or disturbance will be required outside the 100-foot Buffer. Given the existing and proposed conditions, no Planting Agreement is necessary and the project may proceed notwithstanding permits necessary from other State or local agencies.

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Mr. Montrie
August 29, 2002
Page Two

If you have any questions, or if I can provide you with additional information, please do not hesitate to contact me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

Cc: Ms. Michele Floam, RK&K
Mr. Conor Shea, Parsons Brinkerhoff
Ms. Sherry Conway Appel, Prince George's County
Mr. Richard Thompson, Prince George's County

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Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
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August 29, 2002

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

Re: June Langan, Pat & Linda Kildea
Appeal # 1231

Dear Ms. Verdery:

Thank you for forwarding the above-referenced variance request to this office for review and comment. The applicants request a variance to the 15% impervious surface limitation. Before commenting on the immediate variance request, I would like to remind the County that in 1996, the General Assembly amended the impervious surface limitations for grandfathered lots in the Critical Area. The amended legislation allows lots that are between 21,781 square feet to 36,300 square feet a total allowable impervious surface area of 5,445 square feet.

In this case it appears the existing impervious surface area is 6,258 square feet, so this lot already exceeds 5,445 square feet. This office has advised other local jurisdictions that they may forgo the variance process if the applicant will have no net increase in impervious area. It appears the increase for this project would be a mere 11 square feet, and there may be an opportunity on site to remove some additional impervious area so there will be no net gain in impervious surface. For example, the site plan provided shows a 10.3 x 6.2 square foot concrete pad.

If the applicant cannot find some existing impervious area on site that could be removed to avoid an overall increase in impervious area, this office will not oppose the variance. The proposal is to rebuild on an existing footprint, and will be no further waterward than the existing dwelling.

Thank you for the opportunity to comment. Please submit this letter as part of the record for variance. Please notify the Commission of the decision made in this case. If I can provide you with additional assistance, please do not hesitate to contact me at (410) 260-3478.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: TC 514-02

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August 29, 2002

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

Re: Elks Landing
S 02-077, P 02-162

Dear Mr. Soldano:

Thank you for forwarding the above-referenced subdivision request to this office for review and comment. The applicant proposes to create 50 lots and construct 43 single-family dwellings in the Critical Area. I have reviewed the site plan provided, dated July 2002, and have the following comments.

1. I checked the Critical Area map and it appears that a portion of parcel 96 may contain a Resource Conservation Area (RCA) overlay in its southwest corner. In fact, the site plan provided shows soil symbols in this area that indicate the Elkton soil series and tidal marsh. Anne Arundel County typically mapped all wetlands as RCA, so it would seem logical that this area may be an RCA. Please have the applicant confirm the whether this is accurate.
2. If this area is an RCA then the stormwater management pond cannot be located in the RCA if it will serve development activities outside the RCA.
3. Where does the applicant propose reforestation for the clearing? We recommend it occur on site.
4. The total required reforestation for clearing in the Critical Area should be on the plat at a 1.5:1 ratio based on the proposed clearing.

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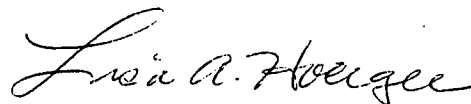
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Mr. Soldano
August 29, 2002
Page Two

5. The proposed impervious surface total for the subdivision is 14.9%. We know from prior experiences that this is unrealistic since future lot owners will likely want to add additional impervious areas to their lots; therefore, this figure should be adjusted to provide reasonable allotments for each lot for future expansions of impervious areas.
6. We recommend a table be added to the plat and recorded in the deeds indicating the allowable impervious areas on each lot.

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

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: AA 479-02

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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August 28, 2002

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

Re: Buono/Luce and Citrano Huffard Growth Allocation Request

Dear Ms. Gawel:

I have received the above-referenced growth allocation request, for which you asked I provide you with preliminary comments. The applicants request 12.98 acres of Resource Conservation Area (RCA) be converted to Limited Development Area (LDA). I have questions and comments which I have outlined below.

General Questions/ Comments

1. The application mentions three legal parcels? I assume that each parcel on either side of Eagle Hill Road are two of the legal parcels. Where is the third parcel?
2. The application mentions that approximately four acres will be administratively transferred to adjoining, developed parcels. I was able to located one .74 acre area and another 1.25-acre area proposed for transfer. Where is the remaining two acres proposed for transfer?
3. The letter that was attached to the application from Ms. Judy Cole, dated July 15, 1999, indicates two structures exist on the Magothy River parcel. I was unable to locate either structure. Please have the applicant provide this information so I can understand the nature of Ms. Cole's comment letter.
4. The applicant asserts that Ms. Cole's July 15, 1999 letter provides a tentative agreement from MDE to fill in a portion of the existing wetlands. It is not clear from her letter that MDE would support filling of the existing wetlands if other alternatives exist. Once we receive more information on the existing configuration of development activities on this parcel we will have a better understanding of the statements in Ms. Cole's letter.

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Ms. Gawel
August 28, 2002
Page Two

5. It appears the applicant is counting the five-acre area of the tidal pond. Normally, open water areas are considered State wetlands and cannot be counted for development purposes or for credit when instituting an easement.

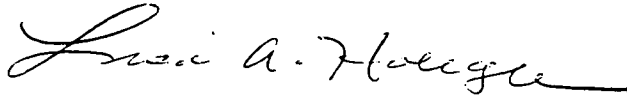
Issues Affecting Growth Allocation

1. Please confirm the location of the 12.98-acre area proposed for growth allocation from RCA to LDA. I assume is it the area between Eagle Hill Road and the 300-foot setback from Blackhole Creek.
2. The subdivision history of the parcels involved in the growth allocation application must be provided to ensure the protection of the existing RCA features and to ensure the remaining RCA acreage has the required RCA density.
3. The County's standards for granting a growth allocation request include public benefits. It is my understanding the waterfront access will only serve those residents of the Eagle Hill Community. Is this considered a public benefit or would public mean the general public?
4. Since there will likely be community access to the Magothy River, are individual piers still proposed for the lots on Blackhole Creek? It would be more preferable to avoid the disturbance that six additional piers would contribute to Blackhole Creek, and have those new lots access the water via the community beach area with a community pier.
5. The site plan shows a 300-foot setback with lot lines running to the water. I assume the applicant included a 300-foot setback to avoid full parcel deduction; however, the Commission has interpreted its policy to prohibit lot lines extending to the water's edge when a 300-foot Buffer is provided and will not be deducted from jurisdiction's growth allocation. I have attached the Commission's Policy on Growth Allocation. Please note the section describing development envelopes. The first sentence states, "The development envelope shall include individually owned lots, ...". If the applicant does not intend on deducting the 300-foot setback area, then the lot lines may not extend to the water.
6. The letter from the Department of Natural Resources indicates the potential for habitat of three plant species. A survey should be performed for these species prior to the approval of growth allocation to ensure the proposed configuration of the subdivision and the development envelope will not impact these species.

Ms. Gawel
August 28, 2002
Page Three

Thank you for forwarding this request for preliminary review. If you have any questions, or would like to discuss these comments, 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: Marianne Mason, OAG
Ren Serey, Executive Director, CAC
Mary Owens, Chief Program Implementation, CAC



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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August 27, 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 revision for the above-referenced request. Based on our telephone conversation yesterday, it is my understanding the applicant has addressed some of the comments in my previous letter dated March 19, 2002. I have outlined additional comments below.

1. The National Wetlands Inventory maps show more extensive nontidal wetlands than the site plan does in this area between the two nontidal ponds on proposed lots 10 and 11. We recommend the County require a Jurisdictional Determination prior to subdivision approval.
2. It is my understanding the applicant has agreed to remove the existing driveway in the 100-foot Buffer and that there will be a note added to the plat regarding its removal.
3. I have received a copy of the April 2, 2002 letter from the Department of Natural Resources (DNR) Heritage and Biodiversity Division concerning the bald eagle nest. A note should be added to the plat and the deed for lot 10 that describes the tree, its location, and that the tree cannot be cut.
4. In regard to the great blue heron colony, the applicant has already applied the three zones to the site plan and placed information in the legend that describes the zones. This information should also include the restrictions for each respective zone as outlined in the letter from DNR, including the time of year restrictions for the development of lots 1-4 and the accompanying road.

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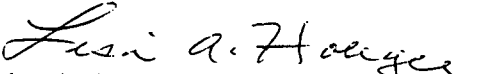
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Ms. Verdery
August 27, 2002
Page Two

5. The impervious surface information outlined on sheet 2 of 2 is not entirely correct. Please ensure the applicant corrects the figures for lots 2 and 10. My calculations indicated that the allowable impervious area for lot 2 is 8,216 square feet and for lot 10 is 191,183 square feet.
6. The area of the roads that access the site and the new lots must be included in the overall impervious surface calculation for the entire subdivision. The overall subdivision, including roads, cannot exceed 15%.
7. The Wetlands Classification Table indicates that classification type 48 is private wetlands. Type 48 should be considered State wetlands, which changes the area taken out for State-owned wetlands to 6.282 acres. This change will not affect the allowable density of eleven lots.
8. Will the driveway that exists on proposed lot 11 remain in the area that is now proposed for Reservation of Development Rights and as a Natural Conservation Area?
9. What is the purpose of the Natural Conservation Area?

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

Sincerely,


Lisa A. Hoerger
Natural Resources Planner

cc: TC 24-02

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

August 26, 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:

I have received the revisions for the above-referenced subdivision. It appears the applicant has clarified some issues that were outlined in my last letter to you dated June 11, 2002. I have some additional comments below.

1. Since the applicant has provided the acreage information for State versus privately owned wetlands, we can calculate the allowable density in the RCA which appears correct. I have noted those areas on the plan which show the development envelopes and it appears that lots 5, 6, 7, 8, 9, 10, 11, 13 and 14 will have density in the Critical Area. This is nine lots which is the maximum density allowed. The other lots that are partially in the RCA, lots 1, 2 and 12, all show their development envelopes outside the Critical Area; therefore, 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. The area of State wetlands that may be forested cannot be included as part of the existing forest cover for the subdivision. Only those forested areas outside of State wetlands can be counted towards existing forest cover. The current figures on the plan indicate that afforestation is required. Please have the applicant recheck these figures prior to final recordation.
3. The areas of State wetlands must be deducted from the acreage figure used to calculate allowable impervious area on each lot. Please have the applicant correct the acreage figures to reflect the area of privately owned land in order to correct the allowable impervious acreage figures. It appears State wetlands occur on proposed lots 6, 7, 8, 9, 10 and 11.

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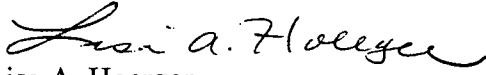
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Ms. Verdery
Page Two
August 26, 2002

4. All proposed development activities on newly created lots should not require the need for variances. Proposed lots 10 and 11 must be able to accommodate new development activities without the need for Buffer variances.
5. Is the pond that is part of Open Space Area "A" a tidal or nontidal pond? It appears a road, that I assume is on fill, separates the open water pond area from an adjacent wetland. Please have the applicant verify the status of this pond, since the required buffer may change.
6. The Critical Area portions of proposed lots 1 and 2 will be set aside in a Reservation of Development Rights Agreement. The conditions of these agreements should be recorded in the deeds.
7. A note should be added to the plat and the deed concerning the portion of proposed lot 12 that is in the Critical Area. The Critical Area portion cannot support new development activities. These activities include dwellings and their associated facilities (i.e. driveways, septic areas, accessory structures).
8. The Environmental Note concerning expansion of the 100-foot Buffer should state, "...slopes 15% or greater" rather than "slopes greater than 15%".
9. The note concerning the review of the reestablishment of the 100-foot Buffer should be changed to say "reviewed and approved by the County Planning and Zoning staff and/or the Critical Area Commission Staff".
10. The note regarding the cutting and clearing of trees should exclude the phrase "greater than 4' caliper".

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: TC 516-01



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

August 26, 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 revised plan for the above-referenced subdivision request. The applicant has addressed my comments from my previous letter dated June 11, 2002. I have outlined additional comments below based on the resubmitted plan.

1. The area of the roadway that will be paved must be included in the overall impervious area calculations for the subdivision inside the Critical Area. This information should be included on the plat.
2. The Environmental Note concerning expansion of the 100-foot Buffer should state, "...slopes 15% or greater" rather than "slopes greater than 15%".
3. The note concerning the review of the reestablishment of the 100-foot Buffer should be changed to say "reviewed and approved by the County Planning and Zoning staff and/or the Critical Area Commission Staff".
4. The note regarding the cutting and clearing of trees should exclude the phrase "greater than 4' caliper".
5. What is the purpose of the Reservation of Development Rights Area that is inside the Critical Area on a portion of proposed lot 11? Is it to satisfy the underlying zoning requirements for the creation of the lots in the Critical Area?

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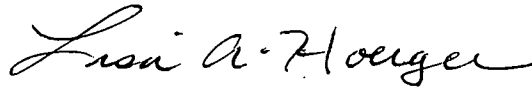
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Ms. Verdery
August 26, 2002
Page Two

6. It appears the 100-foot Buffer may require expansion due to slopes that are 15% or greater. Please have the applicant check the slopes on the waterfront lots and adjust the Buffer where necessary.
7. The new lots should not require the need for variances and should be reconfigured prior to final recordation to avoid variances.

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: TC 511-01

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

August 23, 2002

Mary Kay Verdery
Talbot County Office of Planning & Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601-3178

Re: William Newnam & Bobbie Newnam
S-953

Dear Ms. Verdery:

Thank you for forwarding the above-referenced subdivision request. The applicants propose to subdivide an existing parcel via the County's intrafamily transfer provisions. I have outlined our comments below.

1. The acreage figure for the area in the RCA versus the area in the LDA needs to be provided on the plan assuming a portion of the parcel in the Critical Area is designated RCA.
2. The RCA figure should exclude those areas that are State-owned wetlands. Typically the applicant will provide information on the plat regarding the vegetation type in the wetland. Vegetation type can be used as an indicator of whether the wetlands are State or privately owned.
3. In order to qualify for an intrafamily transfer a requisite number of acreage is required. For parcels that have seven or more acres and less than 12 acres, two lots are permitted. For parcels that have more than 12 acres and less than 60 acres, three lots are permitted.
4. The other requirement for an intrafamily transfer is that the transfer is to a member of the owner's immediate family. This information should be included on the plat and a deed reference.
5. The plat should indicate this subdivision is an intrafamily transfer subdivision.

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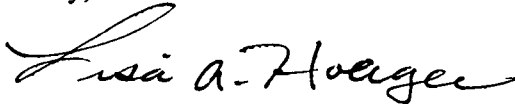
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Ms. Verdery
August 23, 2002
Page Two

6. If the wetlands on the site are tidal then a 100-foot Buffer is required.
7. A note should be added to the plat to indicate the area inside the 100-foot Buffer to the stream is permanently protected by easement from future development activities.
8. All new development activities proposed for Lot 1 should not require a variance to the County's Critical Area program.

Thank you again for your assistance and effort in reviewing the revised plans for this project. Please telephone me if you have any questions.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: TC 505-02

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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August 23, 2002

Ms. Mary Kay Verdery
Talbot County Office of Planning & Zoning
11 N. Washington Street
Easton, Maryland 21601-3178

Re: Christopher Havener - L 894

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 on the proposed lot line revision provided the density in the RC is not changed.

If you have any questions or if I can provide you with 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: TC 504-02

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Ren Serey
Executive Director

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August 23, 2002

Mary Kay Verdery
Talbot County Office of Planning & Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601-3178

Re: John Louis
L 868

Dear Ms. Verdery:

Thank you for forwarding the site plan for the above-referenced lot line revision. The applicant proposes to create two lots that are in the Resource Conservation Area of the Critical Area. I have outlined my comments below.

1. In addition to the plat note there should be a deed reference to the density limitations of the resulting lots.
2. A plat note and deed reference should include a statement that the area set aside for reservation of development rights for proposed lot 1 is permanently protected from future development activities.
3. The labeling of the impervious surface information on the plat should be corrected. The third column should be titled "Total Allowable Impervious Areas."
4. Under the column titled "Remaining Allowable Impervious Areas" the figure for lot 1 should read 9,622 square feet and the figure for lot 2 should read 254,984 square feet.

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 507-02

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Chairman



Ren Serey
Executive Director

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August 23, 2002

Mary Kay Verdery
Talbot County Office of Planning & Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601-3178

Re: Bettie S. Kenzie
M 1028

Dear Ms. Verdery:

Thank you for forwarding the above-referenced subdivision request. The applicant proposes to subdivide an existing parcel into four lots with two areas of remaining lands on either end of the subdivided lots. I have outlined our comments below.

1. This parcel is partially inside the Critical Area and has a Resource Conservation Area (RCA) designation. It appears the applicant is minimizing disturbance to this area by showing shared driveways.
2. We recommend that the lot lines not extend through the RCA to avoid future development activities in the RCA.
3. There should be a plat note and deed reference that no development activities are permitted within the Critical Area, RCA portion of the lots. Development activities would include accessory structures and septic reserve areas.

Please telephone me at (410) 260-3478 if you have any questions, or if I can provide you with additional assistance.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: TC 503-02

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Judge John C. North, II
Chairman



Ren Serey
Executive Director

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August 23, 2002

Ms. Mary Kay Verdery
Talbot County Office of Planning & Zoning
11 N. Washington Street
Easton, Maryland 21601-3178

Re: Danny Gowe - L 895

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 on the proposed lot line revision provided the density in the RC is not changed. In this case it appears there is one, grandfathered development right for the larger parcel that is in the RC provided this lot existed as of the County's grandfathering date of August 13, 1989.

If you have any questions or if I can provide you with 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: TC 506-02

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**STATE OF MARYLAND
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August 20, 2002

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
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Easton, Maryland 21601-3178

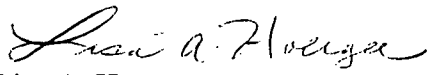
Re: William & Rose Marie Bowles
Appeal # 1233

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 deck on the waterside of their existing residence. This office does not oppose the requested Buffer variance provided mitigation in the form of native Buffer plantings is performed at a 3:1 ratio for all new disturbance to the 100-foot Buffer.

Thank you for the opportunity to comment. Please submit this letter as part of the record for variance. Please notify the Commission of the decision made in this case. If I can provide you with additional assistance, please do not hesitate to contact me at (410) 260-3478.

Sincerely,


Lisa A. Hoerger
Natural Resources Planner

cc: TC 493-02

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Chairman

Ren Serey
Executive Director

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August 20, 2002

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

Re: South River Manor Resubdivision – Lots 1-48
S 79-173, P 02-115

Dear Ms. Allen:

Thank you for providing us with the site plan for the above-referenced subdivision request. I have outlined my preliminary comments below.

1. The site plan is dated June 2002 while the Environmental Report is dated April 1997. The project description in the report does not describe the proposed subdivision lines shown on the site plan. Please clarify.
2. Assuming the site plan provided is the current request, please explain how the County will allow three dwellings to remain on one lot.
3. How will the dwelling on proposed lot 3 be accessed? Will it require crossing the nontidal wetland?
4. Please clarify the purpose of the three areas that will be deeded to the Cornells and Richard W. Beatty. Will these areas become part of the adjoining parcel or part of proposed lot 3?
5. Information on required reforestation or afforestation was not provided but should be shown on the site plan.

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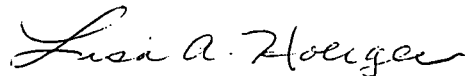
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Mr. Soldano
August 20, 2002
Page Two

6. The resulting lots are limited to 15% impervious area.

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

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: AA 329-02

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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August 20, 2002

Ms. Barbara Grey
Department of Natural Resources
580 Taylor Avenue
Annapolis, Maryland 21401

Re: Severn Run NEA, Razing Chichester Residence (2002-DNR-193)

Dear Ms. Grey:

Thank you for forwarding the above-referenced development activity to this office for review and comment. The Department proposes to raze an existing dwelling. I have reviewed the location map that you included with your request and it appears the site is not in the Chesapeake Bay Critical Area. I have attached a map generated by MERLIN that shows the 1000 foot boundary near Dicus Mill Road.

In any case, this activity is not inconsistent with the Critical Area Program and provided no further disturbance of this site occurs, this office has no further comment.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

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Chairman



Ren Serey
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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August 19, 2002

Ms. Diane Evans
Education Bay Policy and Growth Management
Department of Natural Resources
580 Taylor Avenue
Annapolis, Maryland 21401

Re: Anne Arundel County Council Bill No. 31-02 - Amendment to 1999 Water and Sewer Plan

Dear Ms. Evans:

Thank you for forwarding the above-referenced County Council amendment to the Water and Sewer Plan to this office for review and comment. I have reviewed the amendment and attached maps and it appears that only a portion of the area in Exhibit 2 is within the Chesapeake Bay Critical Area. I have outlined my comments below.

1. The area inside the Critical Area is at the headwaters of the Severn River and it extends across Interstate 97. The Critical Area designation for the majority of this area is Resource Conservation Area (RCA).
2. The RCA has a density limitation of one dwelling unit per twenty acres; therefore, I assume the sewer service extension is to correct existing failing systems.
3. Any development on non-grandfathered properties that would be above the one dwelling unit per twenty-acre density would require growth allocation which is subject to County Council and Critical Area Commission approval.
4. The location of the proposed sewer lines and any associated facilities should be located outside of any Habitat Protection Areas (HPAs). HPAs include the 100-foot Buffer to tidal waters, tidal wetlands and tributary streams, threatened and endangered species, plant and wildlife habitats and anadromous fish propagation waters.

If you need additional information, 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

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Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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August 14, 2002

Mr. Robert L. Walker
Land Use and Environment Officer
Land Use and Environment Office
2664 Riva Road, 2nd Floor
Annapolis, Maryland 21401-7374

Dear Mr. Walker:

The Program Subcommittee and I wish to extend our thanks to you and your staff for attending our August 7th meeting. As was true regarding our previous meeting, the discussion was highly productive and we look forward to continuing to work with Anne Arundel County on these important issues.

It was clear from the letter we received from County Executive Janet Owens that the County has been working diligently on organizational and procedural changes within the various County departments. These changes should go a long way toward assuring the best possible protection for water quality and habitat within Anne Arundel County's Critical Area.

I understand that Mr. Denis Canavan has sent Commission staff a letter that addresses the issues we identified previously for inclusion in the comprehensive review. Commission staff will respond separately to Mr. Canavan's letter. At the conclusion of last week's meeting we agreed to outline the issues for which we would like further clarification, and I have listed these below. However, it appears from our discussions that certain of these issues may need to be resolved during the upcoming comprehensive review process.

1. Explanation of the methodology used to determine steep slopes;
2. Explanation of the methodology used to expand the minimum 100-foot Buffer when steep slopes are present;
3. Interpretation of the County's Buffer Exemption Area Program regarding the definition of principal structures;
4. Clarification of review responsibilities between the Town of Highland Beach and the County;

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Mr. Robert L. Walker
August 14, 2002
Page 2

5. Definition of domestic quarters as they relate to dwelling units in the Resource Conservation Area.

With regard to the specific cases we discussed, which I listed in my letter to you dated June 19, 2002, I have outlined below our remaining questions.

McCleary pool: 37 Boone Trail, Severna Park. The remaining issue concerns the methodology the County used in calculating the percent of slope, the need for Buffer expansion, and how the County is interpreting its Buffer Exemption Area program regarding Buffer expansion.

Butler property: 1207 Bay Highlands Avenue, Highland Beach. My colleague, Ms. Judith Evans, pointed out at our meeting that Highland Beach only reviews applications for adherence to Highland Beach zoning requirements. It seems there is some confusion as to the County's role regarding review of development applications for lots in Highland Beach. Our understanding is that the County is responsible for reviewing development applications in Highland Beach for consistency with the County's Critical Area requirements.

The lot in question is completely within the 100-foot Buffer. While the lot is Buffer Exempt, it appears a variance should have been required for the accessory structure since it is waterward of the principal dwelling. It would help if you could clarify the respective review roles of Highland Beach and the County in the interpretation of the BEA program on this property.

Palm property: 1236 Harbor Glen Court, Arnold. We understand that the County is still investigating the development of this property and look forward to hearing the results of the investigation.

Peterson property: 995 Melvin Road. Thank you for providing the site plan for this property. In your response you state that the grading created a situation whereby the approved pool may not meet the setback. Indeed, it appears from staff review that the pool is within the expanded Buffer. Please keep staff informed of any changes to the plan (e.g., removal of the pool) as well as the restoration plans for the Buffer.

Fisher property: 938 Old County Road, Severna Park. The first issue we need clarification on is whether the development activities on this property required a variance due to the possibility of an expanded Buffer. Secondly, we asked at the meeting for a copy of the Buffer Management Plan since the shore erosion protection measures likely required clearing in the 100-foot Buffer. Lastly, your response letter indicated that an accessory structure/domestic quarters was approved for this site.

Mr. Robert L. Walker
August 14, 2002
Page 3

However, since the site is in a Resource Conservation Area, the density is limited to one dwelling unit per twenty acres. If these structures meet the BOCA Code definition of a dwelling, they count toward the density on a lot or parcel. Therefore, if structures meeting the BOCA Code definition on an RCA parcel exceed the one-dwelling-unit-per-twenty-acre limit, growth allocation is required.


Boggs property: 3355 Harness Creek Road. We understand that this site is under investigation by the Law Office. Please continue to update staff on this property as new information becomes available.

Segal property: 3230 Harness Creek Road. We understand that development on this site is not fully consistent with the plan approved by the Administrative Hearing Officer and the County is pursuing enforcement through the Law Office. Please keep staff informed of any actions taken by the County to rectify this situation. As we discussed, this situation will be avoided in the future if the Administrative Hearing Officer stamps the approved plan and specifies that the inspectors use only that plan. It is also our understanding that any variations to the official stamped plans, either before or during construction, will result in the issuance of a stop work order.

Woods Landing II/Water's Edge: The County staff has collected information on the various properties in this subdivision that have exceeded the allowable limits of impervious surface. Commission staff met with the County staff to discuss various options to deal with this issue and it is the Commission's understanding that County staff are currently contemplating the growth allocation option. In the interim, the issue of permitting a new subdivision to have the maximum allowable impervious surface before completion will be included in the comprehensive review.

Thank you again for meeting with the Subcommittee and providing the information that we requested. If you have questions or need additional information, please contact Mr. Ren Serey, the Commission's Executive Director, at (410) 260-3462.

Sincerely,


James C. Foor, DVM
Chairman, Program Implementation Subcommittee

Enclosures

cc: Honorable Janet S. Owens, County Executive
Judge John C. North, II, Chairman, Critical Area Commission
Ms. Betty Dixon, Land Use and Environment Coordinator
Mr. Ren Serey, Executive Director, Critical Area Commission



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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

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

August 12, 2002

Mr. Gene Piotrowski
Acting Director of Public Lands
Department of Natural Resources
580 Taylor Avenue
Annapolis, Maryland 21401

Re: Discovery Village
Preliminary Site Review

Dear Mr. Piotrowski:

Thank you for meeting Regina Esslinger and myself on site to discuss the preliminary development scenario for the Discovery Village site in Shadyside. We understand a private entity owns the land and intends to redevelop this site into a research center, a sanctuary for Terrapins, and other uses that will be open to the general public. Since the site is in the Critical Area, it is subject to Anne Arundel County's Critical Area program requirements. I will provide you with a brief overview of those requirements below.

The Critical Area designation for this parcel is Intensely Developed Area (IDA), with the exception of the small cove area where the wetland creation project is planned. That area is designated as a Resource Conservation Area (RCA). I have attached a map for your convenience. In IDAs there are no restrictions on impervious surface areas or clearing; however, the applicant is required to meet the 10% Pollutant Reduction Rule for all activities that will disturb greater than 250 square feet. It is my understanding that a wetland creation project will occur on the RCA portion of the site and this use is compatible with the RCA.

The majority of this site, with the exception of the cove, is designated as a Buffer Exemption Area (BEA). The County's current BEA language in their zoning ordinance is better suited for residential sites. At the present time, there are no specific provisions in the County's Zoning Ordinance for redevelopment of commercial sites in the BEA. Absent clear language in the County's Ordinance, the County can choose to follow the

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Mr. Pietrowski
August 13, 2002
Page 2

Commission's BEA policy, or it can development it's own language that would be subject to the approval of the County Council and the Critical Area Commission. I have attached a copy of the Commission's BEA Policy for your information.

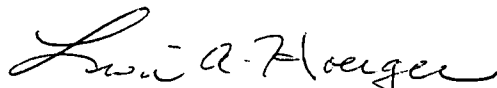
According to the Commission's BEA Policy, if the site currently has impervious surface that is greater than 15%, then the project would be considered a redevelopment activity. Redevelopment of BEAs requires a minimum 25-foot setback. Existing structures within this setback can remain, however the 25-foot setback should be maximized and this area should be densely planted with native vegetation. In addition, natural forest vegetation of an area twice the extent of the footprint of the development activity with the 100-foot Buffer shall be planted on site or in another location on site. If additional plantings are not possible offsets or a fee-in-lieu can be paid to the local jurisdiction.

We understand the site is being evaluated regarding appropriate shore erosion control measures, and that there will likely be a water-dependent facility (boat ramp, research activities, piers) at this site. All related activities such as parking should be located outside the 100-foot Buffer to the extent possible.

We recommend that DNR closely coordinate the redevelopment of this site with the County's Office of Planning and Zoning. By copy of this letter, I will notify the County of the intention of the property owner to redevelop this site. The initial point of contact with the County should be with Ms. Elinor Gawel. She can be reached at (410) 222-7441.

Thank you again for accompanying Regina and me on the site visit. If I can provide you with additional information, please do not hesitate to contact me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

Enclosures

cc: Ms. Elinor Gawel, Anne Arundel County
Mr. Mr. Andy Hanas, DNR
Ms. Regina Esslinger, CAC

**BUFFER EXEMPTION AREA (BEA) POLICY
FOR COMMERCIAL, INDUSTRIAL, INSTITUTIONAL, RECREATIONAL
AND MULTI-FAMILY RESIDENTIAL DEVELOPMENT**

**Final
April 5, 2000**

I PURPOSE

The purpose of this policy is to guide local jurisdictions in effectively implementing Buffer Exemption Area provisions for commercial, industrial, institutional, recreational and multi-family residential development that achieve the water quality and habitat protection objectives of the policies for the Buffer set forth in Section 27.01.09.01.B of the Critical Area Criteria.

II BACKGROUND

Section 27.01.09.01.C(8) of the Critical Area Criteria permits local jurisdictions to request an exemption of certain portions of the Critical Area from the Buffer requirements where it can be sufficiently demonstrated that the existing pattern of residential, industrial, commercial, and recreational development in the Critical Area prevent the Buffer from fulfilling the functions set forth in the Criteria.

III IMPLEMENTATION

A. General Policy

1. The following provisions are intended to accommodate limited use of shoreline areas in certain situations while protecting water quality and wildlife habitat to the greatest extent possible.
2. Alternative provisions regulating development and redevelopment in Buffer Exemption Areas may be adopted by local governments if the provisions are approved by the Critical Area Commission as an amendment to the jurisdiction's Critical Area Program.

B. Applicability

1. This policy applies to new commercial, industrial, institutional, recreational, and multi-family residential development or redevelopment within 100 feet of tidal waters, tidal wetlands, and tributary streams.

2. The portions of the Critical Area to be considered Buffer Exemptions Areas are those "where it can be sufficiently demonstrated that the existing pattern of residential, commercial, or recreational development in the Critical Area prevents the Buffer from fulfilling the functions" set out in COMAR 27.01.09 for water quality protection and wildlife habitat. Designation of these areas as Buffer Exemption Areas must be approved by the Critical Area Commission.
3. This policy only applies to lots of record at the time of original program approval.

C. Standards

1. New development or redevelopment activities, including structures, roads, parking areas and other impervious surfaces or septic systems will not be permitted in the Buffer unless the applicant can demonstrate that there is no feasible alternative, and the local jurisdiction finds that efforts have been made to minimize Buffer impacts based on the following guidelines:
 - a. Development and redevelopment activities shall be located as far as possible from mean high tide, the landward edge of tidal wetlands, or the edge of tributary streams.
 - b. Variances to other local setback requirements shall be considered before additional intrusion into the Buffer.
 - c. Convenience or expense shall not be factors considered when evaluating the extent of allowable impacts to the Buffer.
2. New development, including accessory structures, shall minimize the extent of intrusion into the Buffer. New development shall not be located closer to the water (or edge of tidal wetlands) than the local setback for the zoning district or 50 feet, whichever is greater. Structures on adjacent properties shall not be used to determine the setback line. The 50 foot setback shall be maintained for all subsequent development or redevelopment of the property.
3. Redevelopment, including accessory structures, shall minimize the extent of intrusion into the Buffer. Redevelopment shall not be located closer to the water (or edge of tidal wetlands) than the local setback for the zoning district or 25 feet, whichever is greater. Structures on adjacent properties shall not be used to determine the setback line. Existing structures located within the setback may remain or a new structure may be constructed on the footprint of an existing structure or impervious surface. Opportunities to establish a 25 foot setback should be maximized. See Figures 1 and 2.

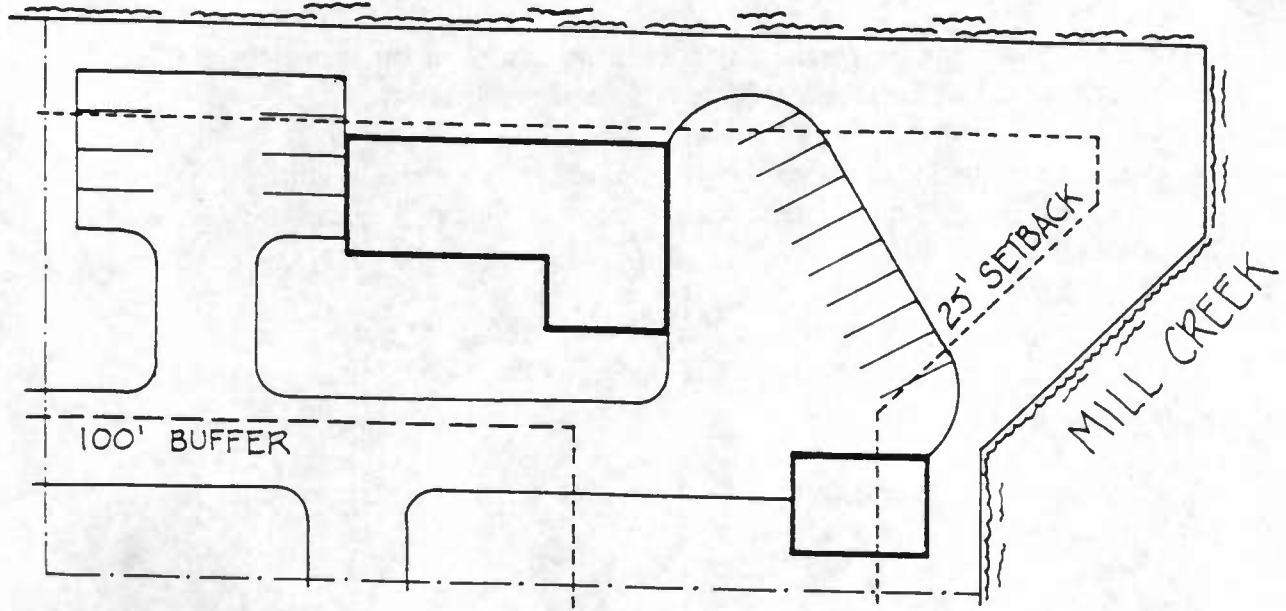


Figure 1 Marina Site - Existing Conditions

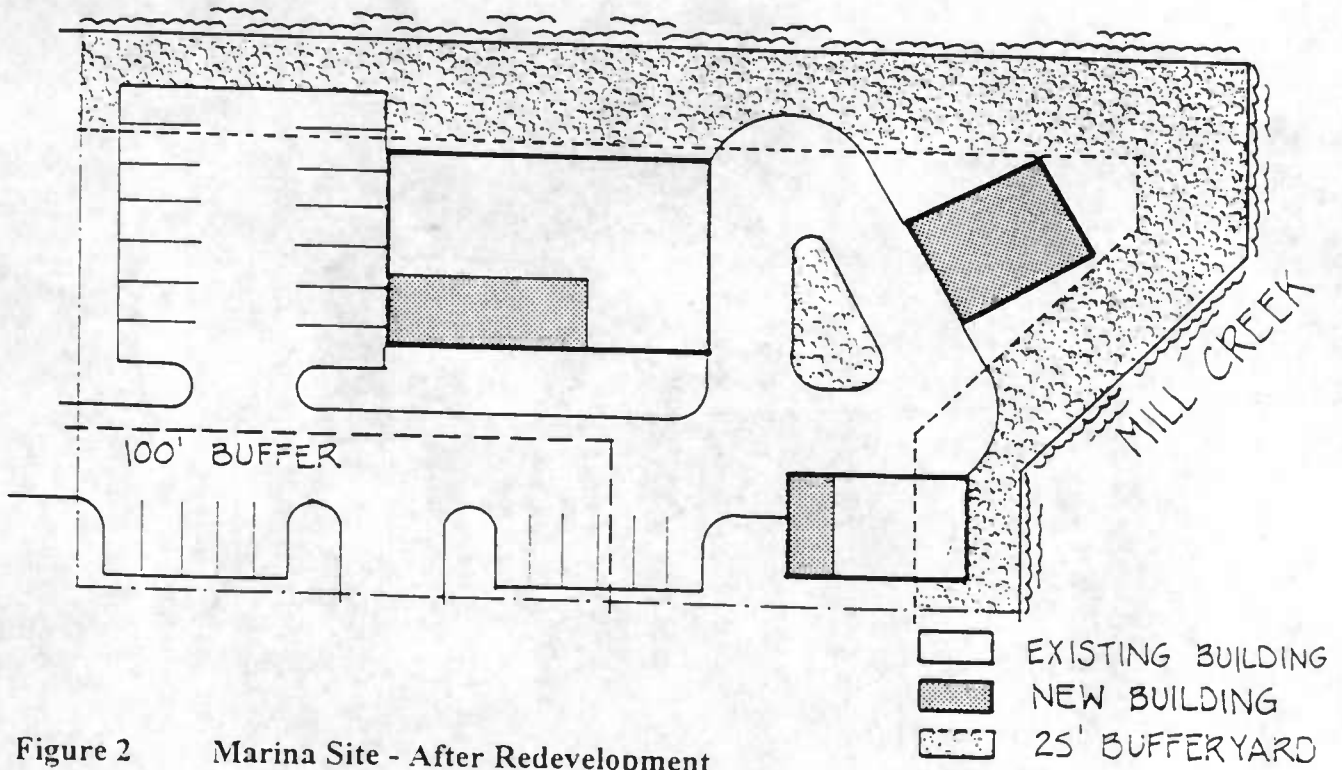


Figure 2 Marina Site - After Redevelopment

4. Development and redevelopment may not impact any HPAs other than the Buffer, including nontidal wetlands, other State or federal permits notwithstanding.
5. No natural vegetation may be removed in the Buffer except that required by the proposed construction. The applicant will be required to maintain any other existing natural vegetation in the Buffer.
6. BEA designation shall not be used to facilitate the filling of tidal wetlands that are contiguous to the Buffer or to create additional buildable land for new development or redevelopment.
7. Any development or redevelopment in the Buffer Exemption Area requires mitigation, in the form of plantings, offsets, or fees-in-lieu.

D. Mitigation

1. The following mitigation measure shall be implemented for all development and redevelopment projects:
 - a. A forested or landscaped bufferyard, 25 feet wide, shall be established on the project site between the development and the water. This bufferyard shall be densely planted with trees and shrubs in accordance with Table 1. See Figure 3.

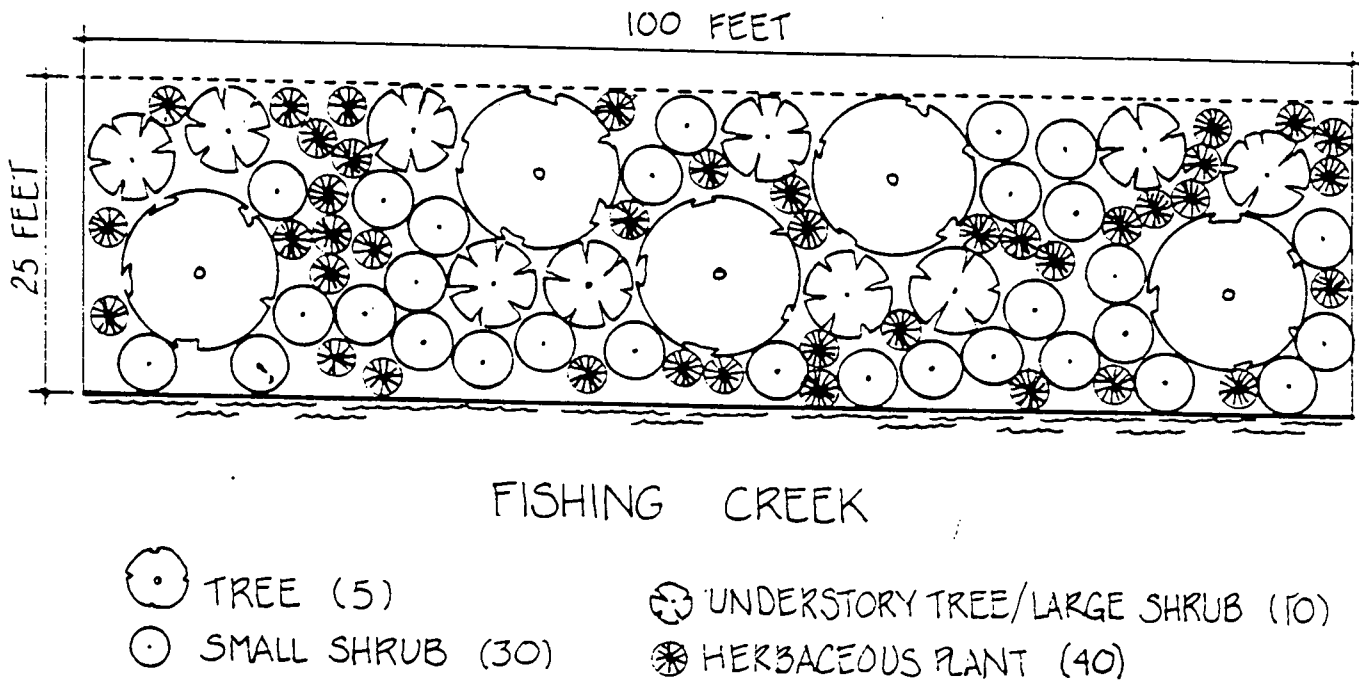


Figure 3 Buffer Planting Plan

- b. On redevelopment sites, if existing structures or those rebuilt on an existing footprint limit the area available for planting, then appropriate modifications to the width of the planted bufferyard may be made on a case by case basis.

**Table 1
Required Bufferyard Planting**

Area	Quantity and Stocking	Suggested Species
For every 100 linear feet of bufferyard	5 Trees	White or Red Oak, Pin Oak, Willow Oak, Red Maple, American Holly, Eastern Red Cedar
	and	
	10 Understory Trees/Large Shrubs,	Dogwood, Mountain Laurel, Bayberry, Shadbush, Winterberry
	and	
30 Small Shrubs	Pepperbush, Chokeberry, Strawberry Bush, Sweetspire	
and		
	40 Herbaceous Plants, Grasses, Etc.	Wild Columbine, Butterflyweed, Common Milkweed, Asters

2. In addition to establishing a 25 foot bufferyard on site as described above, one of the following mitigation measures shall be implemented based on the following order of preference:
- a. Natural forest vegetation of an area twice the extent of the footprint of the development activity within the 100-foot Buffer shall be planted on site in the Buffer or at another location, preferably on-site, as may be determined by the local jurisdiction.
 - b. Applicants who cannot fully comply with the planting requirement in "a" above, may use offsets to meet the mitigation requirement. Offsets may include the removal of an equivalent area of existing impervious surfaces in the Buffer, the construction of Best Management Practices for stormwater, wetland creation or restoration, or other measures that improve water quality or habitat.
 - c. Applicants who cannot comply with either the planting or offset requirements in a or b above, are required to pay into a fee-in-lieu program administered by the

local jurisdiction. A jurisdiction shall establish rates that will generate adequate funds to carry out planting or offset programs and that provide a sufficient deterrent to location in the Buffer. Any fees-in-lieu collected under these provisions shall be placed in an account that will assure their use only for projects within the Critical Area for the benefit of wildlife habitat and water quality improvement. The status of these funds must be reported in the jurisdiction's quarterly reports.

- d. Alternative provisions for meeting the mitigation requirements may be proposed by a local jurisdiction and approved by the Critical Area Commission.
3. Any required mitigation/offset areas must be protected from future development through an easement, development agreement, plat notes or other instrument and recorded among the land records of the jurisdiction.

E. Notification Requirements

1. Within Buffer Exemption Areas, all new commercial, industrial, institutional, recreational, and multi-family residential development or redevelopment projects shall be submitted to the Critical Area Commission in accordance with COMAR 27.03.01.03. Mitigation plans shall be included as part of the project submission.
2. The local jurisdiction must make written findings documenting that all the Criteria in this section are met including that the disturbance to the Buffer is the least intrusion necessary. These findings must be available to the Commission upon request.
3. The reporting of development activity carried out under this provision must be included in the jurisdiction's quarterly reports.

F. Requirements for Mapping New BEAs

1. Only grandfathered lots are eligible for mapping as BEAs by a local jurisdiction.
2. For each BEA, the lots that comprise the BEA shall contain a Buffer which is, at the time of the proposal, significantly impacted by development activities that existed at the time of program approval and that prevent the Buffer from fulfilling its functions. Developed parcels or lots shall contain a Buffer intrusion, at the time of proposal, caused by the principal structures (excluding utilities or septic systems). Undeveloped or vacant parcels or lots (i.e., infill) may be designated as a BEA if development within the Buffer can not be avoided based on the size of the parcel or lot, area of the parcel or lot within the Buffer, or the surrounding pattern of development.

3. If only part of a parcel or lot meets the criteria for designation as a BEA then only those portions of a parcel or lot shall be designated as a BEA. The portion of the parcel designated as a BEA will be subject to the BEA development restrictions. Portions of the property that are not designated as a BEA shall comply fully with the 100-foot Buffer restrictions.
4. Any proposal by a jurisdiction for designation of an area as a BEA shall include, at a minimum, the jurisdiction's written findings and supporting reasons which demonstrate the degree to which the proposed BEA does not perform each of the following Buffer functions (a) through (e):
 - a. Provide for the removal or reduction of sediments, nutrients, and potentially harmful or toxic substances in runoff entering the Bay and its tributaries;
 - b. Minimize the adverse effects of human activities on wetlands, shorelines, stream banks, and aquatic resources;
 - c. Maintain an area of transitional habitat between aquatic and upland communities;
 - d. Maintain the natural environment of streams; and
 - e. Protect riparian wildlife habitat.

IV DEFINITIONS

For the purpose of implementing this policy, the following words have the following meanings (In the case of conflicts with other definitions, the stricter provisions shall apply.):

Accessory Structure means a structure that is detached from the principal structure, located on the same lot as and clearly incidental and subordinate to the principal structure; or if there is no principal structure on the lot, a structure that is customarily incidental and subordinate to a principal structure.

Buffer Exemption Area means an area officially mapped by the local jurisdiction and approved by the Critical Area Commission as a Buffer Exemption Area, where it has been sufficiently demonstrated that the existing pattern of residential, industrial, commercial, institutional or recreational development in the Critical Area prevents the Buffer from fulfilling its intended functions for water quality protection and wildlife habitat conservation.

Bufferyard means an area, at least 25 feet wide, located between development activity

and the water (or edge of wetlands or streams), planted with vegetation consisting of native species and other appropriate plantings. This area shall be maintained primarily for the purposes of wildlife habitat and water quality and shall not be maintained in a manner that conflicts with these purposes such as by mowing or the application of herbicides.

Grandfathered Parcel/Lot means a parcel of land or lot that was subdivided into recorded, legally buildable lots where the subdivision received final approval before December 1, 1985.

Development Activity means the construction or substantial alteration of residential, commercial, industrial, institutional, recreational or transportation facilities or structures. Development activities include, among other things, structures, roads, parking areas, and other impervious surfaces, mining and related facilities, clearing, grading and septic systems. For purposes of implementing this policy, development activity does not include subdivision.

Natural Forest Vegetation means vegetation consisting of canopy trees, understory trees, shrubs, and herbaceous plants that are typically found in riparian areas in Maryland. Areas of natural forest vegetation planted to meet the mitigation requirements in this policy shall be designed to mimic the structure and species composition of natural forests.

New Development means a development activity that takes place on a property with pre-development imperviousness less than 15 percent as of December 1, 1985.

Principal Structure means, for the purpose of establishing setbacks, the primary or predominant structure on any lot or parcel. For residential parcels or lots, the principal structure is the primary dwelling, excluding utilities and the septic system.

Redevelopment means a development activity that takes place on a property with pre-development imperviousness greater than 15 percent as of December 1, 1985.

CLEARINGHOUSE REVIEW

July 30, 2002

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)

RECEIVED

AUG 6 2002

CRITICAL AREA COMMISSION

FROM: ^{Jan} James W. Price, Director, Program Open Space

SUBJ: DNR Clearinghouse Review of Local POS Project #4159-20-82
Easton Point Park (Miles Property #2), Talbot County

This project proposes to purchase 0.11 acres adjacent to the existing Easton Point Boat-Ramp, which will provide additional space for parking and picnic facilities.

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

CHECK ONE AND INITIAL

CHECK

INITIAL

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

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

Jan 8/9/02

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

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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

August 9, 2002

Mr. James W. Price, Director
Program Open Space
Department of Natural Resources
Tawes State Office Building
580 Taylor Avenue, E-4
Annapolis, Maryland 21401

Re: Easton Point Park – Miles Property #2, Talbot County
Local POS Project #4159-20-82

Dear Mr. Price:

Thank you for forwarding the above-referenced project to this office for review and comment. The project proposes to purchase .11 acres adjacent to the existing Easton Point Boat Ramp for additional space for parking and picnic facilities. Provided the new parking and picnic areas will not be in the 100-foot Buffer to the Tred Avon River, this office has no objection. Any clearing and impervious areas required for the parking area will require mitigation. As with local POS Project #4146-20-80, the Town of Easton Planning and Zoning Office should be contacted to ensure that all Critical Area requirements are met.

If I can provide you with additional 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: Mr. Tom Hamilton, Town of Easton

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

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

CLEARINGHOUSE REVIEW

July 30, 2002

RECEIVED

TO: Arnold Norden, Greenways and Resources Planning (E-4)
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 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)

AUG 6 2002

CHEESAPEAKE BAY
CRITICAL AREA COMMISSION

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

SUBJ: DNR Clearinghouse Review of Local POS Project #4158-20-81
Tilghman Acquisition - Dogwood Harbor Property, Talbot County

This project proposes to purchase 0.36 acres of land on Tilghman Island near a county maintained boat ramp. The area will be utilized as a picnic area and tot-lot for the Tilghman citizens.

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

CHECK ONE AND INITIAL

CHECK

INITIAL

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

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

Lart 8/9/02

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

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

August 9, 2002

Mr. James W. Price, Director
Program Open Space
Department of Natural Resources
Tawes State Office Building
580 Taylor Avenue, E-4
Annapolis, Maryland 21401

Re: Tilghman Acquisition – Dogwood Harbor Property
Local POS Project #4158-20-81

Dear Mr. Price:

Thank you for forwarding the above-referenced project to this office for review and comment. The project proposes to purchase .36 acres of land on Tilghman Island near a County maintained boat ramp to be utilized as a picnic area and tot. Provided the new picnic area and tot lot will not be in the 100-foot Buffer to the Harris Creek, or to any tidal wetlands or tributary streams, this office has no objection. Any required clearing and impervious areas will require mitigation. The Talbot County Planning and Zoning Office should be contacted to ensure that all Critical Area requirements are met.

If I can provide you with additional assistance, please do not hesitate to contact me at (410) 260-3478.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: Ms. Mary Kay Verdery, Talbot County

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

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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

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

August 8, 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: Woodrow Wilson Bridge - Aquatic Mitigation Package

Dear Sirs:

At its meeting on August 7, 2002, the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays approved the aquatic mitigation package as presented. The project was approved based on the following conditions:

- 1) State Highway Administration will return to the Commission for approval of new sites if any of the proposed sites are not secured due to unforeseen circumstances at this time.
- 2) A Planting Agreement and Planting Plan will be agreed upon between Commission staff and the Project. The Planting Agreement will include the monitoring schedule. The Plantings Plan will include species selection and planting methods.
- 3) Staff will work with SHA on exploring long-term conservation measures on MNCPPC land and will report back at next meeting.

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

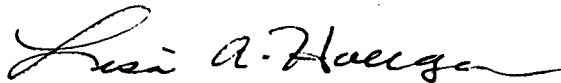
TTY For The Deaf:
Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450

August 8, 2002
Page Two

Please contact me to set up a time to met concerning Condition #3. We will initiate a Planting Agreement for the Anacostia 11 site when the clearing is proposed to take place.

Thank you for your continued 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

CRITICAL AREA COMMISSION
1804 West Street, Suite 100
Annapolis, Maryland 21401
(410) 260-3460

MEMORANDUM

TO: Chairman John C. North, II
FROM: Ren Serey
DATE: July 31, 2002
RE: Talbot County Program: Status of Comprehensive Review

The purpose of this memorandum is to outline the specifics of the issues we have discussed over the last several weeks regarding the continuing problems with implementation of the Talbot County Critical Area Program. Mary Owens and Lisa Hoerger provided you with an earlier memo (June 24, 2002), attached, outlining certain issues. Commission staff have been working with Talbot County staff over the last nine years to complete the required comprehensive review of the County's Critical Area Program that was due in April 1993. As with most jurisdictions, the comprehensive review process identified several significant problem areas that needed to be addressed and involved required revisions to the Talbot County Zoning Ordinance.

Unfortunately, the necessary revisions have not been completed. In October 2001, at the request of the Program Subcommittee, you sent a letter (attached) to Caroline, St. Mary's, Worcester and Talbot Counties requesting a plan for completion of their respective comprehensive reviews by December 31, 2001. Since that time, all of these counties have completed or made substantial progress towards completing their comprehensive reviews, except for Talbot County.

The County Council has held hearings on the local bills resulting from the comprehensive review, but has not taken action. We have been advised informally that the Council intends to form a task force to study some of the issues further. In the interim, the County continues to approve certain projects that are inconsistent with the Critical Area Act and Criteria, and the local Planning office is unable to pursue certain violations absent new County regulations. The current provisions in the County's Zoning Ordinance are insufficient to effectively correct these problems.

There are four main components of the County's Critical Area ordinance that Commission staff believe are particularly problematic and should to be changed as soon as possible.

Afforestation, forest clearing and reforestation.

Sections 19.2, 19.11, and 19.12 of the County Code include Critical Area provisions pertaining to the definitions of applicable terms, permitted forest clearing and required reforestation and afforestation. The County defines *tree* as a "a tall woody plant with a trunk of at least four inches in diameter measured four feet above grade." This definition has evolved over time and has become the basis for many of the current problems. The Commission and the County staff have never been in agreement regarding regulations concerning trees and forests in the Critical Area. The Critical Area Criteria, particularly in respect to Buffer protection, are based on the habitat and water quality values associated with riparian shorelines. When trees are removed from the Buffer to facilitate development, replacement is crucial. On site replacement is preferred if possible; off site replacement or payment of a fee-in-lieu are permitted if necessary. The County's position, that trees smaller than four inches in diameter are not considered trees, does not provide for the protection, replacement, and creation of various types of forest habitat required by the Critical Area Act. Revisions to these provisions are needed to correct these problems.

Clearing in the 100-foot Buffer

Section 19.12(b)(5)(iii) of the Code refers to activities allowed in the 100-foot Buffer. The Code allows "normal maintenance" which may include the "mowing of ground cover." This provision was initially understood by Commission staff to allow mowing of existing grass lawns within the Buffer on grandfathered lots. This practice was and is acceptable under the Criteria; however, the local ordinance has been broadly interpreted to allow extensive bushhogging and clearing of natural vegetation within the 100-foot Buffer on virtually any site, including new and undeveloped subdivisions and non-grandfathered lots. This situation, coupled with the County's practice of only protecting "trees" as defined above, has resulted in extensive loss of vegetation in the Buffer. These practices are inconsistent with the Critical Area Criteria and have increased dramatically in the last two years. Due to the fact that contractors often work in several jurisdictions, Commission staff receives frequent complaints from neighbors and persons in adjoining counties regarding the inequities and inconsistencies in the way the Buffer is managed in Talbot County. In the meantime, the loss and degradation of fully functioning Buffers continues to permanently degrade water quality and destroy habitat.

Guest Houses

Section 19.14 (a) of the Code allows for the development of new guesthouses in the RCA that are not counted in the calculation of residential density under the one-unit-per-20-acre density requirement. The local bill that proposes changes to this section retains the guesthouse allowance

and is inconsistent with the Critical Area Criteria. County staff have met with the Program Subcommittee on this issue on numerous occasions in the last five years. The Subcommittee has made it clear to the County that guesthouses are not exempt from the density requirements, and that the County's ordinance must be amended.

Nonconforming Structures

Section 19.13(d)(2)(i) of the County Code allows nonconforming structures, such as grandfathered dwellings in the 100-foot Buffer, to be expanded without a variance as long as the expansion maintains the current setback from the water. The Commission has approved similar provisions in other local programs as part of a Buffer Exemption Area (BEA) or Buffer Management program. However, in a BEA, development of this sort is automatically accompanied by mitigation, and an applicant must demonstrate to the local government that the project has been designed to minimize Buffer impacts. In Talbot County, in many cases, a building permit is the only procedural requirement. The applicant is not required to meet the variance standards or to minimize impacts, or provide mitigation. This situation has resulted in significant impacts to the Buffer, many of which could have been avoided or reduced.

Commission staff have worked closely with County staff to map potential Buffer Management Areas, so that a Buffer Management Program may be implemented that would allow for expansion or replacement of a grandfathered dwelling while requiring mitigation. The Commission has required similar changes in all other local Critical Area jurisdictions where these types of provisions appeared in the original programs. The Talbot County practice should be replaced with the Buffer Management Program as soon as possible.

We would like to discuss these issues with the Program Subcommittee at its August meeting in order to identify the best and most expedient way to correct these longstanding problems.



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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

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

October 5, 2001

Mr. Daniel Cowee
Office of Planning and Zoning
Courthouse
11 North Washington Street
Easton, Maryland 21601-3178

RE: Critical Area Program – Comprehensive Review

Dear Mr. Cowee:

As you know the Critical Area Commission meets monthly and periodically requests progress reports on the status of the comprehensive reviews of the various local programs. Recently the Commission requested information about the four counties that have not completed the first comprehensive review of their program. Commission staff provided information on the status of the reviews in Caroline, St. Mary's, Talbot, and Worcester Counties.

All of these counties have made some progress on their comprehensive reviews and in some cases, local hearings are currently being held or have been completed. County and Commission staff have been working diligently together in all of these jurisdictions in order to complete the comprehensive reviews and have program amendments submitted for review by the Commission no later than December 31, 2001.

The Commission discussed the various reasons that completion of these reviews has been delayed and discussed the merits of the model ordinance that has been adopted in several municipalities over the last two years. The Commission requested guidance from Assistant Attorney General, Marianne Mason, regarding possible action that could be taken by the Commission to ensure that these reviews are completed. Ms. Mason informed the Commission that it could take action under §8-1809(1) of the Annotated Code of Maryland regarding the correction of clear mistakes, omissions, or conflicts with criteria or laws. If the Commission should decide to take this type of action, we would notify the jurisdiction of all deficiencies in the local program, ordinances, and regulations, and the deficiencies would need to be corrected within 90 days of notification by the Commission. Any project approvals granted after this notification would be null and void.

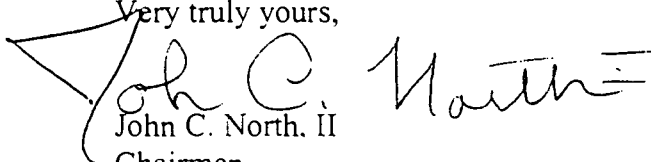
Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Mr. Cowee
October 5, 2001
Page Two

The Commission requested that staff notify all of the counties that have not completed their comprehensive reviews that the reviews must be completed this calendar year or the Commission will discuss taking the action outlined in §8-1809(l) of the Annotated Code of Maryland.

At this time, the Commission is requesting that you provide staff with a plan for completing the comprehensive review by the December 31, 2001 deadline. Commission staff is available to assist you in any way they can. If you have any questions, please feel free to contact Ren Serey or Mary Owens at (410) 260-3460.

Very truly yours,


John C. North, II
Chairman

JCN/jjd

cc: Mr. Frank Hall, Talbot County
Ms. Lisa Hoerger
Critical Area Commission

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

MEMORANDUM

To: Judge North

From: Mary Owens/ Lisa Hoerger

Date: June 24, 2002

Subject: Talbot County - Interpretation of Ordinance concerning clearing in the 100-foot Buffer

The other week Lisa received a call from a citizen who witnessed clearing in the 100-foot Buffer on his neighbor's property. The County inspector went to the site on two different occasions at Lisa's request and reported that no violation had occurred. The inspector told Lisa that the property owner who cleared trees in the Buffer had called him the day before to ask permission to remove trees that were in danger of falling. Permission was verbally granted for the removal of two trees. The property owner removed three and later removed a total of ten trees.

Claudia and Lisa visited the site with the County inspector last Thursday. They measured the Buffer on the site. There was some area inside the 100-foot Buffer to the tidal wetland that had been disturbed, but they were unable to determine if any trees were removed in the Buffer. The property owner told them the trees he cleared were outside of the Buffer.

According to the County inspector, the property owner claimed that the trees were in danger of falling and therefore could be removed. The County does not require mitigation for this type of removal; however, this is not really consistent with the Criteria. The County also allows the removal of trees less than 4-inch caliper without mitigation and "mowing of groundcover" without mitigation as it is considered normal maintenance.

Initially, Lisa informed the property owner that 1:1 mitigation in the form of plantings may be required in the Buffer; however, after the County inspector explained the way the County Ordinance is interpreted, the property owner was left with the understanding that he would not be required to replant, but to stabilize the area in the Buffer with sod. Commission staff was also informed that the clearing outside of the Buffer also did not require mitigation because it was not associated with a development activity.

We have reviewed the County's Ordinance, and we find that the County inspector's interpretation is generally supportable. As you are aware, the County's ordinance is deficient in many areas, particularly with regard to the protection of the Buffer and forest and woodland protection requirements in general. In the case of this violation, the ordinance simply doesn't have the correct and appropriate language to allow us to successfully pursue a fine or mitigation.

At this time, I believe that we cannot continue to wait until the County finally completes their comprehensive review to resolve the problems with clearing in the Buffer and forest replacement. Although, we know the County intends to correct these issues in their comprehensive review and are aware that the County Council is currently reviewing these changes, we are unsure of how much longer the Council intends to review the changes. I think that we need to talk with Ren and discuss the possibility of exercising the provisions in §8-1809(1) regarding the mandatory correction of clear, mistakes, omissions, or conflicts. Depending on Ren's thoughts, we may want to take this up at the July meeting.

In the meantime, Lisa will call the neighbors who originally filed the complaint and tell them the outcome of the site visit. The neighbors will likely claim a bulldozer first pushed over the trees and that is why they were in danger of falling. Apparently, there have been other issues between the neighbors over the years.

We want to make you aware of the incident described above in case you receive any telephone calls at the Easton office.

Thank you.

Critical Area Commission

STAFF REPORT

August 7, 2002

APPLICANT: State Highway Administration

PROPOSAL: Woodrow Wilson Bridge - Aquatic Mitigation Package

JURISDICTION: Prince George's County

COMMISSION ACTION: VOTE

STAFF RECOMMENDATION: Pending Subcommittee Discussion

STAFF: Lisa Hoerger

**APPLICABLE LAW/
REGULATIONS:** COMAR 27.02.05 State Agency Action Resulting in
Development on State-owned Lands

DISCUSSION:

At the July 5, 2000 meeting of the Commission, the replacement of the Woodrow Wilson Bridge project was approved by the full Commission with one abstention. That approval required four conditions including the following:

The Commission staff will be apprised of changes to the aquatic mitigation package, and will be involved in all future site visits or discussions pertaining to the aquatic mitigation package. When the aquatic mitigation package is finalized, it will be brought to the Commission for review and approval. Periodic updating of the Commission's Project Subcommittee shall occur by SHA on a quarterly basis, or as often as the subcommittee deems necessary:

Over the past two years, SHA has complied with the above condition of the July 5, 2000 approval by including Commission staff in site visits and discussions pertaining to the aquatic mitigation package. The staff of Prince George's County's Department of Environmental Resources (DER) was also involved in these discussions and site visits.

Those resource agencies that are primarily responsible for ensuring that the appropriate amount and type of mitigation proposed are acceptable, have also been involved in this review process and have provided preliminary comments. They include the Army Corps of Engineers and the Maryland Department of the Environment. The Commission's role in approving the mitigation package is primarily to assure that the mitigation proposed will not adversely impact any other Habitat Protection Areas in the Critical Area, and to work towards Prince George's County's goal of locating most of the mitigation sites in the County.

The following resources were impacted for the construction of the Woodrow Wilson Bridge:

Tidal Wetlands	.2 acres	Tidal Waters Fill	3.4 acres
Nontidal Wetlands	1.2 acres	Tidal Waters Dredge	17.4 acres
SAV	35.2 acres	Tidal/Nontidal Wetlands*	1.0 acre

*Tidal/Nontidal wetlands refer to an interpretation issue between MDE and the ACOE. MDE considers the 1.0-acre to be a nontidal wetlands and the ACOE considers it to be tidal wetlands. In any case, the mitigation for this 1.0-acre of wetland impact is being mitigated.

The entire Aquatic Mitigation Package that is proposed before the resource agencies includes:

- Approximately 4.7 acres of non-tidal wetland creation and enhancement
- Approximately 31.3 acres of tidal creation and enhancement
- Planting of 20 acres of submerged aquatic vegetation
- Removal of 23 fish blockages
- Restocking approximately 15 million river herring
- Preservation of 84 acres of bald eagle habitat
- Approximately 1,025 linear feet of stream bank stabilization

Proposed Mitigation Sites

I have outlined the components of the Aquatic Mitigation package, which provide mitigation for tidal wetland loss, SAV loss, and fill of open waters. The mitigation provided for the nontidal wetlands loss is not outlined below since the Code of Maryland Regulations do not include nontidal wetlands as a Habitat Protection Area, rather the Maryland Department of the Environment reviews and approves proposed mitigation measures for nontidal wetlands.

Tidal Wetland Mitigation

1) The Bladensburg Marina, owned by the Maryland National Capital Park and Planning Commission (MNCPPC), is located along the Anacostia River in Prince George's County. This site is proposed for the creation of 1.3 acres to tidal wetlands. This site will satisfy the 1:1 requirement for tidal wetlands lost. The Bladensburg Marina site has been under development for ten years. In 1994 the Commission approved a Buffer Exemption status to the shoreline. In 1996 the Commission approved a Master Plan for this site which included numerous improvements (i.e. sidewalks, an amphitheatre, visitor center, a wetlands creation project). The MNCPPC is now working with SHA to accomplish the wetland creation and it will satisfy SHA's tidal wetland mitigation requirement.

The creation of the tidal wetland will involve removing approximately 13,200 cubic yards of fill. Approximately 7,050 cubic yards is proposed to be place on site in the newly established 100-foot Buffer. This element of the plan will require further discussion by the Project Subcommittee.

2) The Anacostia East wetland mitigation site is south of the Bladensburg Marina along the Anacostia River. It consists of two parts: enhancement of 15-acres of nontidal wetlands to a tidal wetland and the remediation of a 30-acre landfill to restore 15 acres of historic tidal wetlands. The National Oceanic and Atmospheric Administration and the Environmental Protection Agency will provide additional funding to restore this site due to the landfill remediation component of the project.

SAV Mitigation/Filling of Open Waters

1) Two sites in the Potomac River watershed will be transplanted with 20 acres of SAV to provide in kind mitigation. The Piney Point site is located north of St. George Island on the Potomac River in St. Mary's County. The Sage Point site is located off St. Inidgoes Neck in the mouth of the St. Mary's River. In total 45,000 shoots of Eelgrass (*Zostera marina*), 45,000 shoots of widgeon grass (*Ruppia maritime*), and 60,000 shoots of sago pondweed (*Stuckenia pectinata*) will be transplanted at a depth of approximately three feet below mean low water.

2) Six streams will have migratory and resident fish habitat restored by removing blockages. The type of blockages to be removed include exposed sewer lines, dams, concrete fords, and failed gabion baskets. This type of mitigation is considered out of kind for the SAV and filling of open water impacts. The following are a list of the streams that will have fish passage restored. All of these areas are outside of the Critical Area.

- a) Rock Creek – Approximately 6 miles will be restored by removing eight blockages and installing a fish ladder along with lowering the level of a ford and installing a series of boulder step pool structures.
- b) Northwest Branch/Sligo Creek - Together this project will restore approximately 5 miles. Eight blockages will be removed along the Northwest Branch and four blockages will be removed along Sligo Creek. In each stream a series of riffle grade control structures will be installed.
- c) Little Paint Branch – Approximately 3.2 miles will be restored by removing a concrete weir and installing riffle grade structures.
- d) Indian Creek – Approximately 2.5 miles will be restored by installing a riffle grade control structure.
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3) The Tuxedo Road site in Prince George's County will provide a wetland restoration of 1.7 acres as out of kind mitigation.

4) The hatchery restocking project involves restoration of migratory river herring (Alewife and Blueback) to historical spawning areas in the Anacostia watershed.

Bald Eagle Mitigation

The Endangered Species Act and the biological opinion issued by the U.S. Fish and Wildlife Service required that ten acres of land be set aside for Bald Eagle conservation. An 84 acre site was purchased by SHA and deeded to the National Park Service to meet this requirement. The site is entirely inside the Critical Area and is the northern half of Rosalie Island.

Commission Staff review

The Commission staff have been kept apprised on the proposals that make up the entire aquatic mitigation package and reviewed the Conceptual Aquatic Mitigation Package which generally includes the same sites with the addition of the Bladensburg Marina site. The staff recommendation is pending discussion by the Project Subcommittee due to an issue at the Bladensburg Marina site.

Proposed Conditions:

- 1) State Highway Administration will return to the Commission for approval of new sites if any of the proposed sites are not secured due to unforeseen circumstances at this time.
- 2) A Planting Agreement and Planting Plan will be agreed upon between Commission staff and the Project. The Planting Agreement will include the monitoring schedule. The Plantings Plan will include species selection and planting methods.

If you have any questions in the interim, please do not hesitate to contact me via telephone or email. (410) 260-3478 or lhoerger@dnr.state.md.us

Critical Area Commission

STAFF REPORT

August 7, 2002

APPLICANT: State Highway Administration

PROPOSAL: Woodrow Wilson Bridge - Aquatic Mitigation Package

JURISDICTION: Prince George's County

COMMISSION ACTION: VOTE

STAFF RECOMMENDATION: Pending Subcommittee Discussion

STAFF: Lisa Hoerger

**APPLICABLE LAW/
REGULATIONS:** COMAR 27.02.05 State Agency Action Resulting in
Development on State-owned Lands

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Proposed Conditions:

- 1) State Highway Administration will return to the Commission for approval of new sites if any of the proposed sites are not secured due to unforeseen circumstances at this time.
- 2) A Planting Agreement and Planting Plan will be agreed upon between Commission staff and the Project. The Planting Agreement will include the monitoring schedule. The Plantings Plan will include species selection and planting methods.

If you have any questions in the interim, please do not hesitate to contact me via telephone or email. (410) 260-3478 or lhoerger@dnr.state.md.us

Critical Area Commission

STAFF REPORT ADDENDUM August 7, 2002

APPLICANT: State Highway Administration

PROPOSAL: Woodrow Wilson Bridge - Aquatic Mitigation Package

JURISDICTION: Prince George's County

COMMISSION ACTION: VOTE

STAFF RECOMMENDATION: Approval with Conditions

STAFF: Lisa Hoerger

**APPLICABLE LAW/
REGULATIONS:** COMAR 27.02.05 State Agency Action Resulting in Development on State-owned Lands

DISCUSSION:

The proposed conditions by staff include the following:

- 1) State Highway Administration will return to the Commission for approval of new sites if any of the proposed sites are not secured due to unforeseen circumstances at this time.
- 2) A Planting Agreement and Planting Plan will be agreed upon between Commission staff and the Project. The Planting Agreement will include the monitoring schedule. The Plantings Plan will include species selection and planting methods.

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

August 5, 2002

Mr. James W. Price, Director
Program Open Space
Department of Natural Resources
Tawes State Office Building
580 Taylor Avenue, E-4
Annapolis, Maryland 21401

Re: Easton Point – Miles Property, Talbot County
Local POS Project #4146-20-80

Dear Mr. Price:

Thank you for forwarding the above-referenced project to this office for review and comment. The project proposes to provide additional space for parking and picnic facilities. Provided the new parking and picnic areas will not be in the 100-foot Buffer to the Tred Avon River, this office has no objection. Any clearing and impervious areas required for the parking area will require mitigation. The Town of Easton Planning and Zoning Office should be contacted to ensure that all Critical Area requirements are met.

If I can provide you with additional 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: Mr. Tom Hamilton, Town of Easton

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

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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

August 5, 2002

Mr. Ray C. Dintaman, Jr., Director
Environmental Review Unit
Department of Natural Resources
Tawes State Office Building, B-3
Annapolis, Maryland 21401

Re: Easton/Tanyard Branch Ecosystem Restoration Project
03-MIS-007

Dear Mr. Dintaman;

Thank you for forwarding the above-referenced project to this office for review and comment. It appears the downstream portion of the proposed restoration project is in the Chesapeake Bay Critical Area. It begins from the point where Tanyard Branch meets the Tred Avon River and continues under MD Route 33, St. Michaels Road and MD Route 322, the Easton Bypass to a few hundred feet beyond Third Haven Heights Road.

In general, the Commission encourages and supports stream restoration projects in the Critical Area. From a regulatory standpoint, restoration projects do not require formal approval by the Chesapeake Bay Critical Area Commission; however, any disturbance areas in the 100-foot Buffer that are necessary to accomplish the stream restoration project must be restored with native vegetation.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

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

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

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Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

August 5, 2002

Ms. Chris Corkell
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601-3178

Re: Henry & Carol Dinardo
Appeal # 1224

Dear Ms. Corkell:

Thank you for faxing over the latest plan for the above-referenced after-the-fact variance request. It appears the extent of the 100-foot Buffer now encompasses over two thirds of the pool area. Since we received this plan after 4:00 p.m. today, we have had a minimum amount of time to consider an appropriate recommendation; however, we will attempt to provide the Board of Appeals with a position absent more time to review the plan.

Since we first reviewed this case, there have been at least three different plans showing the location of the 100-foot Buffer. While it is not entirely clear where the Buffer is on this lot, the latest plan appears to show the most accurate account of its location based on my own field visit with County staff two months ago.

In any case, and as offered in my last letter to the Board of Appeals, this office cannot support a variance to allow the pool and pool decking in the 100-foot Buffer and 25-foot nontidal wetland buffer. If the Board of Appeals can justify these structures should remain in the buffer areas, we recommend 4:1 mitigation of native plantings.

Thank you for the opportunity to comment. Please submit this letter as part of the record for variance. Please notify the Commission of the decision made in this case. If I can provide you with additional assistance, please do not hesitate to contact me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: TC 252-02

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

TTY For The Deaf:

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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

August 2, 2002

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

Re: MD 256 from MD 258 to Rockhold Creek Bridge
FMIS No. AA296A21

Dear Ms. Simpson:

I have received your request for information for the above-referenced project. Approximately half of the proposed project is within the Chesapeake Bay Critical Area. I have attached a map that shows the project area inside the Critical Area and the Critical Area designations. Once we know the purpose and scope of the project, I will be able to determine whether the project will require full Commission approval.

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: Mr. Mark James






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MERLIN Online Map - MD256

Sensitive Areas

AA Critical Areas

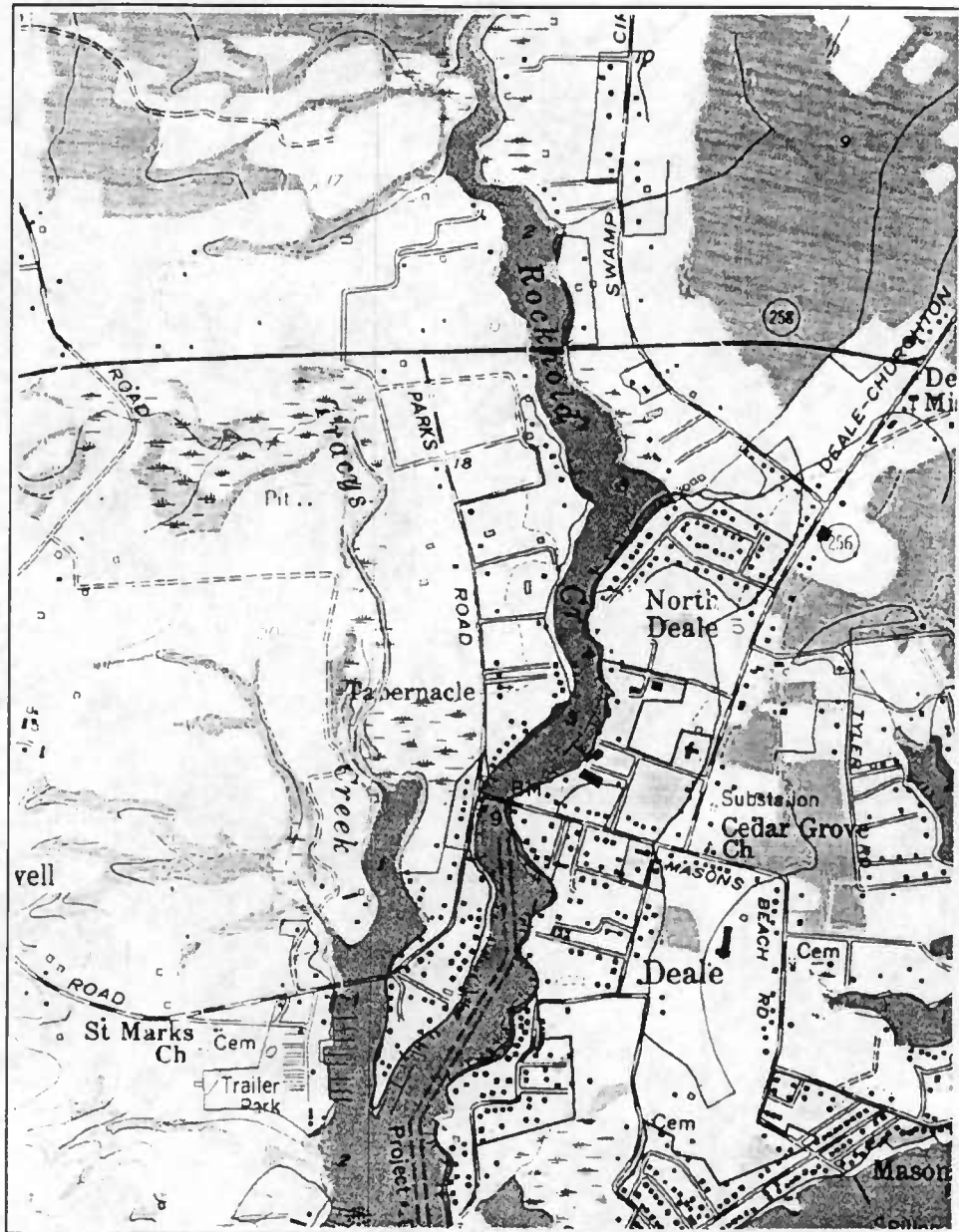
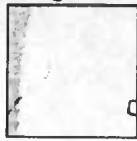
-  CL
-  IDA
-  LDA
-  RCA
-  Wetlan

Base Maps

3.75' Quarter Quad Grid



Deale Quad 7.5' Topo



N 124437.45m E 438874.64m



Coordinates at center of image in Maryland State Plane, NAD 1983 r

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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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August 2, 2002

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

Re: The Villas at Deep Creek - S 96-039, P 02-136

Dear Ms. Allen:

Thank you for forwarding the above-referenced project to this office for review and comment. The applicant proposes to subdivide 32.61 acres inside the Critical Area portion of the parcel to accommodate one single family and multiple townhouse units. There are several issues that I would like to address at this Sketch Plan phase. I have outlined them below.

1. I understand the applicant is concurrently pursuing a reclassification request to change the Critical Area designation of two portions of the parcel from a Resource Conservation Area (RCA) to a Limited Development Area (LDA). This matter must be resolved prior to final recordation since it is unknown at this time whether these areas will be re-mapped.
2. In regard to the reclassification request, please have the applicant show more clearly those areas proposed for re-mapping and their acreage figures.
3. It is unclear how the applicant intend to site one, new single family dwelling and four townhouse units inside the RCA portion of the parcel, when the current acreage inside the RCA is only 18.81 acres. This is not sufficient acreage to site more than one unit.
4. It appears that even if the reclassification requests are granted, and additional acreage is gained in the RCA, that may not be sufficient to support the density shown.
5. The applicant must provide the County with more specific information regarding the tidal wetlands on site. If the tidal wetlands are State-owned, then this acreage cannot be counted for RCA density purposes. An elevation survey will determine whether these wetlands are State or privately owned. State-owned wetlands are those at or below mean high tide.

Branch Office: 31 Creamery Lane, Easton, MD 21601
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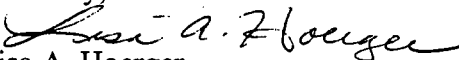
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Ms. Allen
August 2, 2002
Page Two

6. Half of a proposed tennis court and what appears to be grading for a stormwater management pond are in the RCA. Active recreational uses and stormwater management facilities are not permitted uses in the RCA. Both are considered activities associated with the development outside the RCA portion of the parcel and should be located in the LDA or in the non-Critical Area portion of the parcel.
7. The proposed impervious surface limit is 12.6%. It appears not all impervious areas for this site were included in this calculation. No sidewalks, patios, sheds or other accessory structures are shown or accounted for in the calculations. This is problematic for the County since we now have the experience of a similar development, platted subsequent to the adoption of the County's Critical Area program, where the townhouse owners proceeded to add sidewalks, patios and sheds on their lots. This has had the effect of pushing the allowable impervious surface limits for the entire subdivision over the 15% limit. These impervious areas need to be either shown or accounted for on the final plan.
8. We recommend the final plan include a table that lists each lot and allowable impervious surface for future development activities. The applicant may choose to allow each homeowner a standard square footage for each lot. This figure should be sufficient to accommodate a reasonably sized patio, sidewalk and shed. Also, the plans should count the concrete pads that will support any heating and air conditioning units.
9. Until we have confirmation regarding the status of Forest Interior Dwelling Bird (FID) habitat on this site, we cannot comment on the proposed clearing and required mitigation for clearing. We will provide more details in this issue once more information becomes available (i.e. FID habitat survey, site plan with more clearly defined existing forest edge).
10. We encourage the applicant to apply innovative stormwater management designs and technologies to minimize the quality and quantity of runoff leaving this site.

Thank you again for the opportunity to comment. Please telephone me at (410) 260-3478 if you have any questions, or if I can provide you with additional assistance.

Sincerely,


Lisa A. Hoerger
Natural Resources Planner

cc: AA 422-02

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

July 30, 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 following up with me yesterday afternoon concerning my comment letter of July 19, 2002. You were able to clarify most of the comments contained in my letter; however, there are a few issues that remain which I would like to address and confirm.

1. I understand the County has strongly suggested to the applicant to reconfigure lots 1 and 2 since the buildable area appears to be inadequate for new development activities. It is also my understanding that the applicant has chosen not to reconfigure despite the fact that newly created lots should not require the need for variances. It is likely that neither the County nor this office will offer support for any variances. We continue to support the County in its recommendation to reconfigure lots 1 and 2 to allow for more buildable area. Without more buildable area provided, the applicant may risk delaying final approval.
2. The "Previously Approved Afforestation Area" will be disturbed for the new roadway. I understand this afforestation area has not yet been planted; however, if the road is approved through this area, the area of disturbance must be accounted so the original mitigation amount owed for the other phase of this development is satisfied.
3. You indicated the note referring to "Buffer Clearing" will be reworded and "may be" will be changed to "is". Also, the County will now be requiring a standard note concerning the reestablishment of the 100-foot Buffer and this note will appear on the final plat. We continue to support the County's efforts to ensure the Buffer on newly created lots is reestablished properly.

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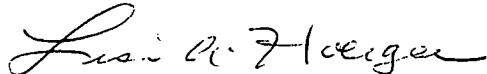
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Ms. Verdery
July 30, 2002
Page Two

4. It appears the Maryland Department of the Environment issued a permit to disturb nontidal wetlands and their buffers on this site for placement of fill, four road crossings and a utility crossing. At least one of those fill and road crossing (in the area of lot 4) will also impact the expanded 100-foot Buffer to tidal wetlands. The Buffer is expanded in this case for contiguous hydric soils. It is unclear from the plans whether this also occurs in the area of lots 1 and 2. In any case, a variance is required for the road crossing and this office cannot support a variance to cross that Buffer, despite the permit approval issued by MDE to disturb the nontidal wetland.

Thank you again for your assistance and effort in reviewing the revised plans for this project. Please telephone me if you have any questions.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: Amanda Sigillito, MDE
Gary Setzer, 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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July 30, 2002

Ms. Cynthia D. Simpson, Deputy Director
Office of Planning and Preliminary Engineering
State Highway Administration
P.O. Box 717
Baltimore, Maryland 21202

Re: Project No. AA6805126 – Noise Barriers US 50 to Severn River Bridge

Dear Ms. Simpson:

Thank you for forwarding the above-referenced project to this office for review. Your letter indicates that the proposed scope of work within the Critical Area will involve no roadway widening or additional paving, and will not impact any Habitat Protection Areas in the Critical Area; therefore, it appears this project meets the conditions outlined in the Memorandum of Understanding (MOU) between the Maryland Transportation Authority, the Maryland Department of Transportation and the Chesapeake Bay Critical Area Commission.

Since there will be some clearing associated with the construction of the noise barriers, SHA must submit a Plantings Agreement Form (enclosed). The reverse side of this form outlines the acceptable method for calculating credit when planting in the Critical Area. All species selected for planting in the Critical Area should be native species. Your letter provides a list of species which are acceptable with the exception of two species (euonymus, forsythia). Please return this form with 30 days.

If you have any questions or if I can provide you with assistance in any way, 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: Donald Sparklin
Mark James

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

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Ren Serey
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401
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July 29, 2002

Mr. James W. Price
Director, Program Open Space
Tawes State Office Building
580 Taylor Avenue
Annapolis, Maryland 21401

Re: DNR Clearinghouse Review of Local POS Project #4169-16-591
Henson Creek Stream Valley Park-Trail, Prince George's County

Dear Mr. Price:

Thank you for forwarding the above-referenced project to this office for review and comment. This office is aware of the Maryland National Capital Park and Planning Commission's (MNCPPC) intentions of extending the Henson Creek Hiker Biker Trail through the Stream Valley Park and through the residential community of Indian Queen along Traverse Way. Generally, the Critical Area Criteria encourage public access and the Commission has consistently supported that concept. However, I have serious reservations with regard to the likelihood of this project being approved by the Commission due to the reasons I have outlined below.

This project will require Commission approval, and as proposed, may not be approvable due to impacts to several Habitat Protection Areas (HPAs) in the Critical Area. They include the 100-foot Buffer, tidal and nontidal wetlands, steep slopes and potentially Bald Eagle habitat. Pending confirmation from the Wildlife and Heritage Division, the site may also host threatened and endangered plant species and Forest Interior Dwelling Bird habitat which requires strict guidelines when siting new development activities and specific mitigation requirements. I have attached a copy of a letter I sent to MNCPPC one year ago outlining our concerns regarding the proposed path and the serious issues it raises for our Commission.

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Mr. Price
July 29, 2002
Page Two

The MNCPPC is a State agency for purposes of development approval in the Critical Area. The type of approval required by the Commission for State agencies that will be impacting HPAs in the Critical Area is called a Conditional Approval process. This process requires the agency to make specific findings including that no feasible alternative exists for the trail alignment. It is not clear that all options have been exhausted. For example, it is our understanding that MNCPPC owns an easement that runs through this same community in another location outside of the Critical Area.


The path that is parallel to Piscataway Creek runs across several privately owned lots which will add impervious surface in the Buffer. The MNCPPC asserts the area that runs across the lots is through an easement; however, this fact is currently being disputed by the homeowners on the waterfront lots. This issue needs to be resolved for the Critical Area Commission to make the required findings outlined above.

We have invited MNCPPC to a Project Subcommittee meeting to discuss the various trail options. The last information I received from that agency was that the various options were still being explored. We have also provided the agency with our guidance paper on Public Walkways which prescribe acceptable widths and surfaces for trails in the Critical Area. Six feet is the width proposed for walkways or trails in Resource Conservation Areas and Limited Development Areas.

Due to the issues raised above, it appears this project conflicts with the goals of the Critical Area Program and as presently designed and located, may not be a project that is approvable by the Critical Area Commission.

If you have any questions, or if I can provide you with additional information, please do not hesitate to telephone me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

Enclosure

cc: Mr. Larry Hill, MNCPPC
Mr. Renee Albacete, MNCPPC
Mr. Sam Wynkoop, DER
Mr. Richard Thompson, DER

Judge John 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 5, 2001

Ms. Sue Holland, Project Manager
Maryland National Capital Parks and Planning Commission
Park, Planning and Development Division
6600 Kenilworth Avenue
Riverdale, Maryland 20737

Re: Henson Creek Trail Extension
Proposed Alignment

Dear Ms. Holland:

This letter serves as a follow-up to the conversations we had at our field visit to the above-referenced site on March 13, 2001. As you are aware, the Chesapeake Bay Critical Area Commission must approve all State and local agency actions in the Critical Area. The Henson Creek Trail Extension, as proposed, will require Commission approval.

As discussed in the field, this project involves several issues that pose concern to Commission staff and will be problematic for the Project Subcommittee. The members of the Project Subcommittee have extensive knowledge of site plan review and will make a recommendation concerning the proposal to the full, 27-member Commission.

Based on the possible alignments we discussed in the field, this project will require conditional approval. The conditional approval process is outlined in COMAR §27.02.06 (enclosed). Essentially, it requires State and/or local agencies to address several conditions in order to qualify for approval by the Commission. You can find those conditions listed in the regulations.

Below I have outlined those issues that are of concern and may require the alignment to be reconsidered.

1. A portion of the proposed alignment runs parallel to the shoreline of Broad Creek. It is also within the 100-foot Buffer to Broad Creek. This alignment is problematic for the Commission since the trail is proposed in the 100-foot Buffer. The clearing and

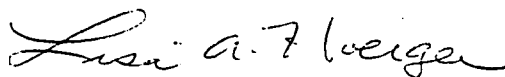
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impervious surface impacts associated with the trail through this section will provide adverse impacts to the creek over the long term. The Guidance Paper provided to you at the site meeting outlines the Commission's guidelines for public walkways (enclosed). The guidelines suggest that the proposed alignment may not be the optimum place for a trail.

2. Also, it is our understanding that MNCPPC has an easement through several riparian lots along this section of the trail alignment. The impervious surface associated with the trail will negatively affect the individual homeowner's impervious surface limitations in that the impervious area of the trail on each lot will count against that property owner's allowable impervious surface limits. MNCPPC should provide some notice to lot owners concerning this issue. If MNCPPC owned this land fee simple, then the impervious surfaces created by the trail would be the responsibility of MNCPPC.
3. Other portions of the proposed alignment may impact the expanded Buffer for steep slopes. Without a site plan delineating the proposed alignment and the extent of the Buffer, it is difficult to provide guidance. The Buffer is measured in the field from the landward edge of the mean high water line of tidal waters, tributary streams and tidal wetlands. However, it appears that some degree of grading and fill may be necessary to accommodate the trail through these areas. The Project Subcommittee has not looked favorably upon this type of activity in the Buffer or on steep slopes based on previous projects.
4. Finally, all clearing must be mitigated for at a 3:1 ratio for all disturbance to the Buffer and expanded Buffer, and at a 1:1 ratio for all clearing outside the Buffer that is under 20% of the site area. The 3:1 ratio will be calculated based on square footage of area cleared. It can be calculated on a tree-by-tree basis only if selected trees are being removed; however, since clearing understory also constitutes clearing, it is likely the clearing will be calculated on a square footage basis. In this case, the site area would be the area of the community open space and where the trail runs through the individual lots, clearing will be counted against each lot's total allowable clearing. Again, MNCPPC should provide notice to lot owners concerning this issue.

I would like to extend my thanks to yourself and Mr. Fred Shaffer for including Commission staff in the site visit and discussions of the Henson Creek Trail Extension. Commission staff is available to meet with you to discuss these issues further. If you have any questions, please do not hesitate to contact me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

Enclosures

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
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July 25, 2002

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

Re: Elizabeth Washington
#1229

Dear Ms. Verdery:

Thank you for forwarding the above-referenced variance request to this office for review and comment. The applicant is requesting an after-the-fact variance to allow an expansion of gross floor area for a Bed & Breakfast to exceed the 50% limitation. This office has no comment regarding the request to exceed the gross floor area provided the expansion is otherwise in conformance with the County's Critical Area program requirements.

If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: TC 443-02

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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July 24, 2002

The Honorable Don English, President
Commissioners, Town of Trappe
P.O. Box 162
Trappe, Maryland 21673

Re: Town of Trappe Comprehensive Plan

Dear Mr. English:

Thank you for forwarding the Comprehensive Plan for the Town of Trappe to this office for review and comment. I would like to take this opportunity to inform you that we have reviewed the draft document and have determined, based on the maps provided, that the current Town boundaries are not in the Chesapeake Bay Critical Area. Therefore, there are no Critical Area issues at the present time for which to provide comment.

I have also received a copy of the letter sent to you by the Talbot County Council President, Mr. Levin F. Harrison. It appears the County has found the draft document to be consistent with the County's current Comprehensive Plan which we have also reviewed and had no issues.

Thank you again for the opportunity to comment. If you have any questions, or if I can provide you with assistance regarding matters concerning the Chesapeake Bay Critical Area program in Talbot County, 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: Planning Commission, Town of Trappe
Mr. Daniel Cowee, Talbot County
Ms. Brynja M. Booth, Assistant Town Attorney

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Judge John C. North, II
Chairman



Ren Serey
Executive Director

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July 24, 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 final plat for the above-referenced subdivision. It appears the applicant still proposes thirteen lots in the Limited Development Area. I have outlined our comments below.

1. It appears the required afforestation figure is based on acreage of this parcel and the applicant has provided an area on the site where the existing forested area and proposed afforestation will be contiguous.
2. A note should be added to the plan plating alerting the future owners of lots 17, 18, 27, 28 and 29 that no clearing is permitted in the Forest Protection Area. The better option, and the one we recommend, is to put the Forest Protection Area in Community Open Space and not on the individual lots. In any case, the note suggested above should be added to the plat.
3. An updated species list was not provided with the plan. The last plan suggested Leland Cypress as one of the proposed trees. In my last letter, this office recommended that the species list be more diverse and all be native to Talbot County. We will be happy to assist the County and the applicant in choosing a more diverse, native plant list for this site.

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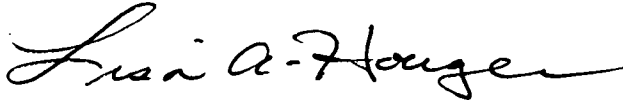
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Ms. Verdery
July 24, 2002
Page Two

4. A note now appears on the plat indicating that no Habitat Protection Areas (HPAs) exist on site. Was this verified with the Department of Natural Resources?
5. It is still not clear how stormwater be handled. Does the applicant propose individual on-site treatment?

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**

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July 22, 2002

Ms. Kelly Krinetz
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

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

Dear Ms. Krinetz:

Thank you for forwarding the final plans for the above-referenced project. I have outlined my comments below.

1. Since we have not received any further correspondence on the issue, it is my understanding that the County, the Maryland Department of the Environment and the Army Corps of Engineers have come to an agreement concerning the best location for the access road and how to handle stormwater management from this site. It appears the new access drive will directly impact a nontidal wetland and its 25-foot buffer; therefore, a variance will be required. This development scenario for road access should obtain all required permits from MDE and the ACOE prior to applying for a variance. This office will support this variance provided these resource agencies can permit the proposed impacts and it is the only feasible alternative to access the site.
2. While the latest plan shows notes concerning disturbance to steep slopes and impervious information, it is not clear enough to ensure that no further disturbances or impervious areas will occur on the site. The note concerning steep slopes should indicate that development or grading is prohibited for lots inside the Critical Area.
3. The impervious surface information that should be available to future lot owners should indicate how much additional impervious is permitted on the lot. It appears the note is not allowing for future impervious areas on each lot. This is not realistic; therefore efforts should be made to minimize impervious area in the Critical Area to allow for future lot owners to accommodate future impervious areas on their individual lots. This office will not support variances for greater impervious coverage for lots created after the Critical Area Program became effective in the County.

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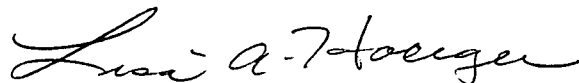
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Ms. Krinetz
July 22, 2002
Page Two

4. The note regarding that no clearing is allowed in the easements may not be enough to ensure clearing does not occur on the back portion of these lots. A better way to avoid clearing in these areas is to plat them as community open space. A note on each deed might also help avoid this potential problem.
5. The limits of disturbance (LODs) on several lots in the Critical Area do not provide for reasonable, future use by lot owners. We recommend resizing the footprint of the dwellings on these lots with tight LODs to provide for some backyard space to accommodate future use of the backyards near the dwellings.
6. The figure provided in the impervious surface table for "existing woods to be removed" on the plat is different from the figure provided on the Critical Area plan. The plat reports 79,026 square feet and the Critical Area Plan reports 80,239 square feet. Please have the applicant resolve the difference between these figures.
7. It appears that the last plan and the current plan show a new driveway accessing proposed lot 3. Will this driveway impact steep slopes or require a variance? Almost one year ago, this office met on site with yourself and the developer to discuss using the existing gravel driveway. It appears that option is no longer proposed. This office cannot support a variance to access this lot when there appears to be an existing opportunity to access the lot site without a variance.
8. The proposed clearing on this plan is 29%. It appears the applicant has calculated the correct figure necessary for replanting. Where will the required 2.76 acres be planted?

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

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: AA 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
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July 19, 2002

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

Re: Deep Cove West
S 02-060, P 02-129

Dear Mr. Soldano:

Thank you for forwarding the above-referenced project to this office for review and comment. The applicant proposes to create 13 residential lots; however, it is unclear where the lots will be sited on this parcel. The site plan provided indicates that two noncontiguous portions of the parcel are in the Critical Area, and the center of the parcel is outside the Critical Area, but no lots are shown on this plan. I have provided some preliminary comments below.

1. This office is in receipt of the letter from the Department of Natural Resources, Wildlife and Heritage Service sent to your office and J. Cook Consultants concerning the potential of an endangered plant species and Forest Interior Dwelling Bird habitat. As recommended by DNR, a survey should be conducted on this site to determine whether this endangered plant species exists.
2. I have checked the latest aerial photography and it appears the forested portions of this parcel are part of a larger, contiguous forested area which suggests the forest is likely FID habitat. A FID survey should be conducted to verify the presence of any FID species. In any case the applicant must comply with the Commission's latest Guidance Document for FID species. This document includes criteria that must be followed, and the required mitigation. If the criteria in this document are not followed, the mitigation substantially increases.

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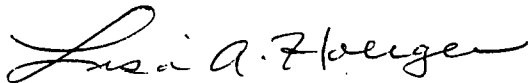
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Mr. Soldano
July 19, 2002
Page Two

3. Since the lot configuration is not shown on the current plan, we cannot provide further substantive comments at this time, but will be glad to discuss the development options for this site once a plan becomes available.
4. In general, new development activities in or near FID habitat should occur at the existing forest edge or no further than 300 feet into the edge of the forest.
5. It appears that much of the Critical Area portions of the parcel are within the nontidal wetland and its 25-foot buffer; therefore, new development activities should be sited appropriately since this office generally does not support variances for new development activities.

Thank you again for the opportunity to comment. Please telephone me at (410) 260-3478 if I can provide you with additional assistance.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: AA 395-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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July 19, 2002

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: Roderick Ryan - S949

Dear Ms. Verdery:

Thank you for forwarding the final plat for the above-referenced request. It appears that no substantive changes have occurred on this plan since the last time this office provided comments; however, the comments of my last letter dated May 15, 2002 still remain unanswered. Please have the applicant provide the responses to these questions prior to final approval.

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

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Ren Serey
Executive Director

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July 19, 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 second revision to the site plan for the above-referenced subdivision request. It appears the applicant is still proposing to subdivide an existing parcel into four lots. I have outlined our comments below.

1. It still remains unclear where the original parcel boundaries occur and how that adds up to 103 acres inside the Critical Area. Please have the applicant clarify this information to ensure the proper density allowed. The acreage number used to generate the allowable density cannot include the acreage in State-owned wetlands.
2. The buildable area available on lots 1 and 2 still appear to be inadequate for development purposes given the extensive buffers and the proposed locations of the sewage disposal areas. Newly created lots should not require the need for variances. We strongly recommend the County not allow the current configuration of the lots to be platted in the manner shown on the current site plan dated 4/5/02. This is the third comment letter suggesting this as a potential problem, hence our recommendation for the reconfiguration.
3. There are still 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.

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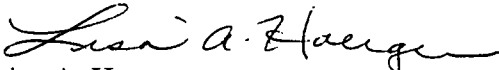
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Ms. Verdery
July 19, 2002
Page Two

4. The symbols used on the plans and those described in the Legend are confusing. For example, which area is proposed for reforestation? What does the solid and alternating broken lines represent?
5. What does "Previously Approved Afforestation Area" mean? Was this area set aside for a previous subdivision? If so, it cannot be used to satisfy any afforestation requirements for this subdivision.
6. The note referring to "Buffer Clearing" should be reworded to make clear that no clearing is permitted in the 100-foot Buffer except for shoreline access or water dependent facilities. The current note suggests clearing is allowed. While we note this as a deficiency in the Talbot County Critical Area Program and are awaiting that change to take effect, new subdivisions should not allow clearing in the Buffer.
7. We recommend another note be added to the plat and the deeds to alert future lot owners that may have the 100-foot Buffer on their property that the Buffer shall be reestablished in native vegetation.
8. The notes referring to the Old Pelczar Land Parcels are still on the plan; however, these parcels are not labeled on the plan. Please have the applicant indicate the location of these parcels.
9. We still have no information regarding the status of whether a permit has been applied for with the Maryland Department of the Environment for the portion of the access road that extends beyond lot 4 to access proposed lots 1-3. It appears there is adequate area where lot 4 is currently located to configure lots without disturbing the nontidal wetlands or their buffers.
10. The access driveway, which we understand would be a private driveway, would also need to cross the expanded Buffer. This would require a variance and this office cannot support a variance for new development activities particularly when there appears to be adequate room on the site for development without the need for a variance. We have made this comment in previous letters and strongly recommend this issued by resolved prior to plat approval.

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

(410) 260-3460

Fax: (410) 974-5338

July 19, 2002

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

Re: Preston & Barbara Padden
Appeal # 1230

Dear Ms. Verdery:

Thank you for forwarding the above-referenced special exception request to this office for review and comment. The applicants propose to construct a 195' pier and construct a new 250' by 6' timber pier with a 10' x 20' "L" head, one boatlift, and a 15' x 3' finger pier, and mooring piles with a total channelward encroachment of 255 feet. This office has no comment regarding the encroachment issue.

We have no objection to the request provided the pier will not impact any Habitat Protection Areas (HPAs) in San Domingo 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 437-02

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
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July 19, 2002

Ms. Christine Holmberg, Associate Planner
Resource Planning
Tawes State Office Building, E-4
580 Taylor Avenue
Annapolis, Maryland 21401

Re: Ft. Washington Marina Building Construction

Dear Ms. Holmberg:

Thank you for forwarding the above-referenced project to this office for review and comment. Since the proposed development activities will occur on Federally-owned lands, the project is not subject to formal approval by the Critical Area Commission; however, the development activities are still subject to the Critical Area Criteria found in the Code of Maryland Regulations at Title 27. Therefore, all activities must meet the standards I have outlined below.

1. All activities that are not water-dependent must be located outside of the 100-foot Buffer. From the site plan provided it appears the proposed buildings are located outside the Buffer.
2. Given the type of land uses that occur on this property and the level of existing impervious areas we would consider this property to be an area of intense development; therefore, the 10% Pollutant Reduction Calculations should be completed and an appropriate Best Management Practice identified to collect the pollutants generated from this site.
3. Any clearing that may be necessary for the placement of these structures should be mitigated for at a 1:1 ratio with native species on site.

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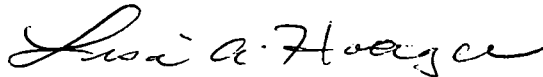
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Ms. Holmberg
July 19, 2002
Page Two

4. I see from your memorandum that you have contacted the Heritage Division of DNR to screen for any threatened or endangered species habitats. That screening should be completed prior to construction.
5. We would encourage the use of low impact development techniques on this site since the development activities occur in Prince George's County and the citizens of this County are subject to these requirements. They include the use of rain gardens and rain barrels where appropriate on the site.

Provided the development activities meet the standards outlined above, the site will be in compliance with Maryland's Chesapeake Bay Critical Area Law. If you need additional information regarding the 10% Calculations or Low Impact Development techniques, please contact me at (410) 260- 3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: Mr. Samuel Wynkoop, Jr., DER
Ms. Sherry Conway Appel, DER
Mr. Rick Thompson, DER
Mr. Jim Stasz, MNCPPC
Mr. Elder Ghigiarelli, MDE



Judge John C. North, II
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July 17, 2002

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

Re: Bar Harbor, Lots 1-3 Resubdivision
S 01-030, P 02-117

Dear Ms. Allen:

Thank you for forwarding the above-referenced subdivision request to this office for review and comment. The applicant proposes to create 13 single family residential lots in the Limited Development Area (LDA). I have outlined our comments below.

1. Our immediate concern is the configuration of the proposed lots. The lot lines extend across the remaining forested area. There are no notes indicating the remaining forested area will be protected by a conservation easement. We recommend that the remaining 70% of the forest area be set aside in community property with an appropriate conservation easement that remains in effect in perpetuity. Otherwise, individual property owners will selectively clear the back portion of their lots over time and this forested area will be lost.
2. The site plan provided does not provide detailed information regarding the existing and proposed impervious surfaces and allotments for each lot for future impervious surface needs (i.e. sheds, pools, garages, etc.). Based on past experiences, the applicant should leave a reasonable amount of impervious area for each lot and this information should be recorded on the plat and the deeds.

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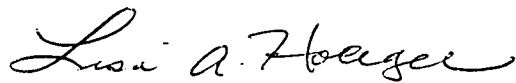
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Ms. Allen
July 17, 2002
Page Two

3. Please forward the letter from the Department of Natural Resources, Heritage and Biodiversity Division when it becomes available for review. The County should receive this letter prior to subdivision approval.

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

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: AA 393-02

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

July 15, 2002

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

Re: Gerald & Bernice Michael
Appeal # 1228

Dear Ms. Verdery:

Thank you for forwarding the above-referenced variance request to this office for review and comment. The applicants request a variance to the 100-foot Buffer to Barrett Cove to construct a sun porch. In general, this office does not oppose reasonably sized additions to residential structures. In this case, this office does not oppose the proposed variance provided the lot is properly grandfathered, and the applicants can demonstrate to the satisfaction of the Board of Appeals that this is the only possible location for the addition and it is the minimum size necessary to meet the applicant's needs.

If the Board of Appeals grants this variance, we recommend the applicants perform mitigation at a 3:1 ratio for all new disturbance to the Buffer. Mitigation should be provided with native Buffer plantings that should occur inside the 100-foot Buffer. Disturbance includes grading, footprint and clearing. The County should require the applicants to provide the limits of disturbance on the site plan, so the total area disturbed can be calculated.

The information provided does not include existing and proposed impervious surface limits. The County should have the applicant provide this information to ensure the 15% impervious surface limitations for this lot are not exceeded.

Thank you for the opportunity to comment. Please submit this letter as part of the record for variance. Please notify the Commission of the decision made in this case. If I can provide you with additional assistance, please do not hesitate to contact me at (410) 260-3478.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: TC 423-02

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

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Executive Director

STATE OF MARYLAND
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July 11, 2002

Mr. Jim Hoff
NOAA Damage Assessment Center
1305 East-West Highway, Bldg. 4
Silver Spring, Maryland 20910

Re: Restoration Plan and Environmental Assessment for the April 7, 2000 Oil Spill at
Chalk Point on the Patuxent River, Maryland

Dear Mr. Hoff:

I received the above-referenced document last week for review and comment. Therefore, at this time I can provide you with abbreviated comments regarding the proposed preferred restoration alternatives identified in the document.

Our office is aware of several of the alternatives and our staff has visited certain sites. Although we have no objection to the proposed restoration projects, certain projects that are considered development activities will require formal approval by the Critical Area Commission. The best way to ensure consistency of the proposals with the Critical Area law and regulations is to provide notice to the Commission of all selected alternatives.

It appears that the Commission could approve the preferred alternatives that involve development activities provided impacts are minimized to Habitat Protection Areas (HPAs) identified by the Code of Maryland Regulations (COMR) at 27.01.09. Those HPAs include the following areas: the 100-foot Buffer measured from the edge of tidal waters, tributary streams and tidal wetlands; threatened and endangered species and species in need of conservation; plant and wildlife habitats (colonial waterbird nesting sites, historic waterfowl staging and concentration areas, riparian forests, Forest Interior Dwelling Bird habitats); and anadromous fish propagation waters.

The following comments should be taken into consideration when planning the individual projects.

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Mr. Jim Hoff
July 11, 2002
Page 2

Creating Tidal Marsh and Enhancing Shoreline Beach

This office has some experience working with the State Highway Administration on creating tidal marsh from uplands. Please be aware that when new tidal marsh is created, the 100-foot Critical Area Buffer is adjusted accordingly. In these situations, the Buffer is measured from the landward edge of the new tidal marsh, and thus extends farther than it did before the marsh was created. Note also that the Commission generally does not support excavation of a fully forested Buffer for marsh creation. Figure 2 on page 41, however, appears to indicate that the wetland project would require excavation of an area that is primarily agricultural, and likely does not have a fully forested Buffer.

The shoreline beach enhancement proposed as part of the tidal restoration project appears to meet the spirit and intent of the Critical Area program in Maryland.

Acquiring and Restoring Ruddy Duck Nesting Habitat

We have no comment on this alternative because the restoration activity would not result in physical disturbance to the Critical Area.

Creating Oyster Reef Sanctuary

This project meets the spirit and intent of the Critical Area program in Maryland.

Improving Recreation Opportunities

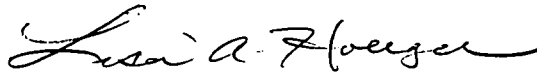
The Critical Area regulations allow public access to the Chesapeake Bay and its tidal tributaries. Therefore, all of the preferred alternatives are generally permitted; however, HPAs need to be considered when planning these projects. The primary concern in most of these projects is the disturbance to the 100-foot Buffer. Certain types of water-dependent activities are permitted in the Buffer, including boat ramps and perpendicular pedestrian access. Activities that are not water-dependent should be located outside the Buffer, including structures, roads that do not provide access to the water, impervious surfaces, sanitary facilities, etc. We may need to review other activities in more detail in order to determine their best location and appropriateness in the Buffer.

Thank you for the opportunity to comment. Again, the comments above are general; we will review the individual projects for compliance with Maryland's Critical Area program

Mr. Jim Hoff
July 11, 2002
Page 3

when the appropriate agencies submit them to the Commission. If you have any questions, or if I can provide you with additional assistance, please do not hesitate to telephone me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: Ms. Carolyn V. Watson, Assistant Secretary, DNR, Trustee
Mr. Samuel Wynkoop, Prince George's County, DER
Ms. Sherry Conway-Appel, Prince George's County, DER
Mr. Robert Summers, MDE, Trustee
Ms. Beth McGee, USFWS, Trustee

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Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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July 2, 2002

Ms. Cathy Bridges
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Francis Owen Property – Waiver # 8417

Dear Ms. Bridges:

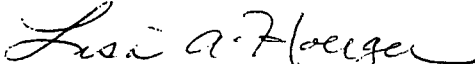
Thank you for forwarding the above-referenced waiver request to the subdivision process. From the information provided, it appears the subdivision of parcel 7 was not properly recorded prior to the adoption of the County's Critical Area regulations. In order for a lot to be considered properly recorded, it must be recorded not only by deed and accompanied by a signed plat from the Office of Planning and Zoning, but it also must be recorded in the land records of the County Courthouse. It appears the subdivision of this parcel does not meet those standards.

In addition the parcel is in a Resource Conservation Area (RCA) where density is limited to one dwelling unit per twenty acres. Since this parcel is less than forty acres, it cannot be subdivided into two lots. As we discussed over the telephone yesterday, this parcel is also too small to qualify for the intrafamily transfer provision in the County's Critical Area program; therefore, even if the waiver request is denied and the applicant proceeds through the subdivision process, further subdivision of this parcel is not possible.

Finally, it is not clear how a building permit was granted for the development on the eastern half of lot 7. Are any of the lots in this subdivision recognized as legally, recorded, buildable lots? Also, did the development of this lot require any variances?

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

Sincerely,


Lisa A. Hoerger
Natural Resources Planner

cc: AA 394-02

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

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July 2, 2002

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

Re: Bancroft, Lot 4R
S 86-014, P 02-133

Dear Ms. Allen:

I have received the revision to the above-referenced subdivision to revise the location of the 10,000 square foot septic area on lot 4R. The relocation of the septic area will provide additional building area on the lot 4R. This office supports this revision since it will allow the development of this lot without the need for variances, since it appears there will be sufficient room to site a reasonably sized dwelling outside of the Buffer.

Thank you for the opportunity to comment. Please telephone me if you have any questions or require additional information.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: AA 419-02

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Executive Director

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July 2, 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 revision to the above-referenced subdivision request. The applicant has amended his plan to include a portion of the new lot inside the Critical Area. I have outlined my comments below.

1. It appears the limits of the newly created lot (lot 2) will not extend into any buffers to either nontidal wetlands or tributary streams; therefore, the creation of these lots should not require the need for any variances.
2. The Critical Area calculations and development rights information provided on the plan appear to be correct provided the area calculated for existing impervious surfaces includes the driveway. Please verify this with the applicant to ensure the allowable impervious area figure is correct.
3. Will the County require the applicant to provide afforestation on either lot? Please clarify.

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

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Executive Director

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July 2, 2002

Ms. Mary Kay Verdery
Talbot County Office of Planning & Zoning
11 N. Washington Street
Easton, Maryland 21601-3178

Re: Claggett & Old Salt- L 890

Dear Ms. Verdery:

Thank you for forwarding the above-referenced lot line revision to this office for review and comment. The applicant proposes to abandon an existing property line and create a new line of revision. Based on our telephone conversation this morning, it is my understanding the applicant has a deed, which was recorded prior to the County's Critical Area program. The deed describes lot B as two parcels; therefore it appears there are two, grandfathered density rights on this property.

We encourage property owners to reconfigure lot lines on grandfathered parcels to avoid the need for disturbance to Habitat Protection Areas like the tidal wetland on the existing lot B. As proposed, this lot line revision appears to provide 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 lot line revision. 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.

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 380-02

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

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July 2, 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 another amended site plan for the above-referenced case. Based on our telephone conversation this morning, the nature of the application has not changed. Instead your office requested further clarification to which we have 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

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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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July 2, 2002

Anthony C. and Janet B. Harding
872 Holly Avenue
Edgewater, Maryland 21037

Dear Mr. And Mrs. Harding:

Thank you for your letter concerning the recent and continued development in the community of Selby Heights. Upon receiving your letter I decided to drive through your community to investigate some of the issues you raise in your letter. It appears there are numerous new homes in the community. I suspect public water, public sewer, or both may serve your community. Often the availability of either one of these public utilities will funnel new development activities into existing communities. You may wish to contact your County Council person to let him know about your concerns. His name is John J. Klocko and his telephone number is (410) 222-1401. His address is Anne Arundel County Council, 44 Calvert Street, Annapolis, Maryland 21401.

In regard to your concerns over new development activities, anytime that you see a sign advertising a new subdivision or variance request, there is a telephone number and address of the County's Planning and Zoning Office. I strongly encourage any citizen to contact the County regarding new or proposed development activities in their communities. In the case of new subdivision proposals, the County staff will hold a meeting that is open to the public and they will field neighborhood concerns from citizens. In the case of variance requests, the Administrative Hearing Officer also accepts testimony from citizens at the posted hearing date. These public meetings and hearings are your opportunity to participate in the process.

The role of our office is of review and comment. The County is required to forward new subdivision requests and all variance requests in the Chesapeake Bay Critical Area. Once our office receives the projects, the staff will review and send written comments to the County staff. In certain cases, we will appear before the Administrative Hearing Officer. This office does not issue building and grading permits or variances, nor do we sign final plats. All of these duties are the responsibility of Anne Arundel County Planning and Zoning.

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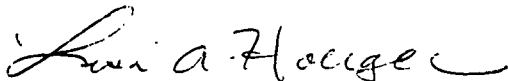
Mr. & Mrs. Harding
July 2, 2002
Page Two

You indicated that a new subdivision of 34 new homes is proposed on Maryland Route 214 and Holly Avenue. I checked our files and we received and provided comments to the County staff in three separate letters. The name of that subdivision is Heron Cove. My files indicate that 26 lots are proposed. That site plan is dated July 2000. The latest comments from the County staff to my office are dated August 2001. It is my understanding this subdivision has not received final plat approval. If you have further questions regarding the status of this project you should contact the County's reviewer, Kelly Krinetz, at (410) 222-7960.

I checked our files for the variance proposed for a single family dwelling near wetlands along Ponder Cove. I believe variance case #2002-0031-V, Elvin & Marion Spruill, is the case you reference in your letter. Again, our office provided comments to the County for this project. The primary issue on many of these lots is, that although they appear unbuildable for various reasons (i.e. wetlands, setback issues), they are legally, recorded, grandfathered lots that are entitled to a dwelling. In that regard, our office cannot oppose variances for new houses on grandfathered lots because of their legal lot status; however, we can and do make recommendations that the size and configuration of these dwellings are limited. We also routinely recommend mitigation for all disturbances to fragile environments, particularly lots with wetlands. To check the status of this case, you should contact the Zoning Office at (410) 222-7437.

Thank you again for your letter about the development activities in your neighborhood. I hope this letter provided you with a better understanding of the development review process, and how you can participate in that process.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: The Honorable John J. Klocko, Anne Arundel County Council
Ms. Kelly Krinetz, Anne Arundel County Planning and Zoning

Anthony C. & Janet B. Harding

872 Holly Ave
Edgewater Md. 21037

242-22

June 23, 2002

The Chesapeake Bay Critical area Commission
1804 West Street #100
Annapolis Md. 21401

I recently wrote the commission (a copy is enclosed) the homes are still being built in Selby Heights and the mud still runs down are streets and into the South River. In Ponder Cove There is a sign asking for a variance to build on a lot to close to a wet land if you needed a variance it should not even be considered by the Commission, I would like to understand how so many building permits are being issued I can only say what I have heard that who you know and how much money you have and which contractor it is gets the permit, the building of this many homes on the Chesapeake Bay's water shed will destroy it I'm not talking about the Mayo Penninsula I'm talking about Deale, Shadyside, Galesville everywhere along the Chesapeake Bay, I have lived here all my life and it is a travesty what is going on. I have also enclosed a map of parcel of land that I understand they are going to build 34 homes on, The construction run off alone will devastate the already bad condition of Bear Neck Creek and Carrs Wharf that will affect the West river.

I hope the Chesapeake Bay Critical area Commission does something and something quickly or we are going to loose the Chesapeake bay . I am curenly trying to put a petition for the Mayo Penninsula and am asking the surrounding to do the same I really that someone at the Commission reads this letter and does something .

Sincerely,

AC Harding
Anthony C. Harding

RECEIVED

JUN 27 2002

CHESAPEAKE BAY
CRITICAL AREA COMMISSION

Anthony C. & Janet B. Harding
872 Holly Ave.
Edgewater Md. 21037

The Chesapeake Bay Critical Area Commission
1804 West Street #100
Annapolis Md 21401

I recently read about the commissions denial of the waiver to build the new Mayo elementary school it was the right decision for the Chesapeake Bay. However the land across from the South River school complex was also wet lands, it was never dry land that backs up to Glebe Creek and there was a wide variety of wild life that came back year after year. I have watched them bring tons and tons of fill dirt to that site. It is an absolute travesty what they are doing to that piece of land. It is also a travesty what is being done in Selby Heights, the *destruction* and clearing of wooded land. All I could do is watch as the mud ran through our streets and eventually into the South River and into the Bay.

Ducks no longer walk their young down our streets. The building of the Mayo peninsula and all neighborhoods alike on the Chesapeake Bay and its tributaries must be stopped. My family has lived on the Mayo peninsula for long time. This once beautiful and quiet peninsula is expanding too much and too fast. On a typical Saturday from spring to fall of each year the traffic is so bad we can barely get out of our neighborhoods. Traffic lights and street widening is not the answer we must preserve these small neighborhoods on the Chesapeake Bay and its tributaries. How is it that Ann Arundel County is the only county that has taken the *American Bald Eagle* off the endangered species list. So should the building go on? Should the cell towers continue to go up? Is it all about the lobbyists and the money? I hope something is done about this by writing this letter because there will continue to be more written like this until something is done and action is taken!

Sincerely,

Anthony C. Harding

This is a copy of my 1st letter



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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

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

July 2, 2002

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

Re: Chisholm Property
MS 02-053

Dear Mr. Soldano:

Thank you for forwarding the above-referenced subdivision request to this office for review and comment. The applicant proposes to create two lots in the Critical Area. I have outlined my comments below.

1. The information provided is unclear. The notification form indicates that .098 acres are in the LDA and 2.055 acres are in the RCA. However, the site plan shows the majority of the parcel in the LDA. Please have the applicant clarify this issue.
2. If the majority of the parcel is RCA, then the creation of two lots must be subject to the intrafamily transfer provisions. There was no information in the file suggesting the proposed lots were intrafamily transfer lots.
3. In any case, it appears the applicant will not exceed the allowable impervious surface limitations or clearing limitations. We recommend that sufficient impervious area remain on each lot for future homeowners who may wish to add additional impervious areas. The current total is almost 15% which leaves no spare impervious area.

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

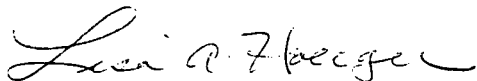
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Mr. Soldano
July 2, 2002
Page Two

4. We recommend that the clearing be reduced to the extent possible since there will be little opportunity to plant on site.
5. I visited this neighborhood last Thursday and the roadway that leads to this lot is very narrow. It appears the roadway already serves a minimum of four dwellings. Will the addition of another lot require this roadway to be widened?
6. The site plan shows existing forest conservation easements on proposed lot 2. Most of the areas set aside within these conservation easements area not forested. Were these easement areas required as a condition of the permit for the dwelling that exists on lot 1?
7. Note #6 on the subdivision plat references the restriction and conditions of a conservation easement. What conservation easement is this note referring to? Also, does the County or the applicant have the details of this easement available for review?

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

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: AA 332-02

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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July 2, 2002

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

Re: Cedar Park Farm – S 01-066, P 02-119

Dear Mr. Soldano:

I have received the above-referenced subdivision request to create two lots in the Critical Area. I have outlined my comments below.

1. It appears there are three separate parcels on the site plan provided. If that is the case, what are the acreage figures for each parcel both inside and outside of the Critical Area?
2. The 100-foot Buffer may require expansion due to steep slopes that are 15% or greater. In fact, it is difficult to determine whether either lot has any buildable area due to slopes.
3. A letter from the Department of Natural Resources, Heritage and Biodiversity Division, dated June 10, 2002 indicated the possible presence of Forest Interior Dwelling Birds (FIDs) on this site. In that regard, I am concerned about the location of the proposed lots of this parcel. The forested area inside the Critical Area exceeds 50 acres which suggests this forest may support FIDs. Absent a survey, we will assume this is FID habitat.
4. The position of the proposed lots on this landscape is within the forest interior; therefore any disturbance to the canopy may eliminate any FID habitat on this site. We recommend the lots be moved to a location that will have less impact to FID habitat.

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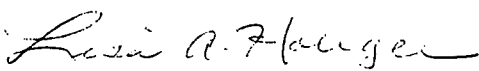
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Mr. Soldano
July 2, 2002
Page Two

5. These lots should be positioned on the forest edge (300-feet from the forest edge). This will have the effect of shrinking the available forest interior for breeding, but will likely not obliterate the habitat that may now exist on this site.
6. In fact, the optimum situation would be for these lots to be platted outside the Critical Area since the forested area extends beyond the Critical Area boundary, so the true forest edge is along Cumberstone Road.
7. In any case, the driveways that serve each lot should be shared to minimize clearing for the new development.
8. I can provide you and the applicant with a copy of the Commission's FID Guidance Document that outlines site design principles when planning development activities in and around FID habitat.
9. If the applicant follows the criteria in the document cited above, this office will consider the guidelines to be met and mitigation for any clearing will be the same as other sites. However, if it is determined that the guidelines have not been followed, mitigation for clearing will be based on several factors including how much interior forest was cleared and how much forest edge was cleared. This mitigation will always be higher than the usual mitigation.
10. Also, all mitigation for clearing in FID habitat must result in the creation of new FIDs habitat through reforestation or natural regeneration.
11. All areas remaining on portions of the lots and the areas outside of the lots should be placed in a permanently protected easement that precludes clearing.

Thank you for the opportunity to comment. Please telephone me if you have any questions or require additional information. I will be happy to discuss the criteria for the meeting the FID habitat guidelines with you and the applicant at any time.

Sincerely,


Lisa A. Hoerger
Natural Resources Planner

cc: AA 338-02

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

July 1, 2002

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

Re: Henry & Carol Dinardo
Appeal # 1224

Dear Ms. Verdery:

Thank you for forwarding the above-referenced after-the-fact variance request to this office for review and comment. The applicants request variances to the 50-foot sideyard setback, the 25-foot nontidal wetlands buffer and the 100-foot Buffer to tidal waters as they apply to a pool, pool deck, pergola, stairways and pavers on this site. Those structures of concern to this office include those within the 25-foot nontidal wetland buffer and the 100-foot Buffer to tidal waters. This office has no comment regarding the sideyard setback issues.

Based on our site inspection of the property on Wednesday May 29th, and the plan provided to me by Mr. Kopen, the applicant's attorney, it appears a small portion of the pool and approximately 724 square feet of pool decking, a spa, pergola, and a stone walkway are within the 25-foot buffer, and approximately 115 square feet of pool decking is within the 100-foot Buffer to tidal waters. The two stairways at the shoreline and several pavers that approach the pier appear to provide reasonable, riparian access to the property owner's shoreline; therefore, this office has no objection to those improvements on this site.

This office cannot support a variance to allow the pool and pool decking in the 100-foot Buffer and 25-foot nontidal wetland buffer. If the Board of Appeals can justify these structures should remain in the buffer areas, we recommend 4:1 mitigation of native plantings.

At a minimum, the portion of the decking in the Buffer should be removed. There is and was prior to construction, adequate room to accommodate the pool and decking without encroaching into any setbacks. We understand mistakes are sometimes made, however, when an applicant is siting a structure so close to the Buffer, he should ensure the survey is performed properly prior to construction.

Thank you for the opportunity to comment. Please submit this letter as part of the record for variance. Please notify the Commission of the decision made in this case. If I can provide you with additional assistance, please do not hesitate to contact me at (410) 260-3478.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: TC 252-02

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

June 25, 2002

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

Re: Lawrence Altmann
2002-0242-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 addition with less setbacks than required. This office has no comment regarding the request for the setback.

I could not find any information in the file that provides the current and proposed impervious surface figures. Since this property is in a Limited Development Area, the lot is permitted 31.25% of total impervious area, assuming the lot is grandfathered. Please ensure this limitation is not exceeded with the new addition. Also, any clearing or removal of vegetation should be mitigated at a 1:1 ratio with native plantings.

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 376-02

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

June 25, 2002

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

Re: Dwight Zilinskas
2002-0232-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 reconstruct an access stairway in the 100-foot Buffer and with disturbance to steep slopes.

It appears the proposed addition will be sited over an existing concrete slab according to the site plan provided; therefore, we assume no grading or additional disturbance over what exists now will occur.

However, the access stairway will directly impact steep slopes. This office does not oppose a variance to disturb steep slopes in this case since the applicant cannot access the dwelling without some slope disturbance. This disturbance should be the minimum necessary. The plans did not indicate the total existing impervious area on site versus the total proposed impervious area. This property may be in an Intensely Developed Area (IDA) or a Limited Development Area (LDA) depending upon which part of Riverside Drive the lot is located. If it is in an LDA and the lot is properly grandfathered, then the applicant is permitted 31.25% impervious area.

Under the circumstances, this office does not oppose the request to disturb steep slopes for access to a dwelling. It is my understanding from our telephone conversation today that the site is in need of safe access to the dwelling. We recommend mitigation for the access at a 2:1 ratio.

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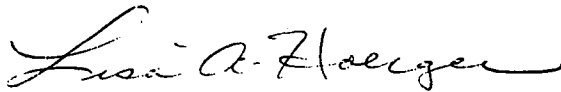
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Ms. Plociennik
June 25, 2002
Page Two

For future reference, a Critical Area Report should accompany each application.

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, reading "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: AA 369-02

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 24, 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, P # 01-137

Dear Mr. Torney:

Thank you for forwarding the resubmittal for the above-referenced subdivision. It appears the applicant has addressed most of my comments from my previous letter dated May 7, 2002. I have outlined my remaining comments below.

1. There is a discrepancy in the response letter dated June 5, 2002 and the plans concerning whether clearing is proposed in the Critical Area portion of the parcel. The response letter indicates no clearing is proposed, whereas the plans indicate .65 acres are proposed for clearing. Please have the applicant verify whether clearing is proposed.
2. The Department of Natural Resources (DNR), Heritage and Biodiversity Division sent a letter dated July 25, 2001 indicating the potential presence of three endangered species. The County and the applicant should contact Heritage to determine whether surveys are necessary despite the applicant's intentions of not developing in the Critical Area portion of the property.
3. The DNR letter did not indicate that this parcel supports Forest Interior Dwelling Bird habitat. In any case, the applicant does not propose development activities within the Critical Area portion of this property.

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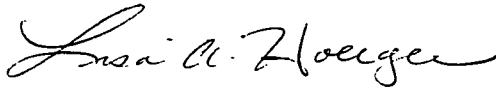
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Mr. Torney
June 24, 2002
Page Two

4. Although no development is proposed at this time on the reserve parcel, the expanded Buffer does not appear to be properly shown. The Buffer is expanded in the case of steep slopes that are 15% or greater. If those slopes extend beyond the 100-foot Buffer, then the percent of slope is multiplied by four to calculate the required expansion.
5. The conservation easement on lots 2 and 3 should state that no development activities are permitted. These activities include stormwater management, septic disposal areas and accessory structures.

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: Katharine McCarthy, DNR
AA 267-02

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 24, 2002

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street, Courthouse
Easton, Maryland 21601

Re: Lawrence Lembach – M 1025

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. The applicant must be able to meet the clearing and/or afforestation requirements, impervious surface limitations and Habitat Protection Areas requirements for these lots. This office will not support variances for newly created lots.
2. The 100-foot Buffer must be clearly delineated on the final plan and must be reestablished in native, Buffer vegetation if none currently exists. Appropriate notes prohibiting clearing in the Buffer should be placed on the plat. The applicant should be made aware that the Buffer is measured from the edge of mean high water, tidal wetlands and tributary streams.
3. 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 that protection of these resources are 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,

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

Lisa A. Hoerger
Natural Resources Planner

cc: TC 381-02

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

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

June 24, 2002

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

Re: Diana Lynne Duncan
Appeal # 1227

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 135' by 5' timber pier extension, with one boatlift and two mooring piles that will encroach 275' into the channel. This office has no comment regarding the encroachment issue.

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

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, appearing to read "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: TC 354-02

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

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

June 24, 2002

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

Re: Henry & Carol Dinardo - Appeal # 1223

Dear Ms. Verdery:

Thank you for forwarding the above-referenced allegation of error to this office for review and comment. The applicants have filed an allegation of error on the part of the County for citing them with violations to the County's 100-foot Buffer requirement, the 25-foot nontidal wetlands buffer requirement, and the 50-foot setback requirement. The County cited this property since it appears the construction of a pool, pool apron, and spa encroach in the 100-foot Buffer to the Miles River and the 25-foot buffer to a nontidal wetland.

We accompanied you to this site on May 29, 2002. At that time we were presented with an updated site plan provided by the applicant's attorney, Mr. Kopen. This plan, dated May 28, 2002, shows approximately 115.4 square feet of concrete apron in the 100-foot Buffer to the Miles River, and approximately 724.8 square feet of concrete apron, pool and spa in the 25-foot buffer to nontidal wetlands.

Although an inspection report was included in the file that suggests an inspector approved the structures, it is not clear whether the inspector was approving the location of the structures with respect to the required buffers, or whether he was checking the construction. The authorization letter from MDE to impact the nontidal wetlands does not demonstrate that the County approved the disturbances to the nontidal wetland buffer. In any case, it was clear from the site visit that a portion of the pool, pool apron and spa were inside the 100-foot and 25-foot buffers.

Thank you for the opportunity to comment. Please include this letter in your files 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 252-02

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

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

June 21, 2002

Mr. Jon Conner, RLA
Senior Associate
Johnson, Mirmiran & Thompson
72 Loveton Circle
Baltimore, Maryland 21152-0949

Re: Dicus Mill Bridge Replacement
JMT Job No. 396374.02

Dear Mr. Conner:

I am in receipt of your letter dated June 17, 2002 requesting written concurrence that the above-referenced site does not lie within the Chesapeake Bay Critical Area. I have checked the Critical Area maps in this office a second time and again conclude that the Dicus Mill Bridge replacement project is not in the Chesapeake Bay Critical Area.

If you need more information, or if I can provide you with additional assistance, please do not hesitate to contact me at (410) 260-3478.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

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

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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

June 20, 2002

Mr. Jimi Jones
The Maryland National Capital Park and Planning Commission
Prince George's County Planning Department
14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772

Re: Tantallon Marina
SE-2098/01

Dear Mr. Jones:

Thank you for your telephone message yesterday concerning the above-referenced special exception request. Based on your message yesterday, it is my understanding the applicant has withdrawn the request at this time, and that when your office receives a resubmittal, you will forward that information to me.

If you need any assistance from this office, 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: PG 295-02

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

June 19, 2002

Mr. Christopher Wilson, Chairman
Anne Arundel County Board of Appeals
Arundel Center
44 Calvert Street
Annapolis, Maryland 21401

Re: Board of Appeals Case #BA 50-02V
Leona and F. Stewart Myers

Dear Ms. Miley:

I would like to provide comments to your office and the Board of Appeals in the above-referenced appeal case. The applicants are requesting a variance to construct an impervious deck on steep slopes within the 100-foot Buffer. The property is designated an Intensely Developed Area (IDA) and a Buffer Exemption Area (BEA). It is currently improved with a house, porch, deck, patio, shed, walkways, and driveway.

On June 17, 2002 I accompanied you and Julie LaBranche from my office to the site. The deck is almost completed with the exception of the railings. It is 576 square feet and located on 35 percent slopes. There are no gaps between the boards of the deck to permit water to pass through the deck to the ground below.

Prior to June 1, 2002, the County has been reviewing variances using the standards outlined below, but the applicant was only required to meet the standard of unwarranted hardship and to meet the rest of the standards "generally." In the last legislative session, the Maryland General Assembly enacted Senate Bill 326 (enclosed). The result of this legislation is that an applicant must meet all five variance standards in order for the Board of Appeals to approve a variance. Also, local governments must consider the use of the entire parcel or lot rather than focus only on the immediately requested use. The requested use may be compared only to other similar uses permitted under the Critical Area program. This law became effective June 1, 2002.

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Mr. Wilson
June 19, 2002
Page Two

The Code of Maryland Regulations and the Anne Arundel County Zoning Ordinance both provide the standards by which a local government must use when granting a variance. I have outlined those standards below.

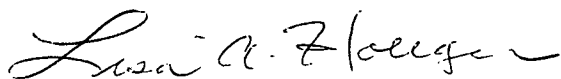
1. That special conditions or circumstances exist that are peculiar to the land or structure within the jurisdiction's Critical Area program that would result in an unwarranted hardship to the applicant. The majority of the properties in this community are all similarly constrained by steep slopes. Also, there are several accessory structures, as well as a porch, patio, and several decks and walkways on the property. There is a smaller, existing wooden deck adjacent to the boat shed. Given the availability of outdoor seating and recreational areas on the property, the denial of the request for the proposed deck does not appear to work an unwarranted hardship on the applicant. In fact, there is approximately 634 square feet of existing area (i.e. existing patio and deck) for use as outdoor seating. This number does not include the area in front of the boat shed that is also available for outdoor use. Given the house and the existing deck and patios that already exist on the property, it appears that the applicant has reasonable and significant use of the property for residential and recreational purposes. In considering whether the applicant enjoys reasonable and significant use of the property, the Board must consider the reasonable use of the entire parcel or lot for which the variance is requested.
2. That a literal interpretation of this subtitle or the local Critical Area program and related ordinances will deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area of the local jurisdiction. Other properties in similar areas are not permitted to have accessory structures in the 100-foot Buffer and on steep slopes. "Rights commonly enjoyed" are to be compared to those uses of land or structure permitted to others in accordance with the provisions of the critical area program.
3. The granting of a variance will not confer upon an applicant any special privilege that would be denied by this subtitle or the local Critical Area program to other lands or structures within the jurisdiction's Critical Area. If the variance is granted, it would confer a special privilege on the applicant that would be denied to other lands or structures in the County's Critical Area.
4. The variance request is not based upon conditions or circumstances which are the result of the actions by the applicant, nor does the requests arise from any condition conforming, on any neighboring property. The variance request for this deck is the result of the applicant's actions since the deck was constructed prior to obtaining local approvals. Also, no other decks of this size and location within the Buffer were observed in the neighborhood when visiting the site. To claim a hardship and request a variance for a structure that is already built is a classic case of self-created hardship.

Mr. Wilson
June 19, 2002
Page Three

5. The granting of a variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the jurisdiction's Critical Area, and that the granting of the variance will be in harmony with the general spirit and intent of the Critical Area law and the regulations. The size and location of the deck will inhibit existing vegetation and the potential for future vegetation in the Buffer. The stability of the slope may be compromised should scouring or erosion occur around the deck footers. In general the water quality and habitat benefits that existed prior to the deck's construction will be compromised due to the existence and use of this deck.

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

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

Enclosure

cc: AA 63-02

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 18, 2002

Ms. Michelle Floam
Potomac Crossing Consultants
1800 Duke Street, Suite 200
Alexandria, VA 22314

Re: Woodrow Wilson Bridge – 65% Submittal Comments
Bladensburg Waterfront Park, Wetland Creation

Dear Ms. Floam:

Thank you for the opportunity to comment on the above-referenced plans you forwarded to this office. After our meeting last Friday, I promised to provide you with written comments. I have outlined those comments below.

1. I have checked the approval history of the Woodrow Wilson Bridge Project, and the entire Aquatic Mitigation Package requires full Commission approval. I believe we were waiting on this last component. In that regard, SHA should plan of receiving approval on the entire Aquatic Mitigation Package when presenting this site for approval.
2. The timing of the wetland creation project proposed by the State Highway Administration and the pedestrian bridge proposed by the Maryland National Capital Park and Planning Commission (MNCPPC) will require some coordination; however, it is not clear whether MNCPPC is ready for review and approval by the Commission. Commission staff believe the projects do not require Commission approval simultaneously. They can stand alone; however, the Commission should be made aware of the pedestrian bridge concept when this site is proposed for review.
3. As always, both the wetland creation project and the pedestrian bridge projects will need to have other required permits issued or close to final issuance.
4. The plans should show the 100-foot Buffer and the expanded Buffer in the case of steep slopes.
5. The amount of disturbance (i.e. grading, clearing, cut and fill activities) that occur both inside and outside the Buffer should be provided on the plans.

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

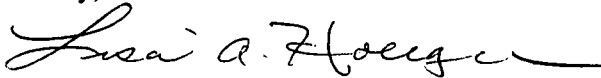
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Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450

Ms. Floam
June 18, 2002
Page Two

6. The proposed placement of the material removed from the river is generally not permitted for placement in the 100-foot Buffer; however, we will need more detail regarding the current use of the site and the proposed use of this area. It is our understanding that MNCPPC currently uses a portion of this area for overflow parking and intends to continue that use. How is that possible given that a portion of that area appears to be planted?
7. I agreed to provide your office with a native species list for planting in the area labeled as "native wildflower" on the current set of plans. This list will be forthcoming.

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. Meg Andrews, MDOT
Ms. Claudia Jones, Science Advisor
Ms. Regina Esslinger, Chief, Project Evaluation Division

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

June 17, 2002

Ms. Kathleen Winter
504 Wilson Road
Crownsville, Maryland 21032

Re: County Council Bill No. 25-02 - Special Exemption for a Special Event Facility

Dear Ms. Winter:

Thank you for your letter concerning the above-referenced County Council Bill. You posed several questions, of which I have attempted to answer. I have outlined my responses below.

1. You ask whether the definition a "marina" under the Critical Area Criteria in the Code of Maryland Regulations (COMAR) allow commercial traffic at a private pier. This definition seems to exclusively address marinas and not private piers; therefore, this definition does not help clarify whether commercial traffic is allowed at a private pier.
2. You ask whether water shuttle service would fall under the definition of "transport facilities" under COMAR. The term "transport facilities" refers to those types of facilities that you find in ports like shipping and rail transportation (i.e. The Port of Baltimore).
3. You asked whether the loading or unloading of a commercial vessel should only be conducted at a commercial dock. Our regulations do not distinguish between private and commercial piers. Our regulations are silent on this issue; therefore it is not regulated under COMAR 27.

In regard to your questions concerning piers in general and your reference to COMAR, Title 26 I suggest you contact Mr. Rich Ayella, Chief of the Tidal Wetlands Division at the Maryland Department of the Environment. Mr. Ayella can be reached at (410) 631-8075. In addition to seeking information from this office and MDE, I encourage you to speak with the attorney for the County Council and the attorney for Planning and Zoning. These individuals can help you with the language intended by the County. The number for the County Council is (410) 222-1401 and for Planning and Zoning the number is (410) 222-7827.

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

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Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450

Ms. Winter
June 17, 2002
Page Two

If you have further questions, or require clarification concerning my comments, please do not hesitate to contact me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: Mr. Rick Ayella, MDE

Staff Correspondence Volume II: McCleary

2002

S1832-151-3

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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

December 17, 2002

Mr. Nick Walls
Environmental Planner
Harford County Department of Planning
220 South Main Street
Bel Air, Maryland 21014

RE: Unique Motors
Variance # 5204

Dear Mr. Walls:

Thank you for the information regarding a revision in the above project. This office understands as per my phone conversation with you today, that the applicant decided to replace the proposed two rain gardens with a bioretention facility to satisfy the 10 % Worksheet. As mentioned in our previous letters, this office needs to review the 10% Worksheet. Please forward Worksheet A for review and comments. Thank you for the opportunity to review this revision. 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 732-02

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
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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

December 17, 2002

Mr. Nick Walls
Environmental Planner
Harford County Department of Planning and Zoning
220 South Main Street
Bel Air, Maryland 21014

RE: Walton's Retreat Subdivision
MD Route 755\Edgewood Road

Dear Mr. Walls:

Thank you for the information regarding the residential subdivision in which Lot 10, a portion of the cul-de-sac, and the stormwater management pond will fall in the Resource Conservation Area (RCA). This office understands that the remainder of the subdivision is outside the Critical Area. The site inside the Critical Area has non-tidal wetlands, FID Habitat, and streams. A sewer line is proposed through the FID habitat.

This office can not support facilities associated with development outside the RCA, such as stormwater management facilities and cul-de-sacs, to be located inside the RCA. The applicant must either move them outside of the RCA or get growth allocation.

In order to complete my review of this project, please provide the amount of forest to be cleared for the sewer line. Is the reforestation area on the site plan the area proposed for the mitigation? The applicant needs to address the guidelines for clearing in FIDs habitat as discussed in the Commission's Guide to the Conservation of Forest and Dwelling Birds in the Chesapeake Bay Critical Area.

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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
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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

December 17, 2002

Ms. Megan Owen
Environmental Planner
City of Annapolis Planning and Zoning
160 Duke Gloucester Street
Annapolis, Maryland 21401

RE: 914 Creek Drive

Dear Ms. Owen:

Thank you for sending us the Buffer management plan for the above project. The applicant is proposing to add landscaping, a retaining wall, a patio, and a walkway within the 100-foot Buffer. The site plan shows several non-native species, including "Vinca Minor", an invasive species. We recommend that more native species be incorporated into the plan and "Vinca Minor" be eliminated. The amount of mitigation proposed is sufficient.

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
AN 453-02

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



Rcn Sercy
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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

December 17, 2002

Mr. Nick Walls
Environmental Planner
220 South Main Street
Bel Air, Maryland 21014

RE: Gabler's Shore Subdivision
Gabler's Shore Marina

Dear Mr. Walls:

Thank you for the information regarding the reconfiguration of the above subdivision. The old subdivision, which was originally platted in 1932 for Parcels 217-224, consisted of approximately 57 grandfathered lots of record. This office understands that the newly reconfigured subdivision will consist of 54 lots. The site is currently in a Limited Development Area, is 15.404 acres in size, and is in a Buffer Exemption Area (BEA). Growth Allocation is being considered for this property in order to change the Critical Area designation from LDA to an Intensely Developed Area (IDA).

If the growth allocation is granted, the 10 % pollutant reductions calculations for the subdivision must be submitted for review. If the growth allocation is not granted, the existing and proposed impervious surface in the LDA for each lot and the entire subdivision must be provided to satisfy the impervious surface requirements.

In order for this office to complete its review of the subdivision, the applicant needs to show the location of the future marina restaurant and more specific information on the types of Best Management Practices (BMPs) being proposed. We also need information on exactly how much of the site is being considered for growth allocation. The applicant should address the County's BEA provisions. Once we receive this information as well as the Marina Plan and growth allocation report, we may have additional comments.

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Continued, Page Two
Gabler's Shore Development Subdivision
December 17, 2002

Thank you for the opportunity to review this proposal. Please call me if you have any questions at (410) 260-3483.

Sincerely,



Dawnn McCleary
Natural Resources Planner

cc: Pat Pudelkewicz
Regina Esslinger
HC 734-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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

December 13, 2002

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

RE: London Coffeehouse Project
852 & 854 South Bond Street\1532 Thames Street

Dear Mr. Stuart:

This office has reviewed the applicant's proposal to build two townhouses, and renovate the existing London Coffeehouse for retail and office use. The entire site is 0.125 acres and is in an Intensely Developed Area. After reviewing the site plan, this office does not oppose the redevelopment of this site. It appears in the site plan that a Best Management Practice for runoff to meet the 10% Rule is not feasible. Therefore, an offset fee will be collected by the City.

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

Sincerely,

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

Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
BA 710-02

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
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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

December 6, 2002

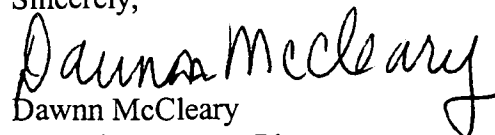
Mr. Mark Kreifler
Engineering Division
Maryland Port Administration
2310 Broening Highway
Baltimore, Maryland 21224

RE: MPA Offsite Phosphorus Mitigation Conceptual Plan
Gunpowder Falls State Park

Dear Mr. Kreifler:

On December 4, 2002, the Critical Area Commission approved the Maryland Port Administration's (MPA) conceptual phosphorus reduction plan for Gunpowder Falls State Park at the Hammerman area. The approval included a condition that MPA and Commission staff develop a formal process for tracking this phosphorus bank. This process should be finalized as part of the approval for the individual Best Management Practices (BMPs). We anticipate taking the individual BMPs for approval at our January meeting provided we receive all pertinent information ahead of time. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Jesse Lindsey
Regina Esslinger
State Files: 52-02

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

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Chairman



Ren Serey
Executive Director

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CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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

December 6, 2002

Mr. Robert Warner
Associate Engineer
A. Morton Thomas and Associates, Inc.
122750 Twinbrook Parkway
Rockville, Maryland 20852-1700

RE: Redevelopment of Bladen Street

Dear Mr. Warner:

Thank you for the information regarding the Bladen Street work that is in the Critical Area. We understand that 1,400 square feet will be disturbed. As per our phone conversation on December 6, 2002, you indicated that ownership is claimed by State Highway Administration (SHA), Department of General Services (DGS) and the City of Annapolis and it is not clear who the actual owner is. In order to properly review this project, this office needs to know who will be the applicant.

There are separate regulations for State Owned land and locally owned land. Additionally, the Commission has a Memorandum of Understanding (MOU) with the State Highway Administration. If the land is owned by SHA, it appears the proposal meets the MOU. If the disturbance takes place on DGS land, then the activity will need Commission approval under COMAR 27.02.05. If the disturbance takes place on locally owned land, then the activity will fall under COMAR 27.02.02.

Once it has been determined who owns the land, this office will provide comments under the regulations that apply. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Mark Schneidman, DGS
Regina Esslinger, CAC
State File: 24-01

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

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CRITICAL AREA COMMISSION

STAFF REPORT
December 4, 2002

APPLICANT: Maryland Port Administration (MPA)

PROPOSAL: MPA Offsite Phosphorus Mitigation
Conceptual Plan Gunpowder Falls State Park

JURISDICTION: Baltimore County

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

BACKGROUND:

The Maryland Port Administration (MPA) has been searching for offset locations to address the 10% pollutant reduction requirements for the Dundalk Marine Terminal. The Commission approved two projects this year in which MPA was unable to treat phosphorus on site. The goal of this conceptual plan is to provide for the pollutant reduction requirements of current and future construction projects at MPA marine terminals where onsite stormwater management is not feasible.

DISCUSSION:

MPA has met with the Department of Natural Resources (DNR), the Maryland Department of the Environment (MDE) as well as Commission staff in formulating this plan. Currently, the proposal includes four bioretention facilities, two sandfilters, and two dry swales. MPA has submitted plans for each Best Management Practice (BMP) to MDE and is in the process of getting permits. Each BMP will be brought back to the Commission for project approval as the specifics are available.

Continued, Page Two
MPA Offsite Phosphorus Conceptual Plan
December 4, 2002

Gunpowder Falls State Park- Hammerman Area is located near Graces Quarters Road in Chase, on the eastern side of Baltimore County. The area is intensely developed with parking lots, roads, pavilions, restrooms, and a beach facility building. BMPs are proposed for five of the currently untreated parking lots. The majority of the site is located within the Chesapeake Bay Critical Area. The site drains to the surrounding forest and beach areas that are adjacent to the Gunpowder River and wetlands. A portion of the Hammerman area is located within the Critical Area Buffer, however, none of the proposed BMPs will be located in the Critical Area Buffer.

The Port currently owes 23.42 pounds of phosphorus treatment based on past projects. This plan proposes to treat ~~25.43~~ pounds. MPA proposes to bank excess phosphorus treated for future projects.

29.13 DM
12/4/2002

Proposed Condition:

MPA work with Commission staff to develop a formal process for tracking this phosphorus bank. This process should be finalized as part of the approval for the individual BMPs.

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

November 27, 2002

Mr. Donald Sparklin
Assistant Division Chief
Project Planning Division
Maryland Department of Transportation
State Highway Administration
P.O. Box 717
Baltimore, Maryland 21203-0717

RE: Project No. AA2905187
MD 435 (Taylor Ave.) at MD 70(Rowe Blvd.)
Geometric Improvements

Dear Mr. Sparklin:

Thank you for the opportunity to review the proposed above project. The State Highway Administration is proposing to improve the intersection of MD 436 (Taylor Avenue) and MD 70 (Rowe Boulevard). The proposed project will include roadway widening, grinding and resurfacing of the existing roadway, reconstruction of the existing sidewalks, installation of curb and gutter, minor drainage improvements, utility relocation, and landscaping. This project is in an Intensely Developed Area, therefore, the 10 % pollutant reduction calculations for the development activity needs to be submitted to our office for review.

Please note that the Critical Area line appears incorrect on your Critical Area site plan. I have attached the City of Annapolis's corresponding Critical Area map, W 23, for your information.

Please provide information on the existing and proposed impervious surface acreage. If the increase is less than 10 %, it appears this project may meet the Memorandum of Understanding (MOU) between the Chesapeake Bay Critical Area and the Maryland Department of Transportation.

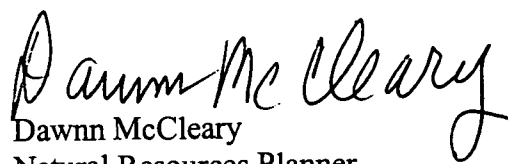
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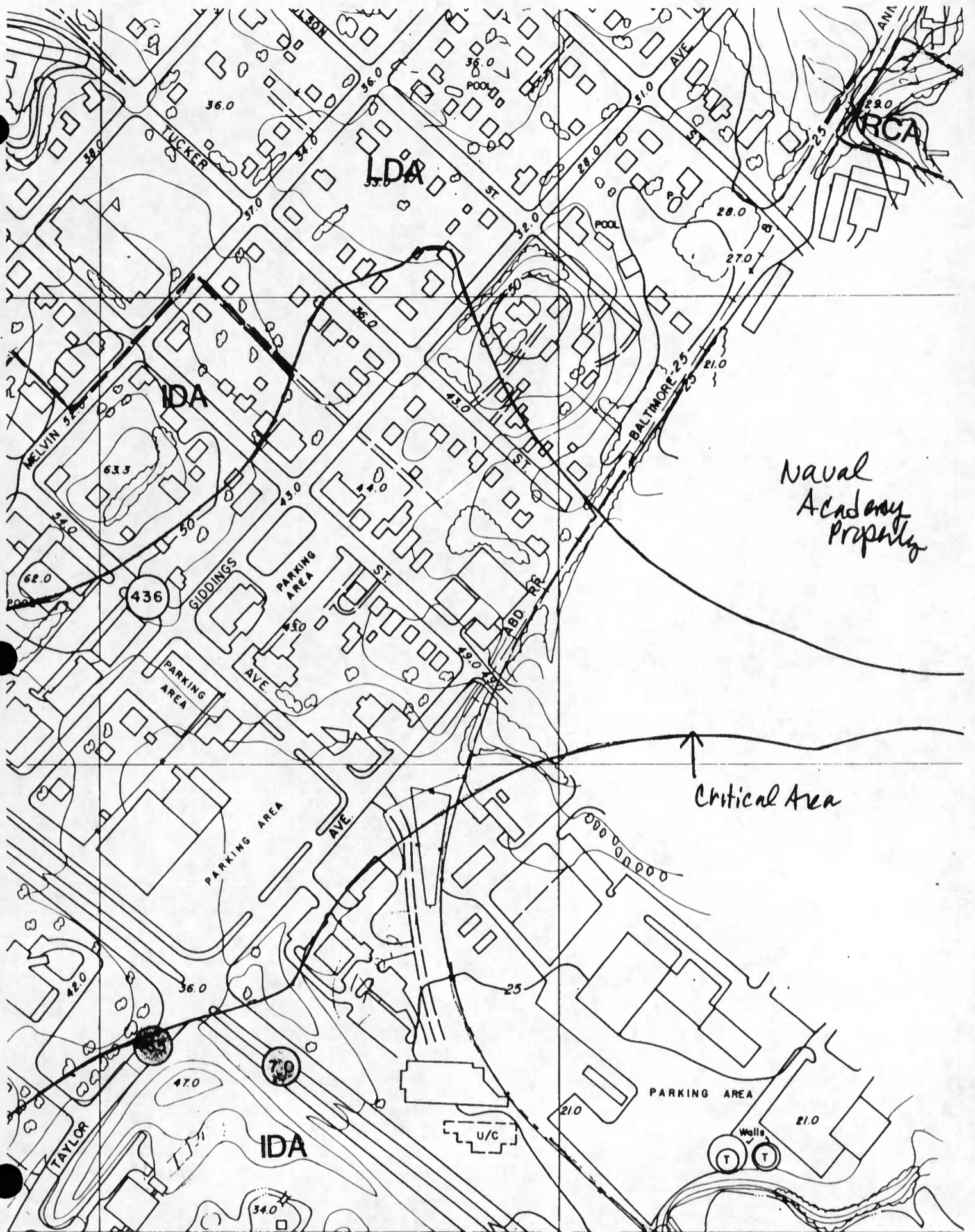
Continued, Page Two
MD 235 and MD 70 Geometric Improvements
November 27, 2002

We look forward to reviewing the supporting information your office will be sending us.
If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Mark James
Regina Esslinger
State File: 51-02



Critical Area Maps For
City of Annapolis

July 1987

CITY

Map No.
W23

SCALE 1"=200'



APPROXIMATE MEAN DECLINATION 1960

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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

November 27, 2002

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

RE: Piers 5 and 6 Parking Garage Project
601 Pratt Street

Dear Mr. Stuart:

This office has reviewed the applicant's proposal to construct a seven story waterfront parking garage and an at-grade 32 space parking lot, sidewalks and public promenade. This project is located on Pier 5\6 south of East Pratt Street and north of Eastern Avenue, is 1.601 acres in size and is in an Intensely Developed Area.

After reviewing the site plan, this office does not oppose the re-development of this site. This office understands that infiltration is not good because of compacted soil conditions and the lack of available open space. The applicant determined that water quality treatment using a Best Management Practice for runoff to meet the 10% Rule is not feasible. Therefore, the offset fee will be collected by the City.

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

Sincerely,

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

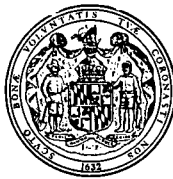
Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
BA 676-02

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
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

1804 West Street, Suite 100, Annapolis, Maryland 21401

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

November 19, 2002

Mr. Donald J. Bautz
Manager of Development Services
Department of Economic Development and Planning
711 Pennington Avenue
Havre de Grace, Maryland 21078

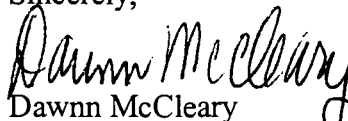
RE: Penns Beach Marina

Dear Mr. Bautz:

Thank you for submitting Worksheet A for Penns Beach Marina as requested. Step 1, under imperviousness (I) for post-development surface should be 0.842 acres or 84 %, not 86 %. When Worksheet A revisions have been completed, Step 4 will be 2.02 lbs of phosphorus, not 1.72 lbs.

The revised Worksheet A still does not reflect the correct Best Management Practices (BMP) and removal efficiencies outlined in the Maryland Department of the Environment's (MDE) 2000 Stormwater Manual. See attached Table D.4.6 and D.4.7 " Updated Critical Area Keystone Phosphorus Removal Rates". The attached table is from MDE's manual you should be using in Step 5 of Worksheet A. Please revise again and forward to our office for review. If you need assistance in what type of BMP could be used, please let me know. I can be reached (410) 260-3483.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Dianne Klair
Regina Esslinger
HG 331-02

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

STEP 5: Identify Feasible Urban Best Management Practices (BMP)

Urban BMP options must be shown to be feasible for the site both in terms of physical suitability and pollutant removal capabilities (see Volume 1, Chapter 4). It should be noted that the BMPs which survive the screening procedure still need to undergo more detailed design checks and field tests to confirm that they are actually feasible. Evidence of site feasibility will be required as part of the final submittal package.

Table D.4.6 Estimate of Pollutant Load Removed by Each BMP

Load Removed	=	(Post-development Load)(Removal Rate)
		$LR = L_{post} (RR)(\% \text{ Drainage Area Served})$

If the Load Removed is equal to or greater than the Pollutant Removal Requirement computed in STEP 4, then the on-site BMP complies with the 10% Rule. If not, the designer must evaluate alternative BMP designs to achieve higher removal efficiencies.

Tables D.4.7 and D.4.8 provide updated phosphorous removal rates for stormwater BMPs used in this manual, based on a comprehensive national survey of pollutant removal performance monitoring data (Brown and Schueler, 1997).

Table D.4.7 Updated Critical Area Keystone Phosphorous Removal Rates

CODE	BMP LIST	TP%
P-1	Micropool ED	40
P-2	Wet Pond	50
P-3	Wet ED Pond	60
P-4	Multiple Pond	65
P-5	Pocket Pond	50
W-1	Shallow Wetland	40
W-2	ED Wetland	40
W-3	Pond/Wetland	55
W-4	Pocket Wetland	40
I-1	Infiltration Trench	65
I-2	Infiltration Basin	65
F-1	Surface Sand Filter	50
F-2	Underground Sand Filter	50
F-3	Perimeter Sand Filter	50
F-4	Organic Filter	50
F-5	Pocket Sand Filter	40
F-6	Bioretention	50
O-1	Dry Swale	65
O-2	Wet Swale	40

(1 inch)

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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

November 19, 2002

Ms. Marti Sullivan
Program Open Space
Dept. of Natural Resources
Tawes State Office Building, E-4
Annapolis, Maryland 21401

RE: DNR Clearinghouse Review of Local
POS\CPP Project #4246-12-204,
Flying Point Park, Harford County

Dear Ms. Sullivan:

Thank you for the opportunity to review the proposed above project. This office understands that there is a proposal to do a shoreline stabilization\beach replenishment in Flying Point Park in Harford County.

This office does not oppose the proposed development activity. Since the development will take place on County land, this project will need review under COMAR 27.02.02 for "Development in the Critical Area Resulting From State and Local Agency Action". If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Nick Walls
Pat Pudalkewicz
General File

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

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CLEARINGHOUSE REVIEW

RECEIVED

November 1, 2002

NOV 7 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 Honeczy, Forestry (E-1)
Bill Hodges, Resource Assessment Services (B-3)
Regina Esslinger, Crit. Area Cmsn. (1804 West St., Suite 100, Annap., 21401)

FROM: *[Signature]* James W. Price, Director, Program Open Space
[Signature] Marketa L. Walker, Program Manager, Community Parks & Playgrounds

SUBJ: DNR Clearinghouse Review of Local POS/PPP Project #4246-12-204, Flying Point Park, Harford County

Improvements to the park and playground will include play equipment, installing a sand volleyball court, walkway, and ~~shoreline stabilization/beach replenishment~~.

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

CHECK ONE AND INITIAL

CHECK

INITIAL

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

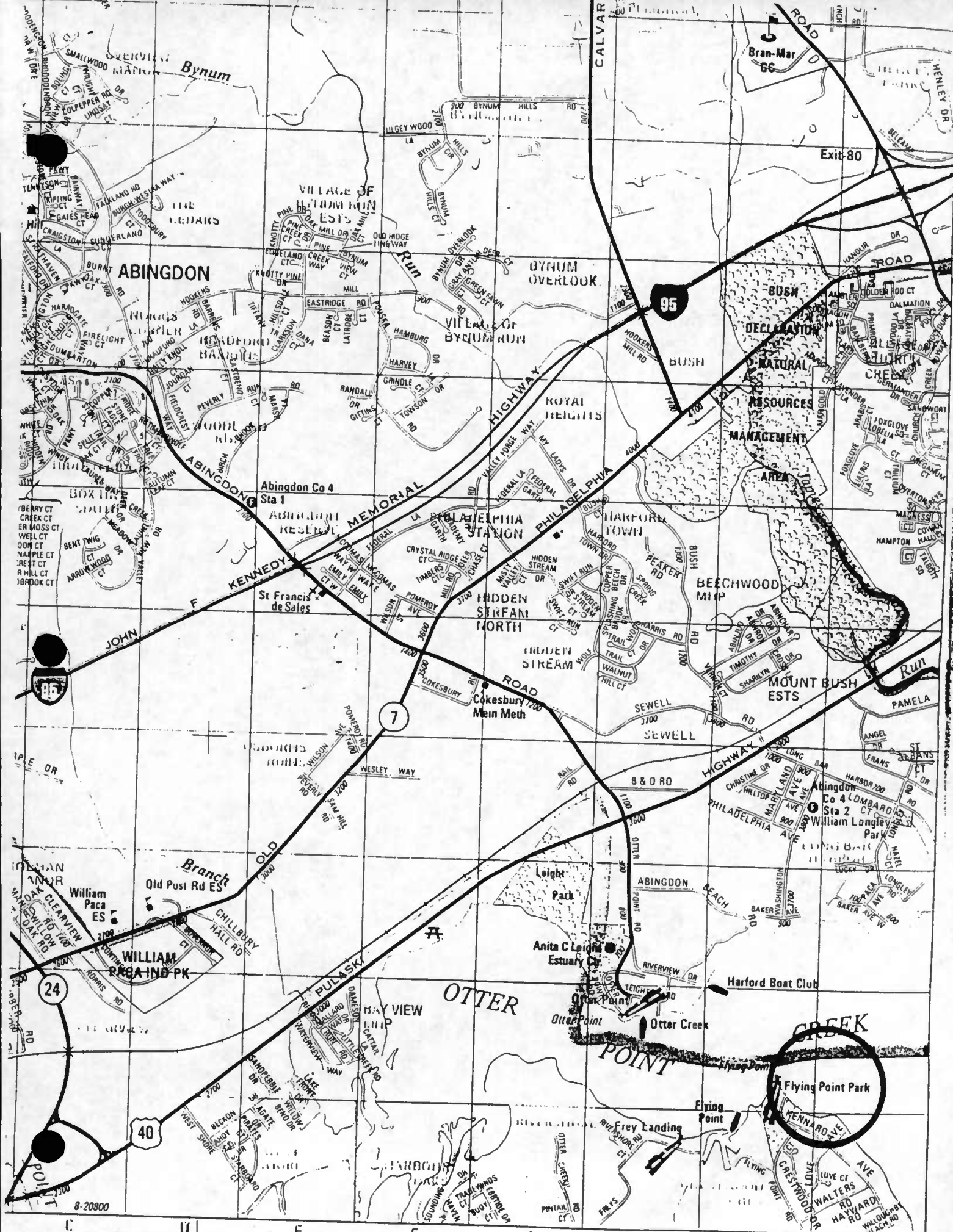
_____ ~~DM/11/15/02~~

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

✓ DM/11/15/02

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

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

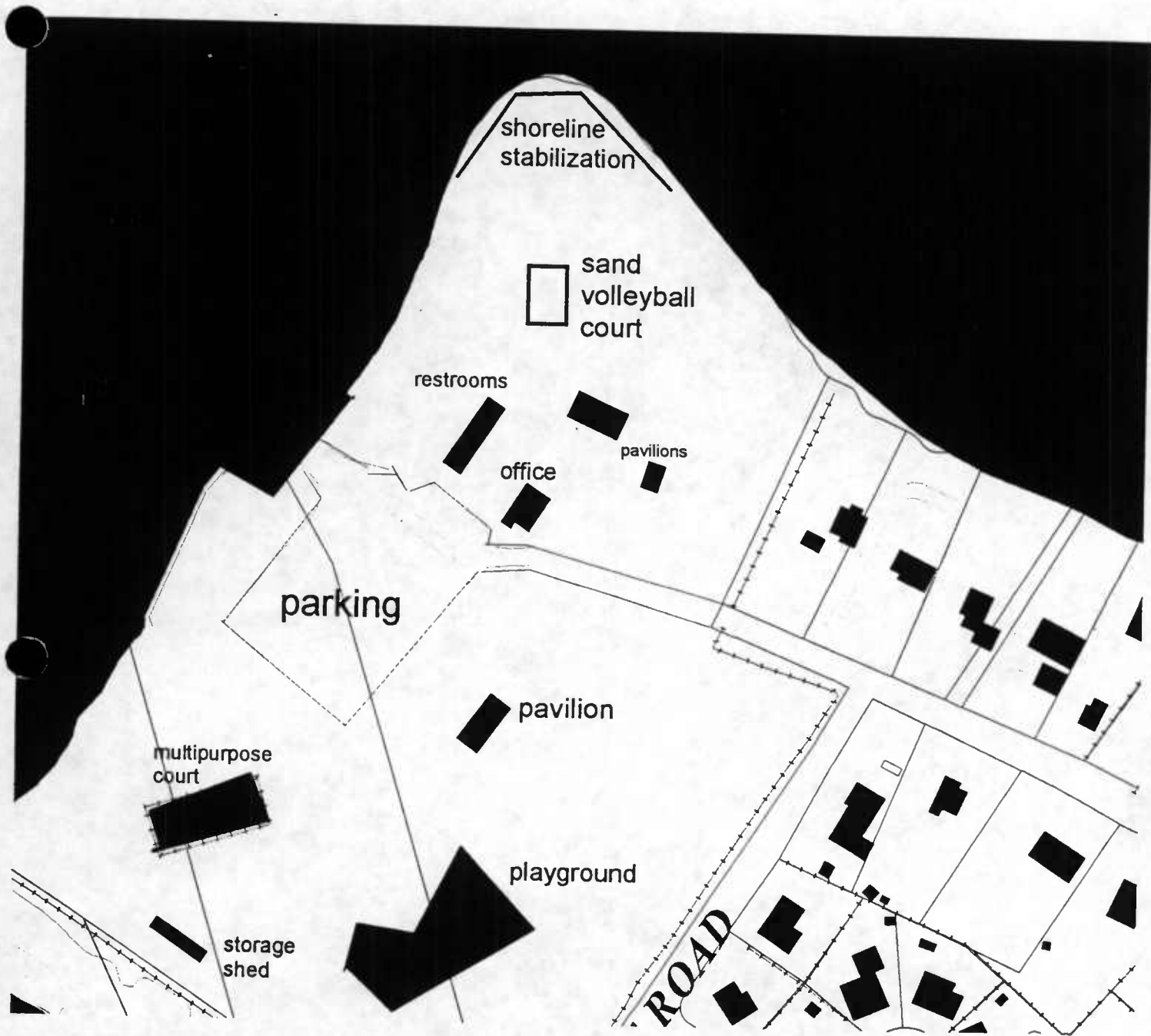




MD GRID 1,000,000 FT 16°17'30"

Joins Map 29

Attachment 1

Flying Point Park



-  Existing facilities
-  Proposed facilities



Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

1804 West Street, Suite 100, Annapolis, Maryland 21401

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

November 18, 2002

Ms. Karen S. Hilton
Acting Director
Baltimore City Department of Planning
417 East Fayette Street, 8th Floor
Baltimore, Maryland 21202

RE: Baltimore City 4-Year Comprehensive Review


Dear Ms. Hilton:

On November 13, 2002, the Chesapeake Bay Critical Area Commission completed their review of the Baltimore City's comprehensive review and unanimously approved City Council Ordinance 02-350. The Commission officially approved: 1) text changes to the Zoning Article and Natural Resources Article of the Baltimore City Code, 2) comprehensive revisions to and reorganization of the City's Critical Area Management Program (CAMP), and 3) minor revisions to clarify a map of the Reebird Designated Habitat Protection Area (DHPA).

In accordance with § 8-1809(o)(2), please incorporated the changes resulting from the comprehensive review, as amended by the condition herein, into the Baltimore City's Program within 120 days of the date of this letter. Please provide two copies of all reprinted documents, maps and or revised pages to Commission staff as soon as they are available.

Finally, Critical Area staff would like to thank Duncan Stuart and Susan Williams for all their help and patience in getting the above ordinance approved. If you have any questions, please feel free to call me at (410) 260-3483.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Duncan Stuart
Susan Williams
Baltimore City Comprehensive Files

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

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Annapolis: (410) 974- 2609 D.C. Metro: (301) 586-0450

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

1804 West Street, Suite 100, Annapolis, Maryland 21401
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November 18, 2002

Mr. Mark Kreadle
Engineering Division
Maryland Port Administration
2300 Broening Highway
Baltimore, Maryland 21224

RE: Westway Liquid Terminal Pier 9
North Locust Point Marine Terminal

Dear Mr. Kreadle:

On November 13, 2002, the Critical Area Commission unanimously approved the conditional approval to construct a 1,000,000-gallon liquid storage tank and an underground stormwater management facility within the 100-foot Buffer at Pier 9 of North Locust Point Marine Terminal. The Maryland Port Administration has met the 10 % rule on site by providing an underground sandfilter. Please notify the Commission if the site plan changes.

I would like to thank Jesse Lindsey from Whitney, Bailey, Cox and Magnani for working with the Commission staff. 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: Jesse Lindsey
Mark Schaefer
State File: 42-02

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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CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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November 13, 2002

Mr. Duncan Stuart
Environmental Planner
Baltimore City Department of Planning
417 East Fayette Street, 8th Floor
Baltimore, Maryland 21401

RE: Consolidated Coal
Piers 3, 6, 7, & 10 and 3800 Newgate Avenue

Dear Mr. Stuart:

This office has reviewed the applicant's proposal for pier maintenance\redevelopment at the CNX Coal Terminal in Canton Industrial District. The applicant is proposing to resurface, repair and add new pavement for a storage area. The property is 8.67 acres and is designated an Intensely Developed Area.

This office also understands that:

1. The added impervious surface between Newgate Avenue and the inbound railroad tracks is 1.08 acres;
2. The existing impervious surface on Pier 4,7, 8, and next to Newgate Avenue will be removed and replaced with a slight grade change; and,
3. The impervious surface on Piers 3, 6, 10, 11 and the 25-foot structural overhang on Piers 7 and 8 will be resurfaced.

After reviewing the site plan and Worksheet A , this office does not oppose the redevelopment of this site. Due to the problems with the high water table and limited fall in elevation on the site to accommodate a variety of BMPs, the City has determined that the applicant can pay into the City's stormwater management offset fund .

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Continued, Page Two
Consolidated Coal, Newgate Avenue
November 13, 2002

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,


Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
BA 278-02

CRITICAL AREA COMMISSION

**STAFF REPORT
November 13, 2002**

APPLICANT: Baltimore City Department of Planning

PROPOSAL: Baltimore City Comprehensive Review

JURISDICTION: Baltimore City

COMMISSION ACTION: Vote

STAFF RECOMMENDATION: Approval

STAFF: Dawnn McCleary

PANEL RECOMMENDATION: Pending

PANEL MEMBERS: Larry Duket (Chair), Judith Evans, Louise Lawrence, James McLean, Barbara Samorajczyk

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

DISCUSSION:

The City of Baltimore has recently completed the required comprehensive review of their Critical Area Program. The review resulted in the following changes: 1) text changes to the Zoning Article and Natural Resources Article of the Baltimore City Code, 2) comprehensive revisions to and reorganization of the City's Critical Area Management Program (CAMP), and 3) minor revisions to clarify a map of the Reedbird Designated Habitat Protection Area (DHPA). It is important to note in reviewing the City's Code and CAMP that the City could easily have qualified for an exclusion under the Act. Instead, the City adopted a Program that is quite unique. The City makes extensive use of fees-in-lieu for Buffer impacts and for stormwater quality management in order to ensure that mitigation for environmental impacts can be provided. This system allows for funds to be collected and used to finance significant and effective projects that promote the purpose and intent of the Critical Area Program.

TEXT CHANGES TO THE BALTIMORE CITY CODE

§8-301. Definitions

§8-301 of the Zoning Article has been amended to include a definition of the term “Buffer” that is more consistent with the definition in the Critical Area Criteria and to address the designation of land created as a result of filling activities. The definition of “significant development” has been amended to include any disturbance within the Buffer rather than just disturbance greater than 5,000 square feet. This clarification is necessary to ensure that a more detailed review is performed and appropriate mitigation is provided. The definition of “water-dependent facilities” has been amended for consistency.

§8-303. Critical Area and Buffer

This definition of the term “Critical Area” has been amended to make it consistent with the definition in the Critical Area Criteria, and the definition of the Buffer was amended to include provisions for expansion of the Buffer beyond 100 feet.

§8-304. Development Areas

The types of development areas were clarified to indicate that the City has mapped areas as RCA and IDA, and that there are two sub-categories of IDA. There is no land mapped as LDA in the City.

§8-310. Prohibited Uses

This section has been revised to identify specific uses that are prohibited within the Critical Area and provides clarification regarding additional uses that are expressly prohibited within the Buffer. Development activities may take place within the Buffer without a variance; therefore, clarification regarding uses that are expressly prohibited is necessary. This section also adds language prohibiting non-water-dependent structures on piers and also non-water-dependent structures on barges or other non-self-propelled vessels.

§8-311. Water-dependent facilities within Buffer

This section has been amended to more specifically address the general criteria for addressing water-dependent facilities, and to clarify that new water-dependent facilities are prohibited in the RCA unless they are areas for passive recreation as described in §8-317.

§8-317. Resource Conservation Area

This section has been clarified to identify the types of uses and the types of water-dependent facilities that may be permitted in the RCA.

§8-318. Intensely Developed Areas – Waterfront Revitalization Sub-area

Minor revisions were made to this section to clarify that uses are permitted generally in accordance with the underlying zoning, except for those expressly prohibited in §8-310.

§8-319. Intensely Developed Areas – Waterfront Industrial Sub-area

Minor revisions were made to this section to clarify that uses are permitted generally in accordance with the underlying zoning, except for those expressly prohibited in §8-310.

§8-322. Conditional Uses and Variances

This section involves minor revisions to clarify the applicability of the variance standards to applications in the Critical Area.

§21-1. Definitions

The definition of "significant development" has been amended to include any disturbance within the Buffer rather than just disturbance greater than 5,000 square feet and to include any disturbance to a Habitat Protection Area. This clarification is necessary to ensure that a more detailed review is performed and appropriate mitigation is provided.

CRITICAL AREA MANAGEMENT PLAN (CAMP)

The City's Critical Area Management Plan (CAMP) was significantly revised in order to make it more useable. The document was reorganized, codified, and reviewed for consistency with the Critical Area Criteria. Some new sections were added to address redevelopment issues and mitigation.

Section I Chesapeake Bay Critical Area General Requirements

This section was revised to give a brief introduction of the Critical Area and the purpose of the Critical Area Program.

Section II General Development Requirements

This section was updated to comply with the Critical Area Criteria and has been divided into subsections which include specific provisions relating to various types of development activity. Included are standards for project review, a list of prohibited uses in Intensely Developed Areas, prohibitions regarding structures on piers and barges, criteria for small sites and derelict buildings, modified requirements for brownfield sites, and specific requirements for marinas.

Section III Development in the Critical Area in Intensely Developed Areas (IDA)

This section addresses requirements for development in the two the subareas classified as IDA. It describes both subareas, Waterfront Revitalization Areas and Waterfront Industrial Areas, and provides the requirements for each. It includes provisions relating to water quality improvement, planting in the Buffer, and the payment of Buffer offset fees.

Section IV Development in the Critical Area in Resource Conservation Areas (RCA)

This section was amended to include the 1996 legislation regarding impervious surface limits. This section also discusses development requirements outside and within the buffer and includes the City's provisions relating to tree clearing and replacement within the RCA. The City's RCA is mostly in the floodplain areas and shoreline park areas.

Section V Supplemental Information for the Critical Area

Section V provides general supplemental information necessary for the City to effectively implement the Critical Area Program. This section includes information on growth allocation, grandfathering, and buffer establishment credit for vegetation outside the buffer. This section also addresses subsequent redevelopment of sites for which offset fees have been paid. The City's Offset Programs are addressed in this section and there is an explanation of Buffer Offset fees and Stormwater Offset fees. Provisions for development in the Critical Area resulting from State and local agency programs are included in this section. This section also includes information about compliance with planting requirements including specifications for planting and species appropriate for use within the City's Critical Area.

Section VI Resource Protection

Although this section has not changed much, it has been clarified by differentiating the general Habitat Protection Areas like the 100-foot Buffer, riparian forests, anadromous fish propagation waters, etc. from several areas that the City has specifically designated as warranting special protection for a variety of reasons. The latter have been identified as Designated Habitat Protection Areas, and each of the twelve areas is specifically addressed. This section includes maps of the areas and outlines protection requirements for them. They are: Upper Middle Branch, Gwynns Falls, Lower Reedbird, Masonville, Stonehouse Cove, Cabin Branch, Hawkins Point, Quarantine Road, Thoms Cove, Fort Armistead, and Colgate Creek.

Section VII Water Quality Improvement

This section consists of the City's findings and goals for improving water quality. The water quality goals for the harbor in the Baltimore area are to support existing human uses and those planned for the future, and to provide conditions for a healthy, balanced ecosystem insofar as possible within a working port estuary.

Section VIII Water-Dependent Facilities and Waterfront Industry Plan

The City has revised this section to make it consistent with COMAR 27.01.03.03A(4).

Section IX Implementation

This section was updated to outline the City's adoption of the Critical Area CAMP, the enforcement of the City's Critical Area Program, the Critical Area review process used by the Department of Planning, and the notification and review procedures necessary to insure interagency coordination. The section also addresses various procedural requirements relating to permits, hearings, appeals, and program amendments. The City also revised the provisions relating to variances and the variance standards to make them consistent with COMAR 27.01.11.

Section X Materials Needed for Compliance

This section of the City's program was revised and modified to include worksheets for the "10% Rule" calculations, forms for calculating the City's stormwater offset fees, requirements for final site plan review, and agreements for landscape maintenance and certification.

Section XI Definitions

This section included minor text changes to clarify several definitions.

CRITICAL AREA COMMISSION

STAFF REPORT
November 13, 2002

APPLICANT: Department of Transportation
Maryland Port Administration (MPA)

PROPOSAL: Westway Liquid Terminal: Pier 9
at North Locust Point Marine Terminal

COMMISSION ACTION: Vote

STAFF RECOMMENDATION: Approval with Conditions

STAFF: Dawnn McCleary

APPLICABLE LAW\REGULATIONS: COMAR 27.02.06 Conditional Approval of State
or Local Agency Programs in the Critical Area

DISCUSSION:

This project site is owned by the Maryland Port Administration (MPA) and is located near the intersection of Nicholson Street and Hull Street in Locust Point, Baltimore City. The site is located in the Patapsco River Watershed near the Northwest Branch of the Baltimore Harbor. The Pier 9 area is bordered by tidal waters on the northern side and the CSX Transportation right of way on the southern side. The project site is 3.75 acres which is all impervious. The site located entirely within the Critical Area, is considered an area of intense development.

The Westway Liquid Terminal plans to construct a new bulk liquid storage and handling facility at Pier 9 of North Locust Point Marine Terminal, in which operations will be merged with their existing facility on Pier 10. The site has been previously developed and is currently paved. The site will have liquid storage tanks, a truck loading\unloading facility and a rail loading\unloading facility. The liquid storage tanks will be located within a dike containment area that is equipped with a perimeter concrete wall. MPA has met the 10 % rule by removing 3.14 pounds of phosphorus using an underground sandfilter.

**Westway Liquid Terminal, Pier 9
@ North Locust Point Marine Terminal
November 13, 2002**

The conditional approval is for two development activities in the 100-foot Buffer: the construction of a liquid storage tank and an underground stormwater management facility. One 1,000,000- gallon liquid storage tank will be placed within the 100-foot Buffer. The tank will hold non-hazardous products such as molasses and corn syrup. An underground sandfilter is also proposed within the 100-foot Buffer. The facility will treat runoff from approximately 0.75 acres of impervious surface cover. The Maryland Department of the Environment has approved the stormwater management and sediment and erosion control plans for this project.

Conditional Approval Process

Conditional approval is required under the Commission's regulations for State and local agency projects when proposed development activities do not satisfy all regulations in full. The conditional approval process is set out in COMAR 27.02.06. In order to qualify for consideration by the Commission for conditional approval, the proposing agency must show that the project or program has the following characteristics:

(1) That there exist special features of a site or there are other special circumstances such that the literal enforcement of these regulations would prevent a project or program from being implemented;

There exist special features and special circumstances of the site that preclude MPA from siting the bioretention and the storage tank outside the 100-foot Buffer. The existing site currently is located on the waterfront and is entirely impervious. The proposed use will be combined with the existing operations next door. Due to the site topography and its small size, the only feasible placement of the underground sandfilter and the one storage tank is within the 100-foot Critical Area Buffer.

(2) That the project or program otherwise provides substantial public benefits to the Chesapeake Bay Critical Area Program:

The underground sandfilter provides substantial public benefits to the Critical Area because the existing parking lot is without stormwater management. The proposed improvements will reduce phosphorus by 3.14 pounds.

(3) That the project and program is otherwise in conformance with this subtitle.

The project is otherwise in conformance with the State Criteria and the City of Baltimore Critical Area Program.

**Westway Liquid Terminal, Pier 9
@ North Locust Point Marine Terminal
November 13, 2002**

Commission must find that the conditional approval request contains the following:

(1) That a literal enforcement of the provisions of this subtitle would prevent the conduct of an authorized State or local agency program or project:

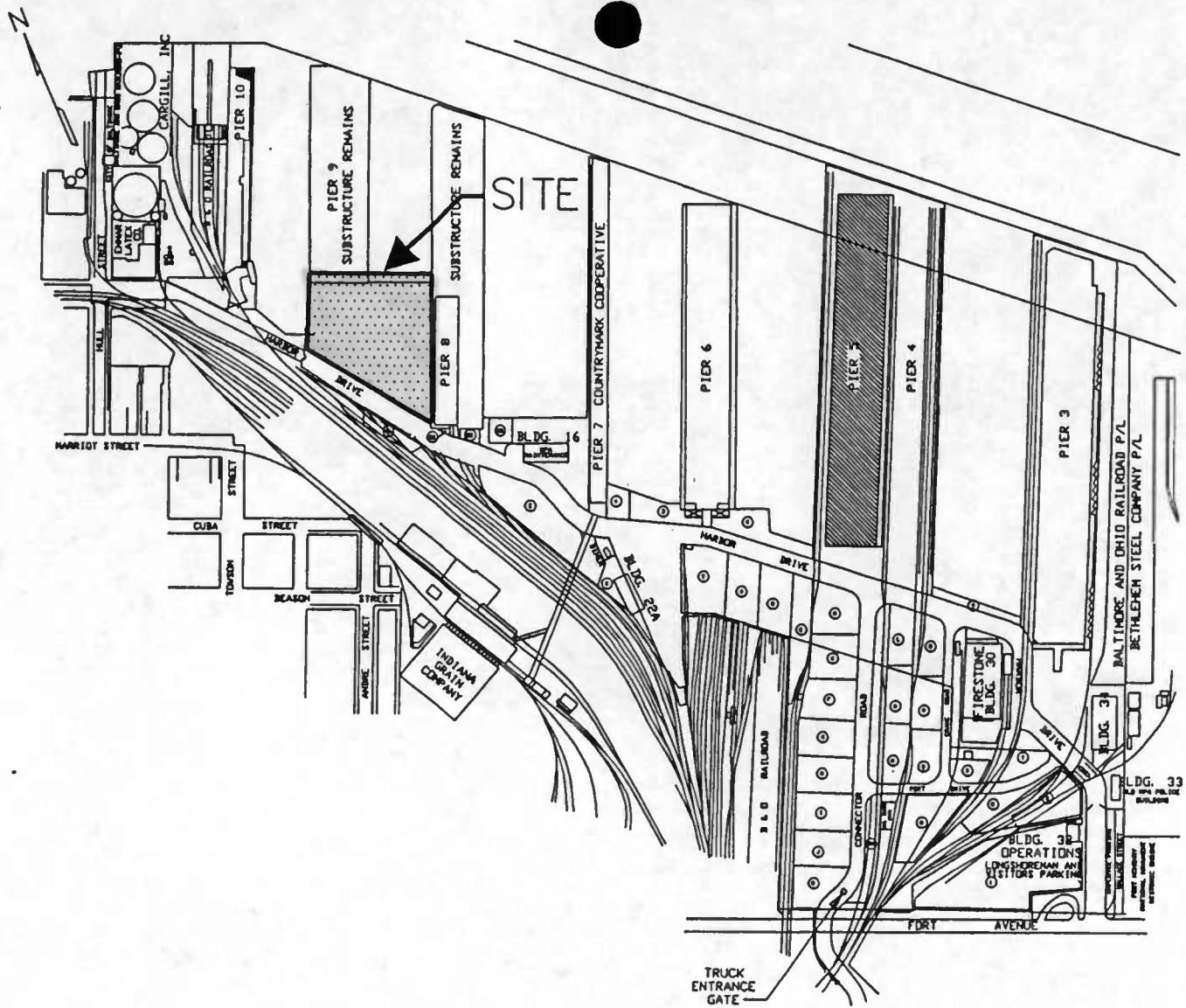
A literal enforcement of the provision would prevent MPA from providing a marine-dependent facility the ability to expand. Preventing the liquid storage tank from being located within the Buffer renders a significant portion of the site undevelopable.


(2) There is a process by which the program or project could be so conducted as to conform, insofar as possible, with the approved local Critical Area program or, if the development is to occur on State-Owned lands, with the criteria set forth in COMAR 27.02.05; and

The storage tank and the sandfilter that will go in the 100-foot Buffer are not consistent with the, Criteria; however, all Buffer impacts will be minimized. Only a portion of the liquid storage tanks encroaches in the buffer since the foundation has been moved away from the existing sheet pile and tie back system.

(3) Measures proposed to mitigate any adverse effects of the project or program on an approved local Critical Area program, or, if on State Owned lands, on the criteria set forth in COMAR 27.02.05.

Since the Buffer does not currently function due to the site being a totally impervious parking lot, the proposed impacts are mitigated by treatment of stormwater on the site through the underground sandfilter.



 WHITNEY BAILEY COX MAGNANI, LLC	CONSULTING ENGINEERS 849 FAIRMOUNT AVE. BALTIMORE, MD 21286 410-512-4500 410-324-4100 (FAX)	VICINITY MAP	8-2-02 Date
	Westway Liquid Terminal Pier 9 at North Locust Point Marine Terminal Baltimore, Maryland 21230		N.T.S. Scale

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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

November 12, 2002

Mr. Jesse Lindsey
Project Manager
Whitney, Bailey, Cox and Magnani, LLC.
849 Fairmount Avenue
Suite 100
Baltimore, Maryland 21286

RE: MPA Offsite SWM Mitigation
Gunpowder Falls State Park at Hammerman Area-Dogwood Lot

Dear Mr. Lindsey:

Thank you for sending the proposed Maryland Port Administration's (MPA) offsite mitigation for the Dogwood Lot at Gunpowder Falls State Park in the Hammerman Area. This office understands that there is a proposal to put a bioretention facility at the Dogwood lot. The purpose of this project is to manage runoff for the parking lots where no stormwater management currently exists. According to our records, MPA owes treatment for a total of 23.36 lbs. of phosphorus for three MPA projects that the Commission approved. (See attached chart).

It appears that there will be forest clearing for the bioretention facility. There is no mention on the site plan how much forest will be cleared in the Critical Area and where the forest will be replaced. Please provide the amount of forest to be cleared and where the forest will be replaced. All Maryland Department of the Environment approvals must be granted before the Commission can formally approve this proposal.

Finally, you informed me last week that six proposed mitigation projects will be submitted shortly. The Commission must have an overall plan of all best management practices proposed for Hammerman and the total amount of phosphorus proposed to be removed as well as an agreement for documenting all phosphorus treated and banked before individual best management practices can be approved. I understand this is forthcoming.

Branch Office: 31 Creamery Lane, Easton, MD 21601
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Continued, Page Two
MPA Offsite SWM Mitigation
Gunpower Falls State Park at Hammerman
November 12, 2002

Thank you for the opportunity to comment. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,



Dawnn McCleary
Natural Resources Planner

cc: Mark Kreadle
Regina Esslinger
Butch Norden
John Norbeck
State Files

Phosphorus Treatment Accounting
 Maryland Port Administration
 November 12, 2002

Project	CAC Approval	P Treatment
1. Colgate Creek Shore Erosion	Approved July 5, 2002 for the bioretention in the Buffer July 16, 2002 for the articulated mat for shore erosion	1.0 lbs. Credit for concrete revetment
2. MPA @ Dundalk Marine Terminal Berths 5 & 6 and Shed 5 B	Approved January 9, 2002	Owe 3.907 lbs. for Shed 5B; Owe 10.12 lbs. for Berths 5 & 6 = 14.03 lbs. Owed; Applied 1.0 lbs. From Colgate Creek revetment Total owed = 13.03 lbs.
3. South Locust Point Cargo Shed	Approved July 10, 2002	Owe 10.33 lbs.
		Total Owed: 23.36 lbs.

Prepared by: Dawnn McCleary, Critical Area Commission

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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November 8, 2002

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

RE: Maryland Science Center
601 Light Street

Dear Mr. Stuart:

This office has reviewed the applicant's proposal to add an addition to the existing Science Center. The entire site is approximately 2.39 acres and is in an Intensely Developed Area. After reviewing the site plan, this office does not oppose the re-development of this site.

This office understands that the applicant is proposing to use a bioretention facility, two perimeter sandfilters and the payment in the City's fees in lieu to meet the pollutant reduction criteria. The proposed bioretention facility will be treating approximately 0.40 acres of proposed Science Center roof. The two perimeter sand filters will treat 0.52 acres of existing offsite parking lot. Both best management practices (BMP) will treat a total 0.92 acres of impervious acres. Due to the proximity to the water table, a portion of this site will not be able to be treated by a BMP. Therefore, an offset fee will be collected by the City.

When the landscaping plans have been revised, please forward them 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,

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

cc: Regina Esslinger
BA 667-02

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
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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

October 28, 2002

Mr. Nick Walls
Environmental Planner
220 South Main Street
Bel Air, Maryland 21014


RE: Bonsack Shoreline Stabilization Project
317 Kennard Avenue

Dear Mr. Walls:

Thank you for the opportunity to review the above project. This office understands that there is a preliminary proposal to construct a retaining wall in the 100-foot Buffer for shoreline stabilization on an existing residential lot. The site totals 0.45 acres, is in a Limited Development Area (LDA) and is in a Buffer Exemption Area.

According to your Oct. 28 phone message, the erosion is coming from the land side. It appears that the applicant could investigate other types of shore erosion protection methods other than a retaining wall. In order to determine if this is possible, I would like to set up a site visit to see the property. Please let me know a date we could meet for a site visit. I can be reached at (410) 260-3483.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Pat Pudelkewicz
Regina Esslinger
HC 624-02

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
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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

October 24, 2002

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

RE: Tara Investments, LLC

Dear Mr. Walls:

Thank you for the opportunity to review the above project. This office understands that there is a proposal to construct a two story 52 bed motel. The site totals 2.51 acres with 1.49 acres in an Intensely Developed Area (IDA). We concur that the 10 % pollution reduction calculations must be submitted; please forward once you receive them and we will review them. We would also like to review any revisions to the site plan. We support your efforts to minimize impervious surface and forest clearing. We will provide additional comments once we receive the requested information. If you have any questions, I can be reached at (410) 260-3483.

Sincerely,

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

Dawnn McCleary
Natural Resources Planner

cc: Pat Pudelkewicz
Regina Esslinger
HC 640-02

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

STATE OF MARYLAND
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1804 West Street, Suite 100, Annapolis, Maryland 21401
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October 28, 2002

Mr. Kevin Scott
Environmental Planner
City of Annapolis Planning and Zoning
160 Duke of Gloucester Street
Annapolis, Maryland 21401

RE: Chesapeake Yacht Interiors
720 Second Street

Dear Mr. Scott:

Thank you for sending additional information for our review. This office understands that the applicant is proposing to construct a new two story marine fabrication building on the waterside of the site. The applicant is also proposing to construct a new driveway, walkway and deck and to add landscaping. The existing residential structure will remain and be renovated. The site is mapped as Buffer Exemption Area, totals 0.161 acres and is located in an Intensely Developed Area.

After reviewing the revised 10 % calculations and revised landscaping plans, this office determined that the 10 % calculations and landscaping plans are correct and consistent with the local Critical Area Program.

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

Sincerely,

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

Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
AN 513-02

Branch Office: 31 Creamery Lane, Easton, MD 21601
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October 18, 2002

Mr. Donald Sparklin
Assistant Division Chief
Project Planning Division
Maryland Department of Transportation
State Highway Administration
P.O. Box 717
Baltimore, Maryland 21203-0717

RE: US 40: Baltimore\Harford County
Project No. HA228A21

Dear Mr. Sparklin:

Thank you for submitting the State Highway Administration's (SHA) proposal to resurface the roadway and remove some of the inside shoulder to create a raised planting bed between the northbound and southbound lanes. This project also includes upgrading the guardrail, replacing the curbs and gutters and adding sidewalks. The site is a 3.36-acre area of intense development. The existing impervious area on the site is 2.45 acres. The proposal calls for the removal of 0.21 acres for the planting beds and the addition of 0.05 acres for the sidewalks, resulting in a total impervious area of 2.29 acres.

Also, this office understands that:

1. That there are no State or Federally listed threatened or endangered species in the project area; and,
2. That the Maryland Department of the Environment has determined that the project could occur in areas of tributaries to the Little Gunpower Falls, a Use I stream. No in-stream construction is permitted in Use I streams from March through June 15, inclusive of any year;

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Continued, Page Two
US 40, Baltimore\Harford County
October 18, 2002

Critical Area Commission staff have reviewed this project in accordance with the Memorandum of Understanding between the Chesapeake Bay Critical Area Commission and the Maryland Department of Transportation. Staff has determined that the proposed landscaping and upgrading of the guardrail is consistent with Appendix A, Numbers 2 and 3, and that resurfacing of the roadway and removal of the shoulder is consistent with Appendix B, Numbers 2 and 4. Therefore, formal approval of these projects by the Commission is not necessary.

If there are any changes in development activity that may affect the habitat within the area on site, this office would like to be notified immediately. Thank you for the opportunity is comment. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Karen Arnold
Janet Gleisner
Regina Esslinger
State File: 43-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**
1804 West Street, Suite 100, Annapolis, Maryland 21401
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October 11, 2002

Ms. Megan Owen
City of Annapolis Planning and Zoning
160 Duke of Gloucester Street
Annapolis, Maryland 21401

RE: Farmers Bank Special Exception
S.E. 2002-6-515

Dear Ms. Owen:

Thank you for the opportunity to review the above special exception. The property is 0.58 acres in size and is designated an Intensely Development Area (IDA). The applicant is proposing to convert two existing houses into a commercial bank. This office understands that the special exception is to allow a bank with a drive-through in a B-1 district. We do not oppose this special exception. Please note that the 10% Calculations must be done for this project.

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

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
AN 568-02

Branch Office: 31 Creamery Lane, Easton, MD 21601
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Chairman



Ren Serey
Executive Director

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October 11, 2002

Ms. Megan Owen
Environmental Planner
City of Annapolis Planning and Zoning
160 Duke of Gloucester Street
Annapolis, Maryland 21401

RE: Chesapeake Children's Museum

Dear Ms. Owen:

Thank for sending us the Buffer management plan for the above project. The applicant is proposing to rehabilitate a trail, mitigate for erosion and preserve an educational nature trail on the grounds of it new facility. The property is 5.24 acres and is designated a Resource Conservation Area. The trail will be developed using minimally invasive techniques and with natural material designed to reduce runoff into the creek. After reviewing all the information provided, it appears that the applicant meets the Buffer mitigation requirements. 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
AN 615-02

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

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Chairman



Ren Serey
Executive Director

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

October 11, 2002

Ms. Megan Owen
Environmental Planner
City of Annapolis Planning and Zoning
160 Duke of Gloucester Street
Annapolis, Maryland 21401

RE: 4 Spa View Circle

Dear Ms. Owen:

This office has reviewed the applicant's building permit and Buffer management plan to install an in-ground pool 51 feet from the water. This project lies within the Intensely Developed Area, is BEA and totals 0.58 acres.

After reviewing all the information provided, it appears that the applicant meets all the BEA standards and Buffer mitigation requirements. 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
AN 616-02

Branch Office: 31 Creamery Lane, Easton, MD 21601
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Chairman



Ren Serey
Executive Director

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October 11, 2002

Ms. Megan Owen
Environmental Planner
City of Annapolis Planning and Zoning
160 Duke of Gloucester Street
Annapolis, Maryland 21401

RE: Harborview Project
2 Little Harborway

Dear Ms. Owen:

Thank you for sending us the Buffer Management Plan for the above project. The applicant is proposing to remove invasive species (e.g. poison ivy) within the 100-foot Buffer and mitigate with native species. After reviewing the Buffer Management Plan, this office is satisfied with the proposed required 1:1 mitigation of 2,500 square feet of native species for the area disturbed.

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
AN 175-02

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

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Chairman



Ren Serey
Executive Director

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October 11, 2002

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

RE: Margaret Iles & J. Richard Sabonjohn
02-28V

Dear Ms. Schmick:

Thank you for the opportunity to review the above variance application. This office has reviewed the applicant's proposal to construct a 2,232 square foot dwelling with an attached garage and deck partially in the 100-foot Buffer. The property currently has an existing dwelling and swimming pool in the Buffer. The property is 0.46 acres and is designated a Limited Development Area with half of the lot located in the 100-foot Buffer.

After reviewing the site plan, this office does not oppose the variance for the house, garage and deck. It appears that the proposed house, garage, and deck cannot be moved out of the Buffer. Therefore, if a variance is granted we recommend 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 in this application.

Sincerely,

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

Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
CR 612-02

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

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October 3, 2002

Mr. Donald Sparklin
Assistant Division Chief
Project Planning Division
Maryland Department of Transportation
State Highway Administration
P.O. Box 717
Baltimore, Maryland 21203-0717

RE: US 40: Baltimore\Harford County
Project No. HA228A21

Dear Mr. Sparklin:

Thank you for submitting the State Highway Administration's (SHA) proposal to resurface the roadway, and remove some of the inside shoulders to create a raised planting bed between the northbound and southbound lanes. This project also includes upgrading the guardrail, replacing the curbs and gutters and adding sidewalks.

The proposal shows a site of 3.36 acres with a small part in the Resource Conservation Area and the rest in an Intensely Developed Area (IDA). The existing impervious area is 2.45 acres. There is a proposal to remove approximately 0.21 acres of impervious surface, resulting in 2.29 acres of impervious surface on site. The site plan shows the Critical Area line in the incorrect location; the County maps show the correct line beyond Joppa Farm Road. Please correct the site plan and adjust the impervious figures accordingly.

Once we receive the revised information, we can finalize our review. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

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

Dawnn McCleary
Natural Resources Planner

cc: Karen Arnold
Regina Esslinger
State File: 43-02

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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October 3, 2002

Mr. Charles Belfoure
Department of General Services
State Office Building, Suite 1405
301 West Preston Street
Baltimore, Maryland 21201

RE: Tawes Daycare Center

Dear Mr. Belfoure:

As you are aware, the Commission reviewed and approved the Tawes Day care facility with conditions on September 5, 2001. The Commission's approval included the conditions that the Commission staff approve the 10% pollutant reduction requirement calculations and that the final approval of stormwater management be approved by MDE with any additional approval or significant change coming back to the Commission for approval.

On October 2, 2002, the Commission voted to approve the proposed stormwater management facility at the Robert C. Murphy (Maryland Court of Appeals) parking lot adjacent to the Department of Natural Resources. This stormwater management facility satisfies the Maryland Department of the Environment, the Anne Arundel Soil Conservation District and the Critical Area Commission's condition for stormwater management requirements for the daycare center in the Tawes Building.

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
State File: 16-01

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

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Critical Area Commission

STAFF REPORT

October 2, 2002

APPLICANT: Department of General Services

PROPOSAL: Tawes Daycare Center

JURISDICTION: City of Annapolis

COMMISSION ACTION: Vote

STAFF RECOMMENDATION: Approval

STAFF: Dawnn McCleary

**APPLICATION LAW
REGULATION:** COMAR 27.02.05.03 - State Agency Actions
Resulting in Development on State-Owned Lands

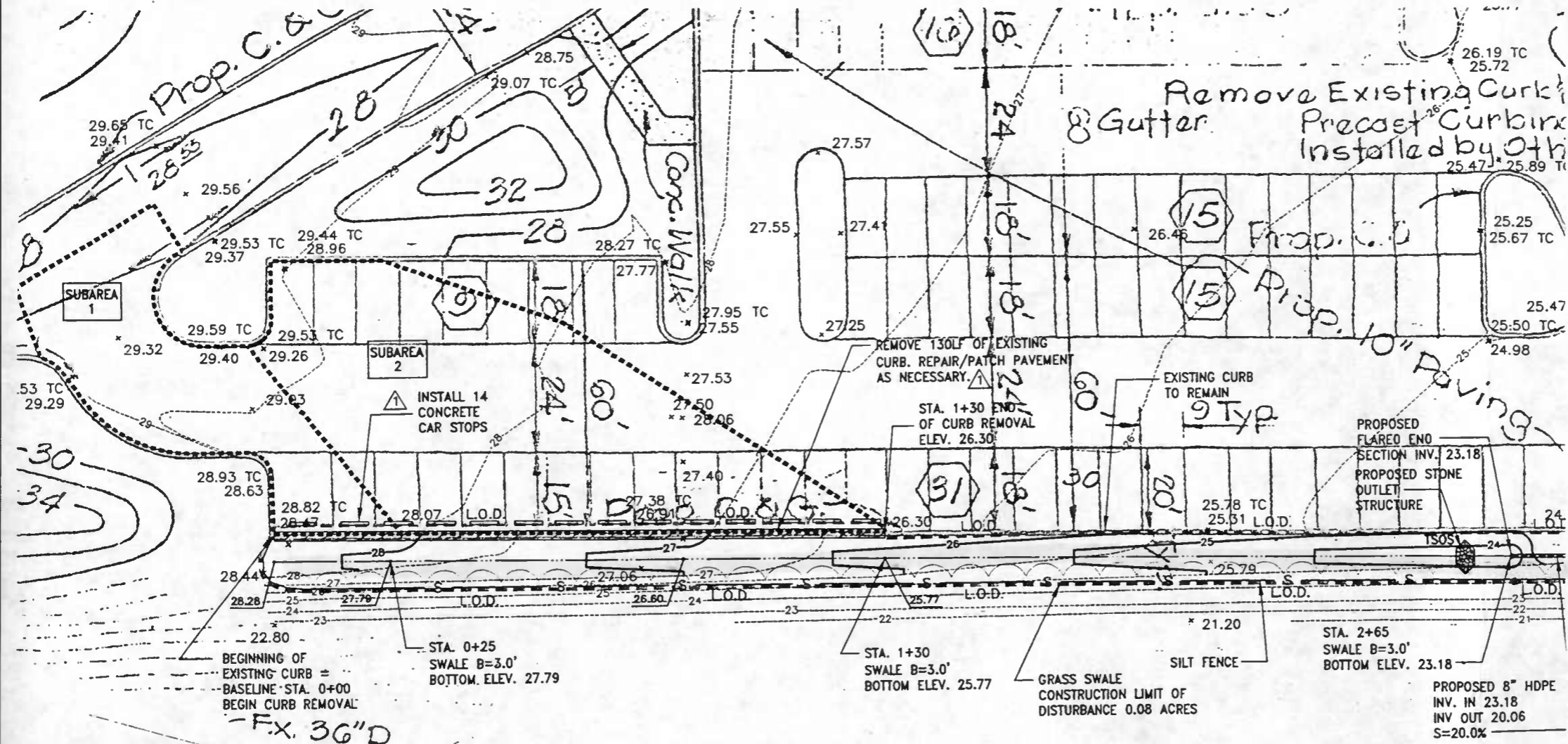
DISCUSSION:

On September 5, 2001, the Commission reviewed and approved the Department of General Services's proposal to put a daycare center in the Tawes Building and to install a playground in front of the existing building. The Commission's approval included the following conditions:

1. Commission staff approval of 10% pollutant reduction requirement calculations;
2. Final approval of stormwater management by MDE with any additional and significant change coming back to the Commission for approval.

The final design consists of expanding the existing vehicular drop-off area, constructing a new impervious playground area by filling in an existing fish pond, and providing stormwater management.

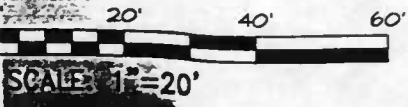
The applicant is required to remove 0.32 pounds of phosphorus. Stormwater management was originally proposed on site. Now it is proposed offsite at the Robert C. Murphy (Maryland Court of Appeals) Courthouse parking lot adjacent to DNR. MDE and Anne Arundel County Soil Conservation District have approved the proposed grass channel along the back curb of the courthouse parking lot; the existing parking lot currently has no best management practice in use. The channel will be treating 6,680 square feet of runoff. The 10 % calculations have been reviewed and approved by the Critical Area staff.



TAWES DAYCARE

AS-BUILT CERTIFI

I HEREBY CERTIFY THAT THE STORMWATER MANAGEMENT FACILITY CONSTRUCTED IN ACCORDANCE WITH THE PLANS APPROVED BY THE ENVIRONMENT, EXCEPT AS NOTED IN RED ON THE "AS-BUILT" DRW



EXISTING CURB TO REMAIN OR PROPOSED CONCRETE CAR STOP



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401
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September 20, 2002

Mr. Ted Bishop
Director
Department of Economic Development
and Planning
711 Pennington Avenue
Havre de Grace, Maryland 21078

RE: Penns Beach Marina

Dear Mr. Bishop:

Thank you for the opportunity to review the latest information on the proposal to repair and enhance an old and deteriorated marina and restore it to a fully operational status. The proposal includes waterfront access, a fishing pier, an observation deck, and a swimming pool. No paving of any existing parking areas is included in this project. The property owner is also proposing to replace landscaping with the right-of-way along Concord Street and to rehabilitate the City stormwater management facility located adjacent to the applicant's property. This office does not object to the proposed rehabilitation of the project, however, the applicant needs to obtain all permits before any development activity begins.

There is an error on Worksheet A of the pollutant removal requirement. The site acreage must remain the same for the existing and post-development acreage. The Worksheet shows the existing acreage as 3.18 acres and post development site as 3.06 acres. Step 5 must reflect the various Best Management Practices and removal efficiencies in the Maryland Department of the Environment's 2000 Stormwater Manual. When the 10 % calculations have been revised, please forward to our office for review.

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Continued, Page Two
Penns Beach Marina
September 20, 2002

This office recommends that all proposed plantings on site be with native species. (See attached selected Native Trees and Shrubs for Critical Area Plantings.) If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Dianne Klaire
Jay Bautz
Regina Esslinger
HG 331-02

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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September 17, 2002

Mr. Kevin Scott
Environmental Planner
City of Annapolis Planning & Zoning
160 Duke of Gloucester Street
Annapolis, Maryland 21401

RE: Chesapeake Yacht Interiors

Dear Mr. Scott:

Thank you for the opportunity to review the above project. This office understands that there is a proposal to construct a new two story marine fabrication building on the waterside of the site. The applicant is also proposing to construct a new driveway, walkway and deck and to add landscaping. The existing residential structure will remain and be renovated. The site is mapped as Buffer Exemption Area, totals 0.161 acres and is located in an Intensely Developed Area.

In order to complete my review of this project, this office needs the revised site plan\ landscaping plan that you recently mentioned to me. Under Worksheet A, Step 5 of the 10% Rule, gravel under decks is not considered a Best Management Practice (BMP). The applicant must revise Worksheet A, Step 5 reflecting BMPs from the Maryland Department of the Environment's 2000 Stormwater Manual. When the 10 % calculations and the site plans have been revised, please forward to our office for review. I will provide additional comments.

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

Sincerely,


Dawn McCleary
Natural Resources Planner

cc: Regina Esslinger
AN 513-02

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

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September 17, 2002

Mr. Jay Bautz
Manager of Development Services
Department of Economic Development & Planning
City of Havre de Grace
711 Pennington Avenue
Havre de Grace, Maryland 21078

RE: Extreme Offshore Marine
627 Water Street
Havre de Grace

Dear Mr. Bautz:

Thank you for the opportunity to review the above project. There is a proposal to install two 12 feet by 56 feet mobile sales trailers which will be temporarily used as a business sales office and a bait and tackle business. The applicant is also proposing to place outside dry storage racks for 24 boats. This office understands that the trailers are to be used on a temporary basis for approximately 12 to 18 months. The owners are proposing in the future to remove the temporary trailers and construct a permanent building and a 50-foot by 100 foot enclosed repair and storage facility building for marine equipment.

This office does not object to the temporary trailers. However, we understand that by the end of the 18 months, you will be sending our office revised site plans and the required 10% calculations. If the permanent building site plan is not complete at this time, the applicant must provide the 10% calculations for the temporary development. In reference to the outside dry storage racks, staff has always considered storage racks over any surface impervious. Therefore, when the 10% calculations are done, the applicant must add the storage racks in Worksheet A since it will be considered impervious.

We are looking forward in reviewing the future development of this site. If there are any changes in development activity that may affect the proposed activity, this office would like to be notified immediately.


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Continued, Page Two
Extreme Offshore Marine
September 17, 2002

Thank you for the opportunity to comment. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,



Dawnn McCleary
Natural Resources Planner

cc: Ted Bishop
Regina Esslinger
HG 553-02

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

September 10, 2002

Mr. Robert Warner, P.E.
Associate Engineer
A. Morton Thomas and Associates, Inc.
12750 Twinbrook Parkway
Rockville, Maryland 20852-1700

RE: Lowe House of Delegates Office Building Addition
Forest Stand Delineation

Dear Mr. Warner:

Thank you for your letter dated August 23, 2002. This office understands that the Department of General Services is proposing to build an addition to the Lowe House of Delegates office building in the City of Annapolis. The total site area consists of 1.62 acres, with 200 square feet in the Critical Area. According to your letter, you are requesting that the Department of Natural Resources (DNR), Forest Service apply the Forest Conservation Act to the entire site including the Critical Area. This office has spoken to Marian Honecny at DNR about your request and we concur.

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: Mark Schneidman
Marian Honecny
Regina Esslinger
State: 24-02

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**

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

August 29, 2002

Mr. Edward Smith
Engineer
Mass Transit Administration
William Donald Schaefer Tower
6 St. Paul Street, Suite 604
Baltimore, Maryland 21202

RE: Proposed Retaining Wall in Federalsburg

Dear Mr. Smith:

Thank you for submitting the Mass Transit Administration's (MTA) proposal to install a retaining wall along the existing railroad embankment in the vicinity of Marshy Hope Creek in the Town of Federalsburg's Critical Area. This office understands that the existing embankment behind the retaining wall has experienced erosion and no longer has sufficient width to safely support the railroad track. To correct this urgent safety concern, MTA proposes the installation of a 22 foot long retaining wall behind the bridge abutment perpendicular to the abutment and Marshy Hope Creek at each of the four corners of the bridge. The site is located entirely within the Critical Area in an Intensely Developed Area. The retaining walls will be within the footprint of the existing railroad embankment and after they are installed, fill will be added to the side slope of the existing embankment.

Critical Area Commission staff has determined that this project is consistent with Appendix A, Nos. 2 and 7 of the Maryland Department of the Transportation and the Chesapeake Bay Critical Area Commission's Memorandum of Understanding. Therefore, formal approval of the project by the Commission is not necessary.

Branch Office: 31 Creamery Lane, Easton, MD 21601
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Continued, Page Two
Railroad Retaining Wall in Federalsburg
August 28, 2002

If there are any changes in development activity that may affect the habitat within the area on site, this office would like to be notified immediately. Thank you for the opportunity to comment. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: A. Jay Dolby
Meg Andrews
Regina Esslinger
State File: 37-02

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

August 23, 2002

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

RE: Central Avenue Reconstruction
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 proposal to re-construct 1.2 miles of Central Avenue after replacing the underground storm sewer which is failing. The site is 1.72 acres of Intensely Developed Area (IDA), all of which is paved except for the few heavily compacted tree wells. Approximately twenty-five new and/or expanded large tree wells and a large planting bed will be constructed.

Critical Area Commission staff also understands:

1. That the limit of disturbance is partially within the 100-foot Buffer;
2. That the 10 % pollutant reduction requirement is being met by the addition of new tree pits. The addition of the new tree wells and planters creates a net decrease in impervious surface;
3. That no vegetation will be removed;
4. That there are no known Federal and or State threatened or endangered plant or wildlife species present at this time; and,
6. That the road reconstruction will not affect the Patapsco River tidal wetlands.

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

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

Continued, Page Two
Central Avenue Reconstruction
August 23, 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 affect the Critical Area program of the jurisdiction, and 3) is not considered by the Commission as major development. (See COMAR: Chapter Two, Regulations for Development in the Critical Area Resulting from State and Local Agency Programs) Therefore, formal approval of the 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 495-02

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

August 23, 2002

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


RE: 618 Burnside Street
Buffer Disturbance (BEA)

Dear Mr. Scott:

Thank you for the opportunity to review the above project. This office understands that the applicant is proposing to add a 96 square foot addition to the existing house for a workshop. The project lies within the Intensely Developed Area, is BEA and totals 0.158 acres or 6,746 square feet. After reviewing the information, Critical Area staff determined that this project is consistent with the City's Buffer Exemption policy.

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

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Megan Owen
Regina Esslinger
AN General BEA 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

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

August 20, 2002

Ms. Diane Evans
EBPGM
Department of Natural Resources
Tawes State Office Building, E-B
Annapolis, Maryland 21401

RE: Federalsburg Urban Renewal Plan
Revitalization Area 1

Dear Ms. Evans:

Thank you for the opportunity to review the above project. This office understands that the Town of Federalsburg is planning to revitalize two blocks on South Main Street between East Central Avenue and Academy Avenue between Main Street and Marshy Hope Creek. It appears from the aerial photo and City report that development may take place in the 100-foot Buffer and Critical Area. Therefore, we will need to see it. If development activity takes place on private land, it will fall under the Town's Critical Area program and require local review. If it takes place on land owned by the local jurisdiction, it will fall under COMAR 27.02.02 (Development in the Critical Area Resulting from State and Local Agency Programs) and require consistency review.

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

Sincerely,

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

Dawnn McCleary
Natural Resources Planner

cc: Conway Gregory
Roby Hurley
Regina Esslinger
General Files

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

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

MEMORANDUM

TO: Ray Dintaman (ER and FS)
✓ Regina Esslinger (CBCAC)
Tim Larney (WHS)
Marian Honecny (FORS)
Arnold Norden (LWCS)

FROM: Diane R. Evans *DRE*
EBPGM

DATE: August 13, 2002

RE: FEDERALSBURG URBAN RENEWAL PLAN, REVITALIZATION
AREA 1

The Town of Federalsburg has submitted a draft of their Urban Renewal Plan, Revitalization Area 1, for our review and comment. It would be appreciated if you would evaluate 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.

maps attached. Pictures in my office.

In order to facilitate DNR's response to this request, please submit your comments to me **no later than Tuesday, August 20, 2002.**

CHECK ONE. INITIAL AND DATE CHECK INITIAL DATE

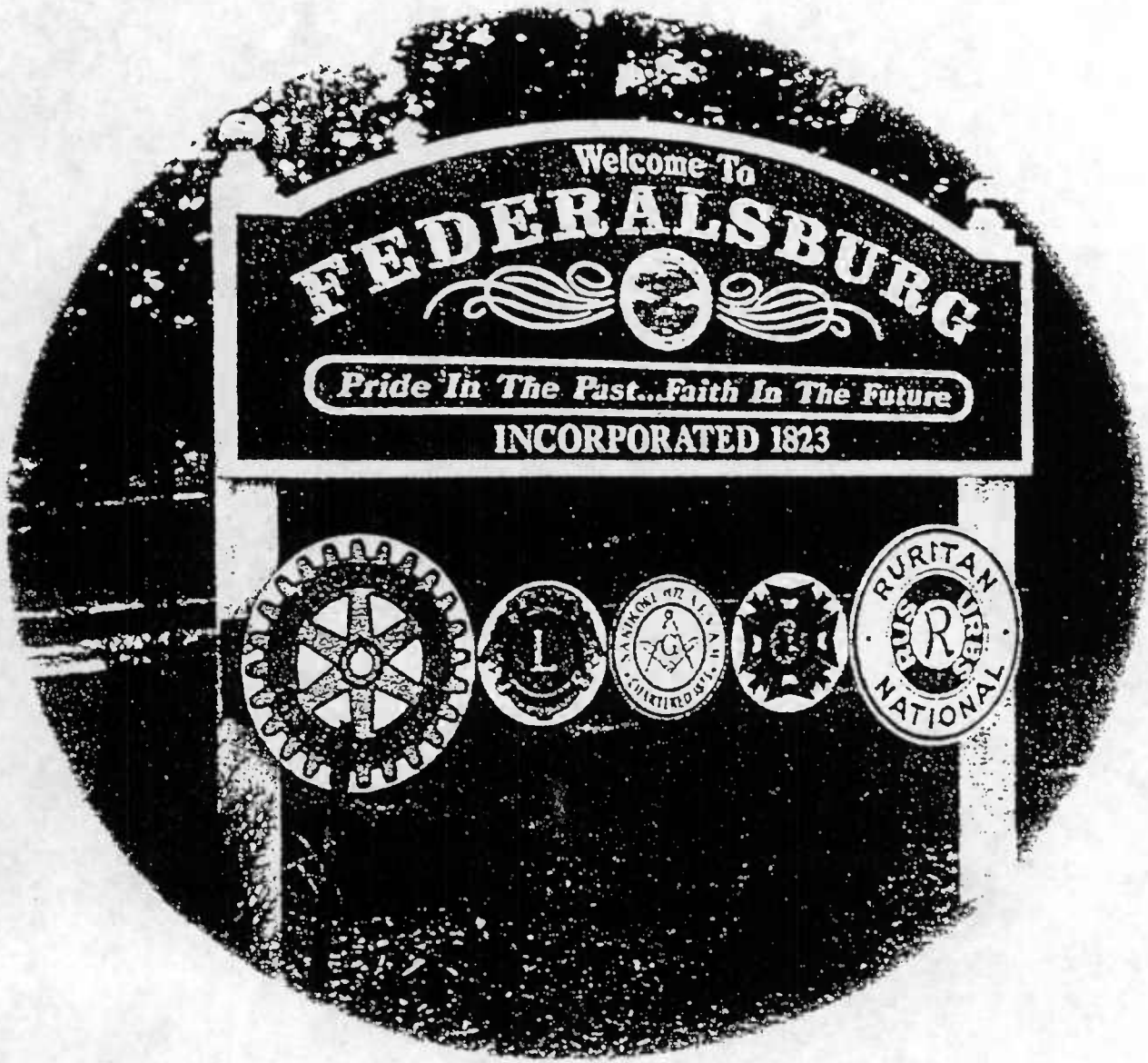
The plan does not conflict with the plans, programs or objectives of this agency. _____ _____ _____

The plan does not conflict with this agency's plans, programs or objectives, but the attached comments are submitted for consideration. ✓ DM 8/20/02

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.

Handwritten notes and stamps:
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A rectangular stamp with illegible text.



Revitalization Area 1

Federalburg Revitalization Project: South Main Street, Phase I

Parcel List

- P. 701: Old Coastal Station
- P. 702: Old Town Barn (Town Owned)
- P. 698: Old Radio Station
- P. 696: George Ballas
- P. 695: Crowfoot Building
- P. 694: Bowser's Bar
- P. 693: Bill Hering
- P. 692: Police Station (Town Owned)
- P. 691: Bill Hering
- P. 690: Bill Hering
- P. 689: Shirley Powell
- P. 688: Bill Hering
- P. 687: Bill Hering
- P. 686: Brownie's Tire Store

Narrative:

It is the intention of the Town of Federalburg to stimulate and ensure the revitalization of a two block area on South Main Street between East Central Avenue and Academy Avenue between Main Street and Marshy Hope Creek. The Old Town Barn (parcel 702, which is in unsafe and dilapidated condition and located in the flood plain of Marshy Hope Creek) will be removed. An attractive highly landscaped parking lot with defined pedestrian access to Marshy Hope Creek Park, South Main Street and East Central Avenue will be designed and constructed. An existing alley way between parcels 698, 696 and 695 will provide one way vehicular access to the parking lot, and traffic will be directed back out on to South Main Street via an existing Town-owned driveway between parcels 692 and 690.

The old Radio Station and the Crowfoot Building, though deteriorated will be renovated and returned to a mix of commercial uses. Other structures along the streetscape of South Main will also be renovated for reuse. Two structures in the flood plain on parcel 691 will be removed, and this parcel will be combined with parcel 702 to provide the necessary area for the new parking area. This parking area will provide needed spaces for the business on South Main Street and park users.

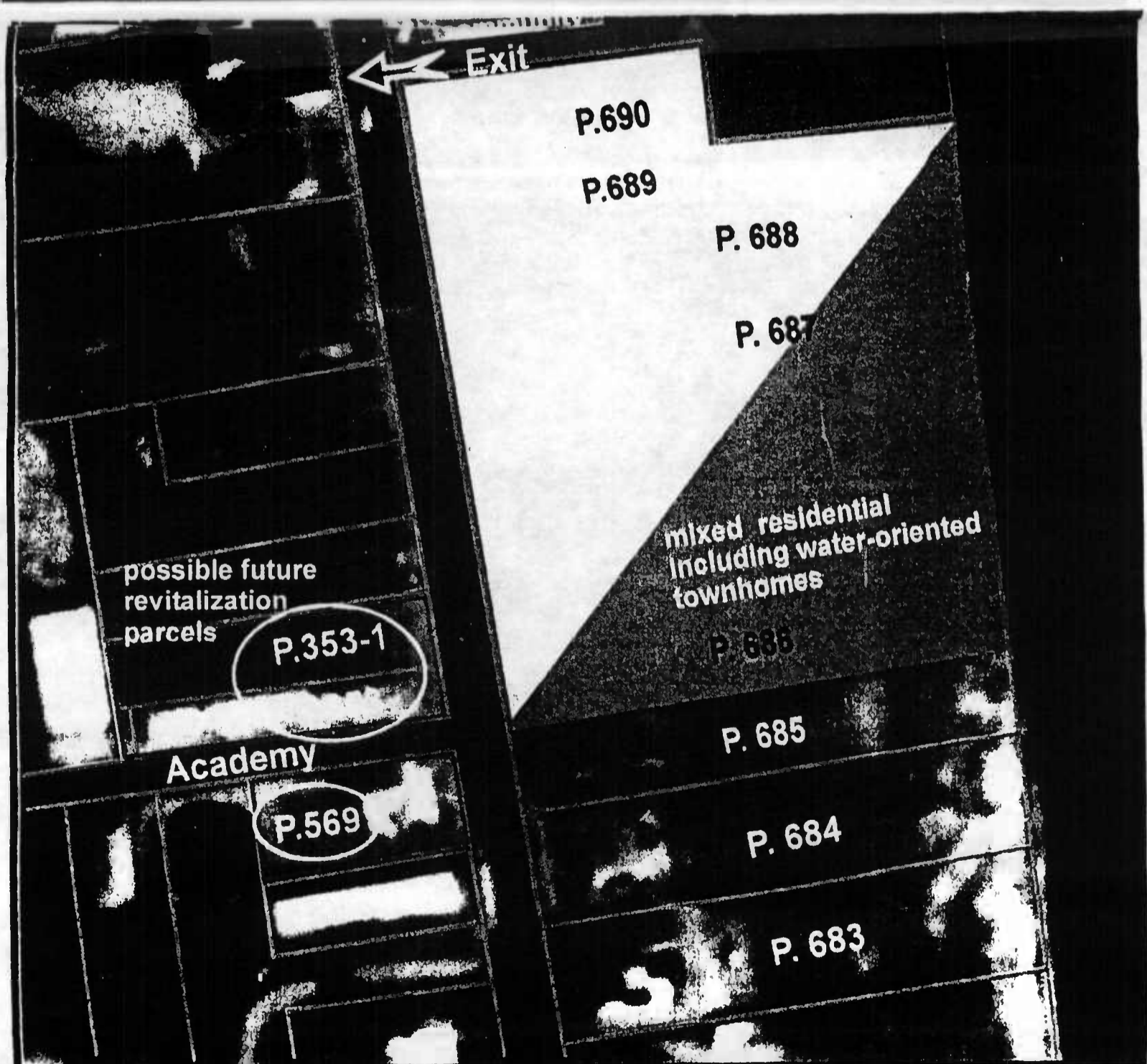
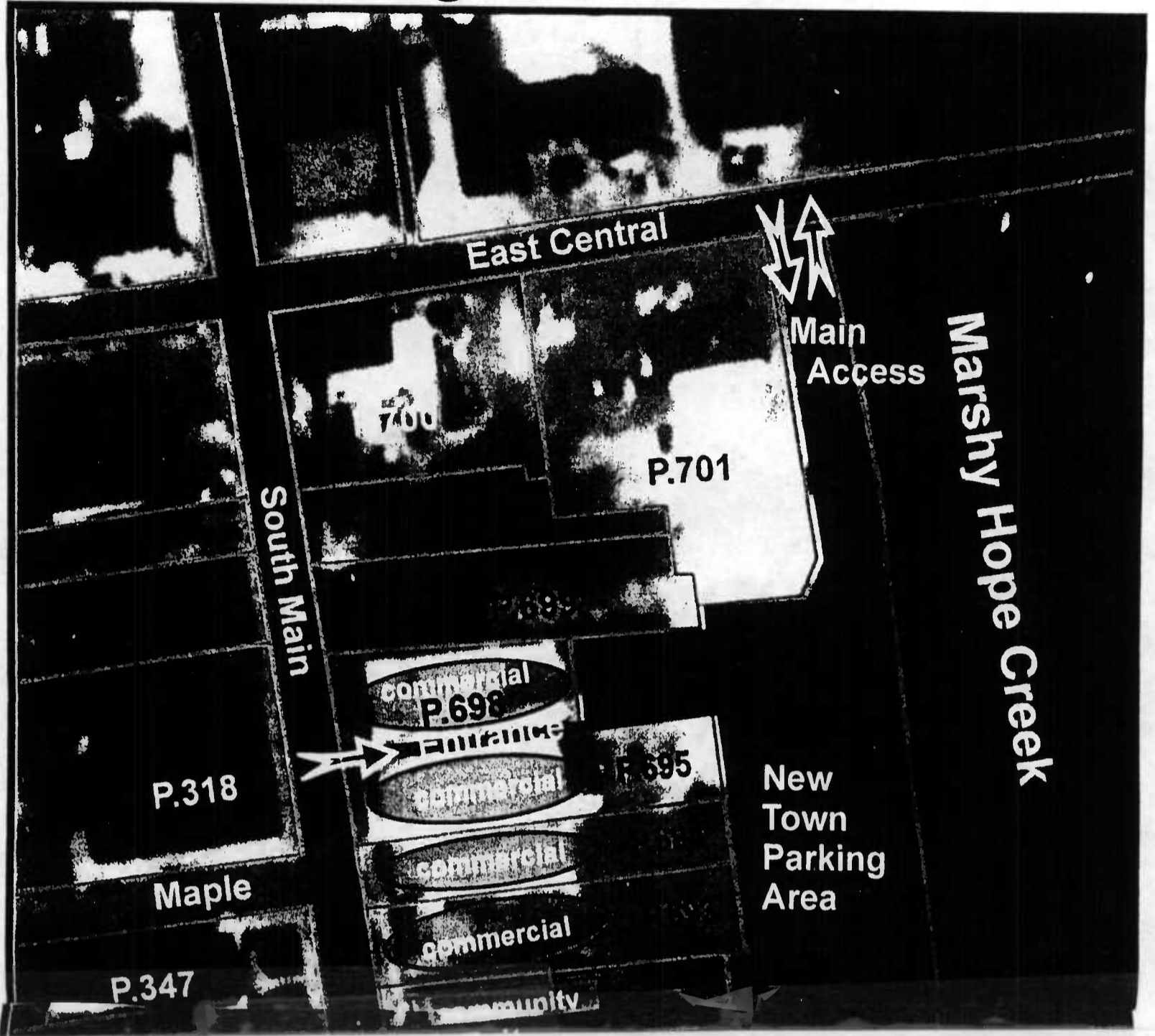
The old "hotel" on parcel 687, Brownie's Tire shop (and its collection of discarded tires and related detritus) will be removed as will structures on parcels 688 and 689 to make way for a redevelopment site for new medium density housing that will be oriented toward the waterfront and linked to existing pedestrian walks along Marshy Hope Creek through the park. Sidewalk sections in need of repair on South Main Street will also be addressed. Overall, the existing streetscape will be protected and enhanced, residential, commercial, and public uses will be mixed, and it is hoped this initiative will stimulate additional revitalization efforts on the west side of South Main Street, especially in the area of Academy Avenue.

Property Description:	Owner:	Map/Grid/Parcel:	Liber/Folio:	Full Market Value:	Taxes:
Radio Station Building* 112 South Main Street 05-014751 4,248 sq ft	Mayor & Council of Federalsburg P.O. Box 471 Federalsburg, MD 21632	Map - 201 Grid - 1 Parcel - 698	Liber - 312 Folio - 633	\$ 65,000	State - \$ 5.46 Co. - \$54.08 <u>Town - \$38.44</u> Total - \$98.02
Famous Cleaners Building 114 South Main Street 05-000947 4,878 sq ft	George Ballas 214 Academy Avenue Federalsburg, MD 21632	Map - 201 Grid - 1 Parcel - 696	Liber - 225 Folio - 327	\$ 32,300	State - \$27.13 Co. - \$268.74 <u>Town - \$191.21</u> Total - \$487.09
Crowfoot Building 118 South Main Street 05-019419 9,361 sq ft	Richard Basciano Attn: Thomas Simmons, Esq. 300 W 43rd Street, Floor 4 New York, NY 10036-6404	Map - 201 Grid - 1 Parcel - 695	Liber - 402 Folio - 329	\$105,066	State - \$88.26 Co. - \$874.15 <u>Town - \$621.94</u> Total - \$1,584.44
Old Town Barn Bk off E/S of East Central 05-024722 10,000 sq ft	Mary E. Michael P.O. Box 75 St. Michaels, MD 21663	Map - 201 Grid - 1 Parcel - 702	Liber - 306 Folio - 584	\$10,000	State - \$8.40 Co. - \$83.20 <u>Town - \$59.20</u> Total - \$150.80
House next to Bowser's Bar & Police Station 202 South Main Street 05-023513 9,700 sq ft	Bill Hering P.O. Box 51 Secretary, MD 21664-0051	Map - 201 Grid - 1 Parcel - 693	Liber - 298 Folio - 217	\$46,540	State - \$39.09 Co. - \$387.21 <u>Town - \$275.52</u> Total - \$701.82
House next to Police Station & Shirley Powell's property 206 & 208 South Main Street 05-022347 7,400 sq ft	Bill Hering 5222 Clark Canning House Road Federalsburg, MD 21632	Map - 201 Grid - 1 Parcel - 690	Liber - 298 Folio - 217	\$56,800	State - \$47.71 Co. - \$472.58 <u>Town - \$336.26</u> Total - \$856.55

Property Description:	Owner:	Map/Grid/Parcel:	Liber/Folio:	Full Market Value:	Taxes:
Water Street Houses 103 & 105 Water Street 05-022355 12,550 sq ft	Bill Hering 5222 Clark Canning House Road Federalsburg, MD 21632	Map - 201 Grid - 1 Parcel - 691	Liber - 330 Folio - 606	\$33,062	State - \$27.77 Co. - \$275.08 <u>Town - \$195.77</u> Total - \$498.58
Old Red Barn S/S Main Street 05-000173 11,280 sq ft	Bill Hering P.O. Box 51 Secretary, MD 21664-0051	Map - 201 Grid - 1 Parcel - 688	Liber - 298 Folio - 217	\$15,196	State - \$12.76 Co. - \$126.43 <u>Town - \$89.96</u> Total - \$229.15
Old Hotel 218 South Main Street 05-000181 10,810 sq ft	Bill Hering P.O. Box 51 Secretary, MD 21664-0051	Map - 201 Grid - 1 Parcel - 687	Liber - 298 Folio - 217	\$50,790	State - \$42.66 Co. - \$422.57 <u>Town - \$300.68</u> Total - \$765.91
Old Coastal Station 105 East Central Avenue 05-000734 18,730 sq ft	Marshyhope Properties 3941 Federalsburg Highway Federalsburg, MD 21632	Map - 201 Grid - 1 Parcel - 701	Liber - 291 Folio - 466	\$85,600	State - \$71.90 Co. - \$712.19 <u>Town - \$506.75</u> Total - \$1,290.84

* (This property is currently exempt from taxes. The tax amounts shown are based on the current full market value of this property.)

Federalsburg Revitalization Area



Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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

August 15, 2002

Ms. Diane Claire
Planner
Department of Planning
City of Havre de Grace
711 Pennington Avenue
Havre de Grace, Maryland 21078

RE: Penns Beach Marina

Dear Ms. Clair:

Thank you for planning the site visit on August 8, 2002 at Penns Beach Marina. Based on our site visit and the site plan, this office understands that the applicant is proposing to rehabilitate a new marina, dredge the marina basin and replace all failing bulkheads, breakwaters and outfall with steel bulkheads and rip rap. There is also a proposal to build a new marina office, a new swimming pool, a new 10 x 20 bathhouse and gazebo, a 8-foot wide by 270-foot long boardwalk and promenade and a new parking lot by repaving the existing lot. The site lies within an Intensely Developed Area and totals 5.33 acres.

During the site visit, the applicant mentioned that there is a proposal to repave the existing parking lot, landscape various areas of the site, and expand an existing stormwater management pond next to the marina to treat their site. In order for this office to complete our review of the above project, the following information is needed:

1. The 10 % pollution reduction calculations for the entire site that includes existing and proposed building footprints;
2. The revised site plan showing the 100-foot Buffer, the area of the proposed paved parking lot, and any best management practices proposed to treat stormwater;

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

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

Continued, Page Two
Penns Beach Marina
August 15, 2002

4. The potential impacts to Habitat Protection Areas other than the Buffer; and,
5. The planting plan showing native species.

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

Dawnn McCleary
Natural Resources Planner

cc: Ted Bishop
Regina Esslinger
HG 331-02

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

August 14, 2002

Mr. Phil Cwiek
District Engineer
US Army Corp of Engineers
Baltimore District
P.O. Box 1715
Baltimore, Maryland 21203

RE: CENAB-OP-RMN
Penns Beach Marina, Inc.
Havre de Grace (02-61642-7)

Dear Mr. Cwiek:

The purpose of this letter is to respond to the public notice for the development activity at the Penns Beach Marina. According to the notice, the applicant is proposing to rehabilitate the marina, dredge the existing channel, replace the bulkhead, as well as replace the piers, breakwaters and outfalls. The applicant is proposing to excavate a 30-foot by 220-foot portion of the 100-foot Buffer to improve water circulations and flushing. This area is currently pervious and has two trees. We recommend that an area of Buffer elsewhere on site be planted and maintained as pervious to mitigate for the Buffer excavation.

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

Sincerely,

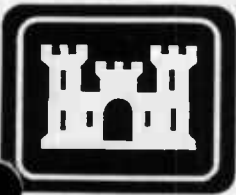
A handwritten signature in cursive script that reads "Dawnn McCleary".

Dawnn McCleary
Natural Resources Planner

cc: Charles DeRose
Regina Esslinger
Diane Claire
HG 331-02

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



PUBLIC NOTICE

US Army
Corps
of Engineers
Baltimore
District

In Reply to Application Number
CENAB-OP-RMN(PENNS BEACH
MARINA/DREDGING,
BULKHEAD,REVTMENT,PIERS,BREAKWATER,
OUTFALL)02-61642-7

JUL 25 2002

CHESAPEAKE BAY
PERMIT AREA COMMISSION

Comment Period: 22 July 2002 to 06 August 2002

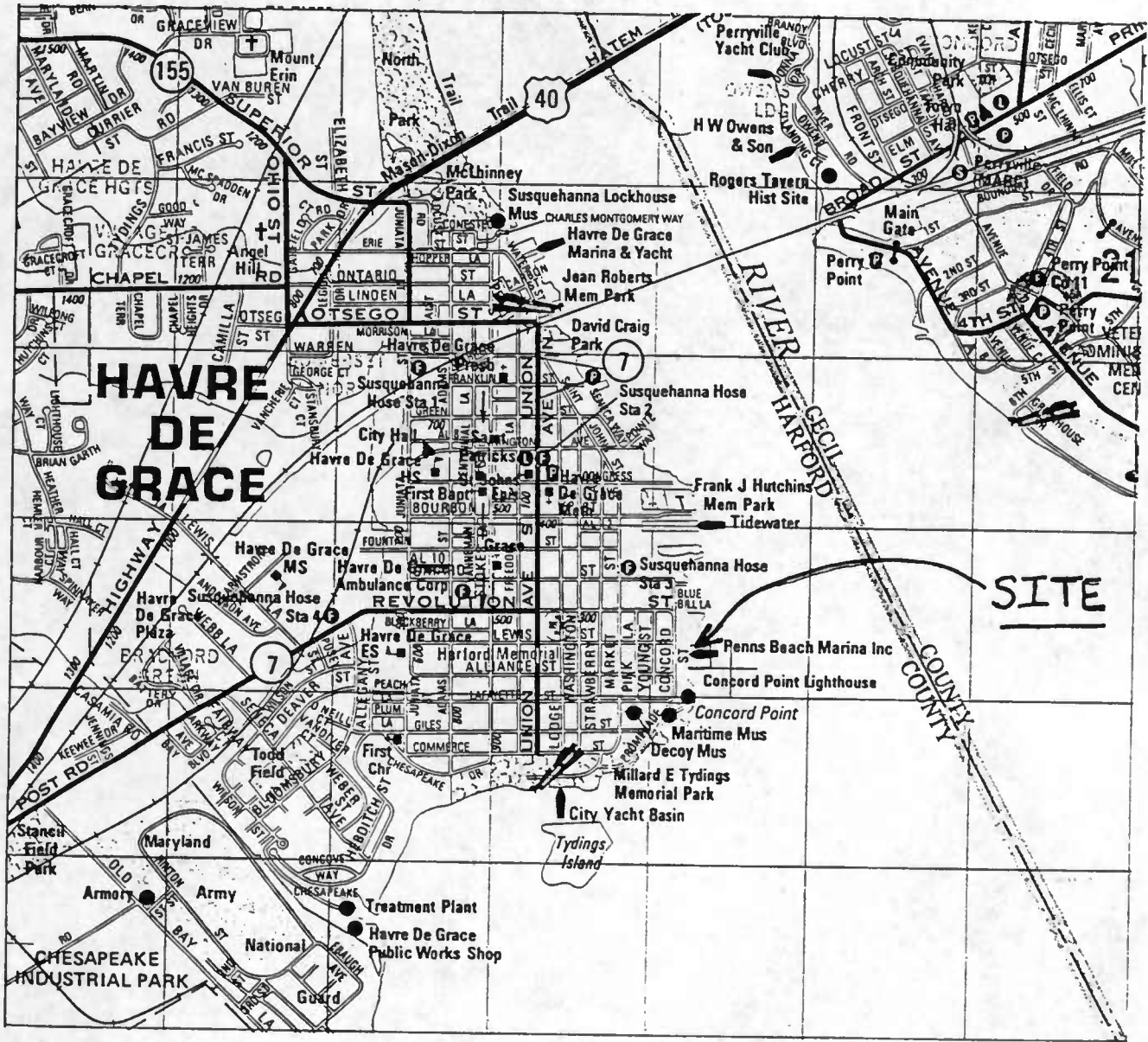
THE PURPOSE OF THIS PUBLIC NOTICE IS TO SOLICIT COMMENTS FROM THE PUBLIC ABOUT THE WORK DESCRIBED BELOW. AT THIS TIME, NO DECISION HAS BEEN MADE AS TO WHETHER OR NOT A PERMIT WILL BE ISSUED.

The Baltimore District has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act (33 U.S.C. 1344) and State authorization pursuant to the Tidal Wetlands Act and/or Nontidal Wetlands Protection Act, as described below:

APPLICANT: *Penns Beach Marina Inc*
Attn: Mr. Wayne Bowie
411 Concord Street
Havre De Grace, MD 21078-3442

LOCATION: *Chesapeake Bay, Harford County, Maryland*

WORK: *The applicant proposes, in accordance with the attached plans, to: A) Remove an existing sunken vessel and all existing deteriorated piers, bulkheads, and mooring piles; B) Dredge, by hydraulic or mechanical method, an 800-foot long by variable 200 to 260-foot wide marina basin to a depth of -5.0 feet below mean low water (MLW). The total area to be dredged is 76,544 square feet. The resulting approximately 5,300 cubic yards of dredged material will be dewatered on-site and will be utilized as backfill behind a proposed bulkhead and boardwalk; C) Construct approximately 1,737 linear feet of steel bulkhead a maximum of 18 inches channelward of an existing deteriorated bulkhead; D) Install approximately 594 linear feet of riprap within 8 feet channelward of the mean high water line along the river shoreline; E) Construct an 8-foot wide by approximately 270-foot long boardwalk containing a 10-foot by 40-foot "L" head and install 270 linear feet of riprap at the base of the new sheet piles; F) Excavate an approximately 30-foot wide by 220-foot long portion of land to a depth of -5.0 feet below MLW and replace with a 10-foot wide by 180-foot long floating concrete breakwater; G) Install two 45-foot long by 60-inch diameter concrete pipes to allow tidal flushing of the boat basin; H) Construct 5 piers containing a total of 95 boat slips; Pier A - 8 feet wide by 200 feet long, containing eleven 5-foot by 20-foot finger piers, a 6-foot by 48-foot "T" head, and 50 mooring piles for 26 boat slips, Pier B - 8 feet wide by 180 feet long, containing ten 5-foot by 20-foot finger piers, a 6-foot by 28-foot "L" head, and 45 mooring piles for 23 boat slips, Pier C - 100-foot long parallel pier containing three 5-foot by 20-foot finger piers and 12 mooring piles for 6 boat slips, Pier D - 8 feet wide by 200 feet long, containing eleven 5-foot by 20-foot finger piers, a 6-foot by 48-foot "T" head, and 50 mooring piles for 26 boat slips, Pier E - 220-foot long parallel pier containing six 6-foot by 20-foot finger piers and 27 mooring piles for 14 boat slips, and; I) Fill in two existing boat ramps and a travel lift. The proposed project site lies in or adjacent to essential fish habitat (EFH) as described under the Magnuson-Stevens Fishery Conservation and Management Act as a documented spawning and nursery ground for several species of anadromous fish. The project has the potential to adversely affect EFH by causing the loss of spawning and nursery habitat. Certain mitigative measures, such as time-of-year restrictions, will be included to minimize adverse effects to EFH. The purpose of the project is to perform maintenance and repair activities at an existing deteriorated marina.*



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PLAT NO.	JOB NO. 2021045.00

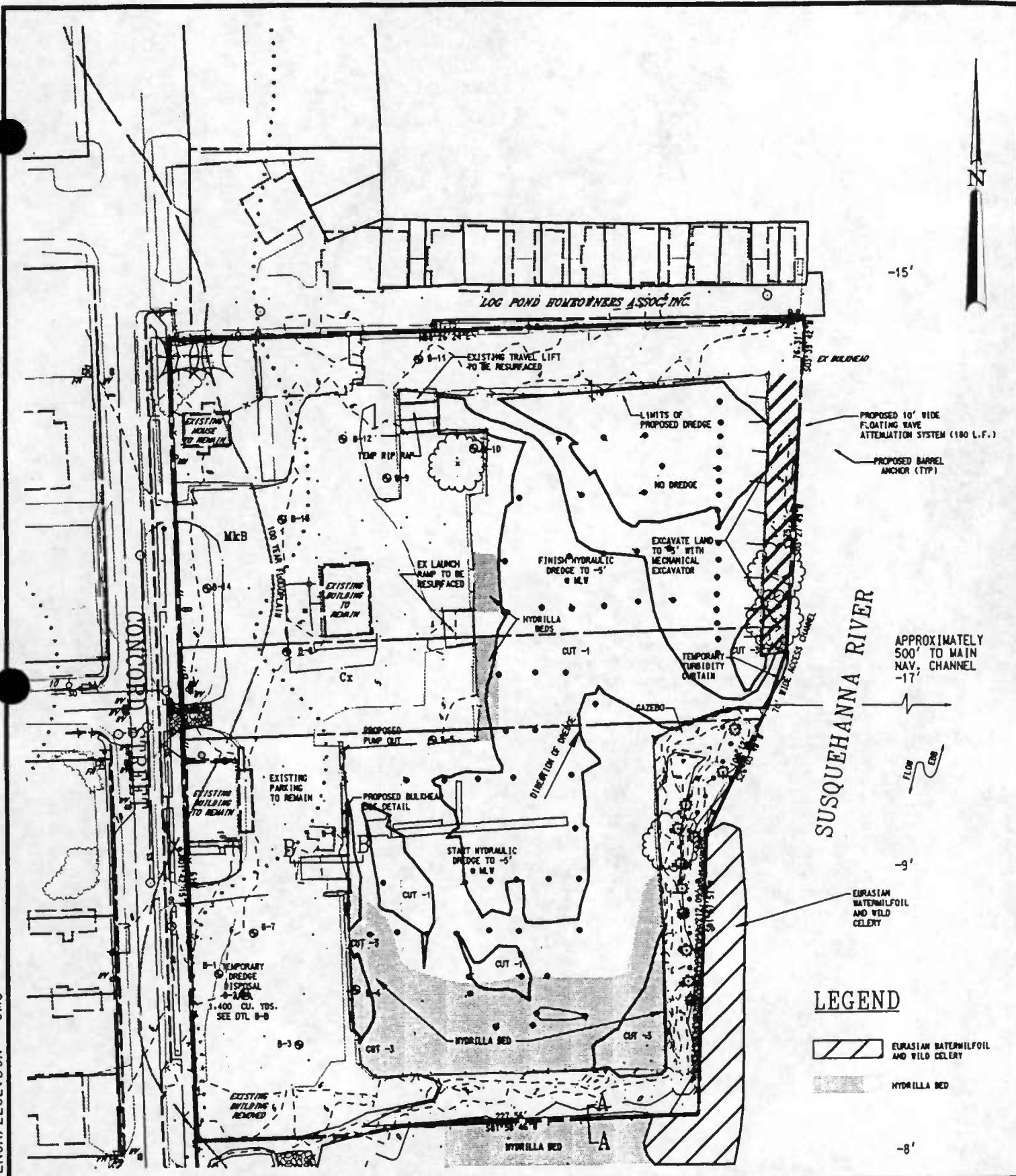


**FREDERICK WARD
ASSOCIATES, INC.**

ENGINEERS P.O. Box 727, 5 South Main Street Bel Air, Maryland 21014-0727
 ARCHITECTS Phone: 410-879-2090 or 410-838-7900 Fax: 410-893-1243
 SURVEYORS Columbia, Maryland Manassas, Virginia Warrenton, Virginia

VICINITY
MAP

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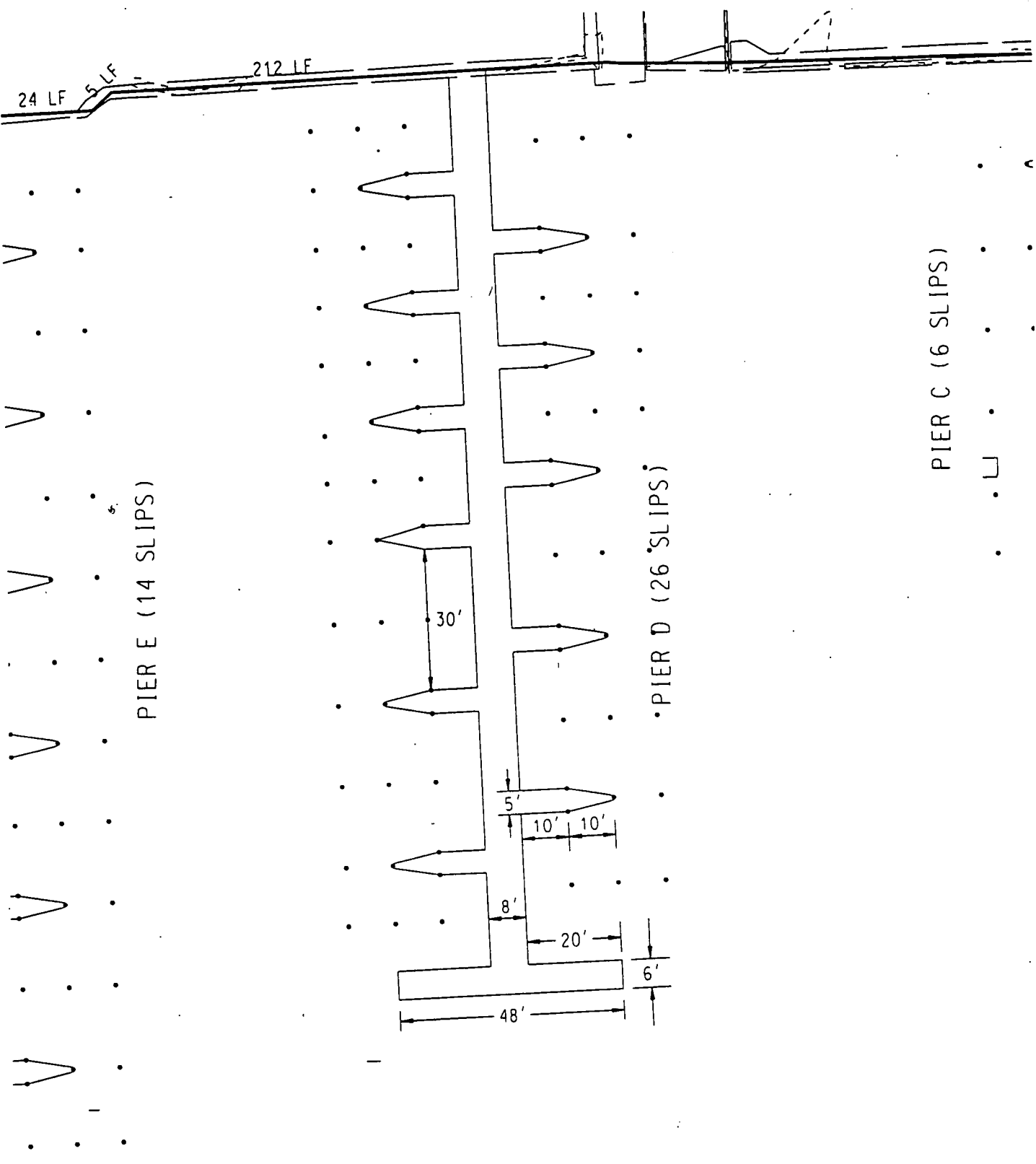
SCALE " = 100'	DATE 7/03/02
DR. BY JMC	CH. BY ACS
PLAT NO.	JOB NO. 2021045



FREDERICK WARD ASSOCIATES, INC.

ENGINEERS P.O. Box 727, 5 South Main Street Bel Air, Maryland 21014-0727
 ARCHITECTS Phone: 410-879-2090 or 410-838-7900 Fax 410-893-1243
 SURVEYORS Columbia, Maryland Warrenton, Virginia

S.A.V. PLAN



M:/PROJECT/2021045/ENGR/Z701B.DGN - JMK

SCALE 1" = 30'	DATE 7/9/02
DR. BY JMK	CH. BY ACS
PLAT NO.	JOB NO. 2021045



FREDERICK WARD ASSOCIATES, INC.

ENGINEERS ARCHITECTS SURVEYORS
 P.O. Box 727, 5 South Main Street Bel Air, Maryland 21014-0727
 Phone: 410-879-2090 or 410-838-7900 Fax: 410-893-1243
 Columbia, Maryland Warrenton, Virginia

PIER PLAN
 PENNS' BEACH
 MARINA, INC

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

August 8, 2002

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

RE: Bush River Boat Club Marina
Environmental Assessment\Growth Allocation Application
Local Case Number: GA02-01

Dear Ms. Gleisner:

Thank you for requesting preliminary review of the above project. This office understands that your office will send additional information for more comments. The applicant is proposing to enlarge an existing wood deck adjacent to the pool area and add two additional impervious parking areas. This site is mapped as a Buffer Exemption Area (BEA), lies within a Limited Development Area and totals 4.25 acres. Due to the increase in impervious surface, the applicant is requesting growth allocation from Limited Development Area to Intensely Developed Area. The proposed development will not require the removal of any existing wooded/forested areas.

It appears on the site plan that the expansion of the wood deck is in the 100-foot Buffer. To clarify this, please have the applicant submit a revised site plan showing the 100-foot Buffer. If the site plan shows that the addition to the existing deck is in Buffer, the applicant must meet the BEA standards according to the County's program.

It appears that the additional parking lot will impact steep slopes of 15% or greater. If the applicant gets the growth allocation, then a variance to steep slopes is not necessary. If the growth allocation is not granted, the applicant will need a variance.

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

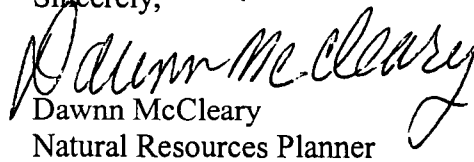
TTY For The Deaf:
Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450

Continued, Page Two
Bush River Boat Club Marina
Growth Allocation Request
August 8, 2002

In reference to the stormwater management, the removal efficiency in Worksheet A, Step 5 of the 10% calculations needs to be revised. The removal efficiency should be 0.65 for the infiltration trenches and the grass swale. (*See the Maryland Department of the Environment's 2000 Stormwater Manual, Page D.4.11*). Please revise the 10% calculations and submit to our 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: Pat Pudelkewicz
Regina Esslinger
HC 382-02

CLEARINGHOUSE REVIEW

July 31, 2002

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)

RECEIVED
AUG 5 2002
DNR

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

SUBJ: DNR Clearinghouse Review of Local POS Project #4201-5-122
Preston's James T. Wright Memorial Park Playground, Caroline County

This project proposes to purchase and install playground equipment and skateboard park equipment for the existing 4.54 acre James T. Wright Memorial Park in the Town of Preston. This project will enhance the active recreational opportunities for families with children and will be ADA accessible.

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

CHECK ONE AND INITIAL

CHECK

INITIAL

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

DM 7/6/02

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.

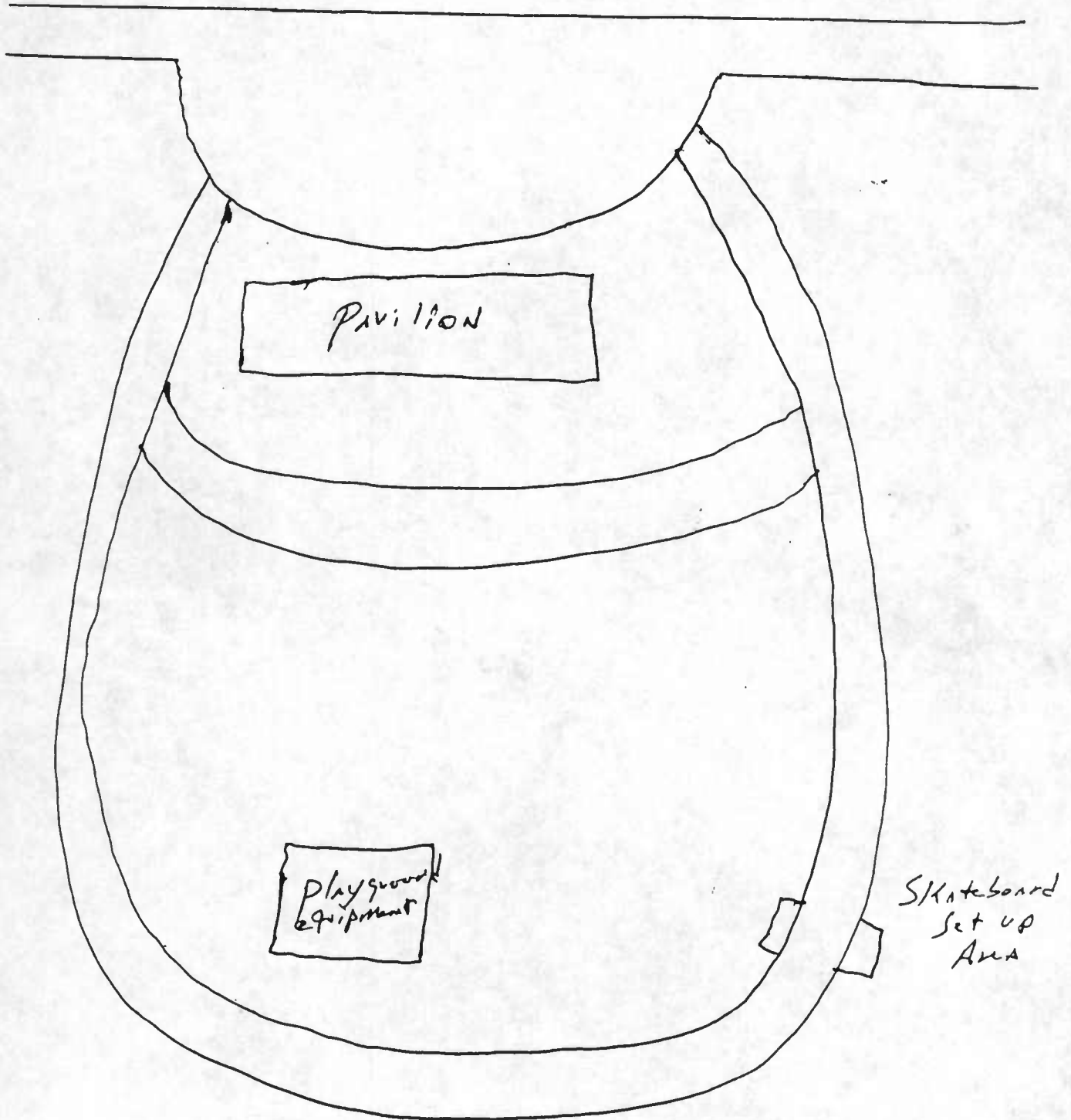
Please return to Marti Sullivan, Program Open Space, Tawes State Office Building (E-4) Annapolis, upon completion of review.



21643

Joins Map 25

James T. Wright Memorial Park
Site Plan
Playground Equipment
Skateboard Equipment



Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

July 31, 2002

Mr. James Price
Program Open Space
Dept. of Natural Resources
Tawes State Office Building, E-4
Annapolis, Maryland 21401

RE: DNR Clearinghouse Review of Local POS Project (# 4131-5-120)
Federalsburg Marina/Park Bridge Improvements

Dear Mr. Price:

Thank you for the opportunity to review the proposed above project. This office understands that there is a proposal to renovate an existing bridge that connects the marina to the park facilities and the Marshyhope Creek Greenway with its trail paths. It appears from the site plan that the bridge is in the Buffer and in the Critical Area. Therefore, we will need to see it. If this project takes place on land owned by the local jurisdiction, it will fall under COMAR 27.02.02 (Development in the Critical Area Resulting from State and Local Agency Programs) and will require a consistency review. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Roby Hurley
Conway Gregory
Regina Esslinger
General File

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

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

CLEARINGHOUSE REVIEW

June 19, 2002

Handwritten initials

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: *JWP* James W. Price, Director, Program Open Space

SUBJ: DNR Clearinghouse Review of Local POS Project #4131-5-120
Federalburg Marina/Park Bridge Improvements, the Town of Federalburg,
Caroline County

This project proposes to renovate an existing bridge that connects the marina to the park facilities and the Marshyhope Creek Greenway with it's trail paths. The project will improve public safety, allow for heavier vehicular traffic to access all facilities, and provide a safer connector bridge for pedestrians enjoying the Marshyhope Creek Greenway.

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

CHECK ONE AND INITIAL

CHECK

INITIAL

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

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

DM 8/7/31/02

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.

FEDERALSBURG

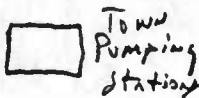
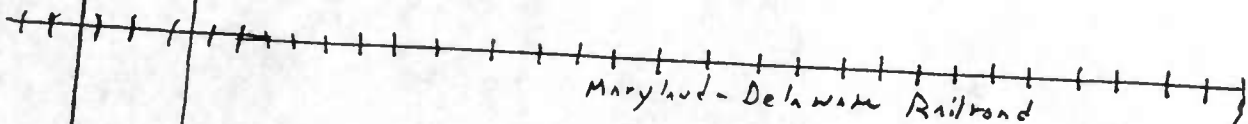
21632

Project Location



Joins Map 27

Federalburg Marina Site plan

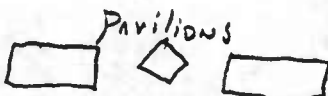


Marshyhope Creek

Volleyball field

Soccer fields

Trail →



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T

Bridge
to be
repaired/
Improved
location

Boat Slips

Entryway to Marina

Pier Bond ramp

Parking

← Trail

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

July 19, 2002

Mr. Kevin Scott
Office of Planning and Zoning
160 Duke of Gloucester Street
Annapolis, Maryland 21401

RE: Watergate Village Apartments
Pool House Buffer Exemption Area (BEA)

Dear Mr. Scott:

Thank you for sending the site plans, BEA standards, the 10 % calculations and the Buffer mitigation plan for the above project to our office. We understand that the applicant is proposing to demolish the existing pool building and construct a new expanded pool building and patio with additional parking. This office understands that the existing poolhouse is within the 100-foot Buffer and has no stormwater management on-site. This project lies within the Intensely Developed Area, is BEA and totals 31.15 acres. Only 0.94 acres will be disturbed.

The applicant is proposing three bioretention facilities as Best Management Practices to address the 10% pollutant reduction requirement. No specifications were provided on the bioretention facilities; however, they must comply with the Maryland Department of the Environment's *2000 Stormwater Manual* design specifications. Please note that English ivy, which is shown as one of the proposed plants, is non-native and highly invasive. We strongly recommend that the applicant substitute a native species.

It appears that the proposed planting plan meets all the BEA and Buffer mitigation requirements. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script, appearing to read "Regina Esslinger" followed by a flourish.

Dawnn McCleary
Natural Resources Planner

cc: Ms. Megan Owen
Ms. Regina Esslinger
AN343-02

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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July 19, 2002

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

RE: Potee Street Resurfacing

Dear Mr. ~~Stuart~~ *Duncan*:

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 repair and resurface Potee Street from Hanover Street to Reedbird Avenue and from Frankhurst Avenue to the City's southern boundary line. The proposed work will include roadway base repair and new curbs. The total area of the project site is approximately 6.36 acres with 3.96 acres in the Critical Area. There are no wetlands located within the project area. This project will reduce street flooding which has been the result of poor drainage. The roadway resurfacing will maintain the existing drainage pattern within the project area.

This office concurs with your determination that the project is 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, appearing to read "Dawnn McCleary".

Dawnn McCleary
Natural Resources Planner

cc: Ms. Regina Esslinger
BA 344-02

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

July 16, 2002

Ms. Diane Klair
Department of Economic Development and Planning
711 Pennington Avenue
Havre de Grace, Maryland 21078

RE: Hutchins Park Redevelopment

Dear Ms. Klair:

This office has reviewed the applicant's proposal to redevelop an existing street end into a waterfront park within the City of Havre de Grace. The site serves as a parking facility for boat touring and festivals. This project is located on the eastern-most end of Congress Avenue between Market Street and the Susquehanna River and lies within the Intensely Developed Area. This office understands that the area to be redeveloped is approximately 1.67 acres and includes large areas of pavement.

The proposed improvements to the site include increased landscaping, grassy medians, redesigned/resurfaced street bed, new curb and gutter, sidewalk enhancements, ornamental streetlights, brick paver crosswalks, and infrastructures for restroom relocation. The grass area immediately adjacent to the Susquehanna River is not part of this project and will remain undisturbed. From the edge of the curbing of the existing paved area, the grass area will be extended approximately 30 feet westward. This will create a larger pervious area within the 100-foot Buffer than what currently exists.

Critical Area Commission staff also understands:

1. That the 10% calculations are consistent with the City's program and no structural Best Management Practice (BMP) is required;
2. That the proposed development for the park is limited to the existing paved area of the Congress Avenue street end; and,

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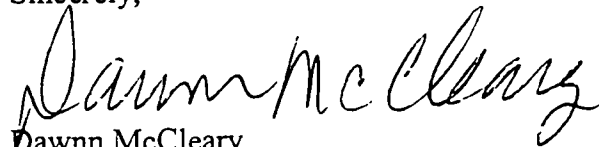
Continued, Page Two
Hutchins Park Redevelopment
July 16, 2002

3. That no threatened and endangered species are located on this site.

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

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

Sincerely,



Dawnn McCleary
Natural Resources Planner

cc: Ted Bishop
Regina Esslinger
HC 426-02

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

July 16, 2002

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

RE: Eagles Landing at Water's Edge
Local Case Number: P02058

Dear Ms. Gleisner:

This office has reviewed the additional information you submitted to us in June 2002. The information submitted was your response to my April 10, 2002 letter. As per your request last week, the removal efficiency in Worksheet A, Step 5 of the 10% calculations for Phase I and II needs to be revised. The removal efficiency should be 0.50 for the Wet Pond and 0.60 for the Grass Swale. (See the Maryland Department of the Environment's 2000 Stormwater Manual, Page D.4.11). When the 10% calculations have been revised, please forward to our office for review. I will provide additional comments.

If there are any questions, please feel free to call me at (410) 216-3483.

Sincerely,

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

Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
HC 196-02

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

July 16, 2002

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

RE: Visitor's Center Project
Inner Harbor

Dear Mr. Stuart:

This office has reviewed the applicant's proposal to build a new visitor's center on an existing grassed and parking area in the Inner Harbor next to Light Street. The total site area consists of 1.48 acres and is an Intensely Developed Area. The proposed development activity will eliminate several parking spaces in the parking lot. There will be a reduction in impervious surface on site.

It appears from Worksheet A, Step 4 that the applicant will have to treat 2.21 pounds of phosphorus. According to the June 21, 2002 letter from Mr. Katdjeski of RK and K, a stormfilter will be used to remove 0.53 pounds of phosphorus. To meet the remaining phosphorus removal, the City will pay into the stormwater offset fund. The City should submit a planting plan for the area disturbed in the Critical Area.

Because this project is on City property, this project must be submitted as a Chapter 2 consistency project. Please forward a planting plan and a consistency letter to this office. 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 175-02

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

July 12, 2002

Mr. Roby Hurley
Maryland Office of Planning
Lower Eastern Shore Regional Office
Salisbury District Court\Multi-Service Center
201 Baptist Street, Box 24
Salisbury, Maryland 21801

RE: Denton Map Amendment\Refinement

Dear Mr. Hurley:

On July 10, 2002, the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays concurred with the Chairman's determination to approve the Town of Denton's request for a refinement to amend the Town's Critical Area maps. The purpose of the refinement was to change the Critical Area maps that resulted from annexation and discovery of a mistake on the Critical Area line. The changes to the maps include change of scale, movement landward of the 1,000 foot Critical Area line and adding an annexation area just outside of the Critical Area.

These refinements shall be incorporated into the Town's Program within 120 days of the date of this letter. Please provide a copy of the revised Critical Area map when it is available. 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: Jennifer Shull
Mary Owens
Amendment\Refinement Files

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

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Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

July 12, 2002

Mr. Mark Kreiffle
Engineering Department
Maryland Port Administration
2310 Broening Highway
Baltimore, Maryland 21224

RE: New Cargo Shed
South Locust Point Marine Terminal

Dear Mr. Kreiffle:

On July 10, 2002, the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays unanimously approved the new 100,000 square foot cargo shed extension south of the South Locust Point Marine Terminal with a condition. The condition is that Maryland Port Administration (MPA) provide the Commission with the pollutant reduction mitigation proposal for those past approved port projects awaiting mitigation sites before any future MPA projects are approved.

I would like to thank David Stewart from STV for working with the Commission staff. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Michael Hild
David Stewart
Regina Esslinger
State File No.:

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

July 12, 2002

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

RE: Gwynn's Falls Trails (Phase III)

Dear Mr. Stuart:

On July 11, 2002, the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays unanimously approved as a conditional approval the construction of a new impervious trail within the Resource Conservation Area portion of the 100-foot Buffer and the construction of two 200-foot by 10-foot wide bridges over the Middle Branch which will impact the 100-foot Buffer. The trail will be a 10-foot wide multi-use trail. The Commission added a condition that any of the no-mow areas that do not have a native species seed source must be seeded to help establish the Buffer. Commission staff will work with the City to develop a plan of these areas.

I would like to thank you for working so diligently with the Commission staff. 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
BA 345-02

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

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Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450

CHESAPEAKE BAY CRITICAL AREA COMMISSION

STAFF REPORT

July 10, 2002

APPLICANT: Department of Transportation
Maryland Port Administration (MPA)

PROPOSAL: New Cargo Shed at South Locust Point
Marine Terminal

JURISDICTION: Baltimore City

COMMISSION ACTION: Vote

STAFF RECOMMENDATION: Approval

STAFF: Dawnn McCleary

**APPLICABLE LAW
REGULATIONS:** COMAR 27.02.05 (State Agency Action
Resulting in Development on State-Owned Land)

DISCUSSION:

The project site is located in the southeast sector of Baltimore City at the Maryland Port Administration's South Locust Point Marine Terminal (See attached site plans.) The purpose of the project is to construct a new cargo shed extension south of an existing cargo shed within the South Locust Point Marine Terminal. The new building extension will be approximately 100,000 square feet. The current site for the proposed 100,000 square foot cargo shed exists as a bituminous surface that is used as a storage area for container vehicles. The project lies entirely within the Critical Area and is classified an Intensely Developed Area.

Critical Area staff reviewed the Worksheet A for the 10% calculations and determined them to be correct. The existing "Cargo Shed Extension" was deducted from the calculations because the 10% Rule was addressed via an extended detention pond that was constructed back in 1998.

New Cargo Shed
July 10, 2002
Page 2

The proposed cargo shed will require MPA to remove 10.33 lbs of phosphorus. Since mitigation cannot take place on site, the pollutant removal requirements will be mitigated at selected sites within the Critical Area at other locations. These proposed sites for mitigation will be reviewed and approved by Critical Area Commission staff.

There are no threatened and endangered species, Habitat Protection Areas or Buffer impacts on site. Stormwater Management and Sediment and Erosion Control Plans are pending approval from the Maryland Department of the Environment.

Chesapeake Bay Critical Area Commission

STAFF REPORT

July 10, 2002

APPLICANT: Baltimore City Department of Planning and Recreation and Parks (BCDPR)

PROPOSAL: Gwynns Falls Trails (Phase III)

JURISDICTION: Baltimore City Department of Planning and Recreation and Parks

COMMISSION ACTION: Vote

STAFF RECOMMENDATION: Approval

STAFF: Dawnn McCleary

**APPLICABLE LAW/
REGULATIONS:** COMAR 27.02.06 Conditional Approval of State or Local Agency Programs in the Critical Area

DISCUSSION:

Project Background:

The City of Baltimore is preparing to construct Phase III of the Gwynns Falls Trail, the last segment of the 14-mile hiker\biker trail that will connect Gwynns Falls\Leakin Park to the Inner Harbor and the Patapsco River. The trail will link thirty neighborhoods with over 2000 acres of parkland, including Gwynns Falls Leakin Park, Leon Park, Carroll Park and the Middle Branch Park system. Phase I of the trail is complete and Phase II is under construction. This final phase will bring the trail from Carroll Park to the Middle Branch of the Patapsco River, where the trail will travel north to the Inner Harbor and south to the Harbor Hospital.

Much of the final phase is along existing city streets and requires only signing and striping of existing asphalt. There is a portion along the Middle Branch frontage that provides critical waterfront access and requires construction of a 10-foot wide asphalt trail within the Critical Area Buffer, as well as maintenance of the existing asphalt trail in the Middle Branch Park. The project site for the proposed development activity totals 42.25 acres.

Six acres are in the Intensely Developed Area and 39.25 acres are in the Resource Conservation Area. Conditional approval is not required for the portions of the trail that are located within the IDA because the City's IDA is also designated as a Buffer Exemption Area. Conditional approval is required for the portions of the trail in the RCA because this area is not similarly designated in the City's Critical Area Management Program.

Proposed Development Activity in the 100-foot Buffer:

The trail will involve the construction of 1,580 square feet of new impervious surface within the RCA portion of the 100-foot Buffer of the Middle Branch and the Patapsco River and the construction of a 200-foot by 10-foot wide bridge over the Middle Branch with minor associated grading within the 100-foot Buffer. The new impervious surface in the RCA will provide a ten-foot wide multi-use trail that meets American Association of State Highway and Transportation Officials safety guidelines. The trail improves the safety of bike and pedestrian access to the water-dependent uses at the Middle Branch Park public boathouse and fishing dock. Some portions of the trail are completely new whereas others involve the relocation of existing pathways to facilitate better recreational use of the area. As part of this project, forest vegetation will be established in areas that are currently maintained as mowed lawn.

This project also includes emplacing 60 feet of stone revetment within a maximum of 7.5 feet channelward of the main high waterline. The revetment is to correct a shore erosion problem in front of Harbor Hospital where a section of the existing riprap revetment has failed. (This portion of the project is not part of the conditional approval request because shore erosion control measures are permitted activities.)

Summary

The Gwynn's Falls Trail (Phase III) provides important waterfront access to the Middle Branch and critical linkages to other city trails and parks. The impacts to the Critical Area have been addressed through the proposed stormwater management measures, elimination of currently eroding areas, and mitigation planting.

Conditional Approval Process

Conditional approval is required under the Commission's regulations for State and local agency projects when proposed development activities do not satisfy all regulations in full. The conditional approval process is set out in COMAR 27.02.06. In order to qualify for consideration by the Commission for conditional approval, the proposing agency must show that the project or program has the following characteristics:

(1) That there exists special features of a site or there are other special circumstances such that the literal enforcement of these regulations would prevent a project or program from being implemented:

There exists both special features and special circumstances on this site that preclude the BCDPR from accomplishing enhanced water access and trail linkages without impacts to the 100-foot Buffer within the RCA. In many places, the City does not own land outside of the Buffer, so there are no alternative locations outside the Buffer. In other areas, existing development limits the area available for recreational trail use. The portions of the trail within the 100-foot Buffer have been designed to provide the safest connections to existing trails and parks and to enhance public access to the water. There are no feasible alternative locations to gain access to the water-dependent marina, fishing pier, and scenic overlook platforms.

(2) That the project or program otherwise provides substantial public benefits to the Chesapeake Bay Critical Area Program;

This project is providing substantial public benefits as it is increasing educational and recreational opportunities for the public within the Middle Branch of the Patapsco River, including providing access that is not currently available. The increased width of the trail will allow safer use of the bridge for fishing, walking, and getting to and from work at Harbor Hospital and nearby Fairfield and South Baltimore.

(3) That the project and program is otherwise in conformance with this subtitle.

This project is in conformance with the State criteria and the City of Baltimore Critical Area Management Program except for the impacts to the 100-foot Buffer. Impacts to the 100-foot Buffer require 3:1 mitigation. The City is proposing to mitigate at a 3:1 ratio for both the disturbance in the Buffer in the RCA and the disturbance within the City. There is a total of 1,580 square feet of new impervious surface within the 100-foot Buffer in the RCA. At 3:1, the proposed mitigation for all Buffer impacts is 78,900 square feet (1.81 acres).

The Commission must find that the conditional approval request contains the following:

(1) That a literal enforcement of the provisions of this subtitle would prevent the conduct of an authorized State or local agency program or project;

A literal enforcement would prevent the City of Baltimore from constructing the portions of this trail that are located within the Buffer in the RCA, thereby limiting recreational public access opportunities that are encouraged by the Critical Area Program.

This project also provides the only safe method of connecting the existing pathways that already exist within the 100-foot Buffer.

(2) There is a process by which the program or project could be so conducted as to conform insofar as possible, with the approved local Critical Area program or, if the development is to occur on State-owned lands, with the criteria set forth in COMAR 21.02.05; and

Impacts to the 100-foot Buffer within the Critical Area are not consistent with the City's Critical Area Management Program; however, all disturbances have been minimized and extensive mitigation is proposed. In order to offset impacts to habitat and water quality that are associated with development in the Buffer, the City is proposing stormwater management measures, elimination of currently eroding areas, and extensive areas of mitigation planting.

(3) Measures proposed to mitigate any adverse effects of the project or program on an approved local Critical Area program or, if on State owned lands, on the criteria set forth in COMAR 27.02.05.

The City is proposing measures to mitigate for the impacts to the 100-foot Buffer. The City will develop a Buffer Management Plan, landscaping plans and site plans as necessary to implement the mitigation. The City is proposing 26,300 square feet of disturbance within the Critical Area Buffer and approximately 78,900 square feet of mitigation. The City will be mitigating in the following areas:

- Replanting 43,900 square feet in the Critical Area in the same vicinity as the disturbance is occurring in the Middle Branch Park adjacent to the Hanover Street Bridge; and,
- Establishing a 40,000 square no-mow zone between the trail and the Middle Branch in existing Middle Branch Park. Manicured lawn is currently being maintained right up to the Middle Branch and this area will be allowed to naturally regenerate with native trees and shrubs.

Based on the information submitted by the City Department of Planning, it appears that this conditional approval request is consistent with COMAR 27.02.06, the Commission's regulations for Conditional Approval of State or Local Agency Programs in the Critical Area.

Chesapeake Bay Critical Area Commission

STAFF REPORT

July 10, 2002

APPLICANT: Town of Denton

PROPOSAL: Map Changes for Annexation and Boundary Correction

JURISDICTION: Town of Denton

COMMISSION ACTION: Vote

STAFF RECOMMENDATION: Approval

STAFF: Roby Hurley

**APPLICABLE LAW/
REGULATIONS:** Natural Resources Article §8-1809(h)

DISCUSSION:

The Town of Denton has recently completed an amendment to its Critical Area Map. The changes resulted from an annexation and discovery of a mistake on the Critical Area boundary line. The changes to the map include an adjustment in the map scale, movement landward of the Critical Area boundary line near Maryland Avenue, and adding an annexed area just outside of the Critical Area

Initially the annexed area was believed to encompass land within the Town Critical Area and in fact appeared that way on the Caroline County maps. However, the mapping consultant determined during the process of adjusting the scale of the Critical Area map and using more detailed parcel information that the annexed parcels were located just outside the Critical Area. In order to include the annexed area on a single sheet, a smaller scale had to be used. The current Critical Area map is 1"= 200' and the proposed map is 1"=300'.

The Town is also taking this opportunity to correct a mistake in the location of the Critical Area boundary line. The original mapping contractor failed to include a small tidal stream, known as Kerr's Branch in the recent mapping effort, and this mistake is being corrected. This amendment is not a result of any changes to the 1972 State Wetlands Maps, it simply reflects the correct delineation of the Critical Area boundary from the edge of tidal wetlands. The map change adds parts of three lots into the Critical Area.

The Town Commissioners held a public hearing on May 6, 2002. There were no public comments received. The Town Commissioners approved the new Critical Area Map on May 6, 2002.

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

July 5, 2002

Mr. Duncan Stuart
Environmental Planner
Baltimore City Dept. of Planning
417 East Fayette Street, 8th Floor
Baltimore, Maryland 21410

RE: Rehabilitation of Bulkhead, Promenade, and Pier
1417 Thames Street (Living Classrooms Foundation)
City Contract No.: TR 02368

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. This office has reviewed the applicant's proposal to rehabilitate the existing bulkhead, a length of the City's promenade and a pier in Fell Point. This project is located at the end of South Caroline Street and Thames Street. The project area is 0.49 acres and within the Intensely Developed Area. The improvements are all in the Critical Area, primarily within the 100-foot Buffer. The shoreline site consists of broken pavement, grassy areas, and ruined bulkhead walls. This project is completely separate from the Isaac Myers\Frederick Douglas Maritime Park (IMFDMP) but adjacent to it. Critical Area Commission staff also understands that there are no tidal wetlands and that there are no known Federal and State threatened or endangered plant or wildlife species present at this time.

The proposed construction will result in a net increase of 0.22 acres of impervious area due to the addition of the concrete bulkhead under the timber promenade decking. Worksheet A for the 10% calculations shows that 1.985 pounds of phosphorus must be treated to meet the Critical Area requirements. The City initially requested that the 1.985 pounds of pollutant removal requirement be treated offsite through the "School Greening Program". In a letter dated July 5, 2002, the City agreed that the "School Greening" would be a double credit and requested a change to their water quality improvements for this project.

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

TTY For The Deaf:
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Continued, Page Two
Bulkhead, Promenade, Pier Reconstruction
at 1417 Thames Street
July 5, 2002

The City has asked the Critical Area staff to work with them to either find another approved offsite mitigation area that will not be using stormwater offset money for impervious surface removal or to accept a stormwater offset fee for the mitigation. The City will update the Critical Area staff on the progress of the mitigation and will work to implement one of the above solutions by July 2003.

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 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 294-02

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

July 3, 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 sending additional information outlined in my April 15, 2002 letter. This office understands that the applicant is proposing to renovate the area surrounding the existing Cherry Hill pool and playground. The area of Reedbird Park is 88 acres in a Resource Conservation Area and is designated a Habitat Protection Area. The existing impervious area is approximately 5 acres and includes the pool (0.45 acres), tennis courts, paths, parking, basketball court, and pavilion (2 acres) and the Dept. of Public Works storage yard (2.5 acres). The total proposed impervious surface is 5 acres. The applicant is proposing to upgrade the existing pool deck, construct a maintenance road, add a wading pool for children, and remove a large impervious parking area. The area proposed for development activity is 1.49 acres.

Critical Area Commission staff also understands that:

1. That construction is within a Resources Conservation Area. The limit of disturbance is surrounded by playing fields with a few small trees scattered. To mitigate for the disturbance, City proposes to plant over 100 trees and shrubs along the Pataspcoc River in the Buffer.
2. That limits of disturbance are not in the tidal wetlands;
3. That no known Federal and State threatened and endangered plant or wildlife species are present at this time;

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Continued, Page Two
Cherry Hill Pool Consistency Report
July 3, 2002

5. That all improvements are located in the Critical Area but outside the 100-foot Buffer; and,
6. That a fence will be installed along the northern side of the Buffer to protect the trees.

This staff does not oppose this project. The Commission staff has determined that the above proposed development: 1) has environmental or economic consequences that will largely be confined to the immediate area 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 project by the Commission is not necessary.

If there are any questions, please feel free to call me at (410) 2603483.

Sincerely,



Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
BA 177-02

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 24, 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:

Thank you for notifying this office that the Planning Commission has approved the special exception for the above project. I understand that this project will go in front of the Board of Appeals within the next few months for special exception approval.

Our office received a response to my February 21, 2002 letter from Mr. Marc Drainville of Stearns and Wheler, LLC. Mr. Drainville submitted the 10% calculations and a revised copy of the "Annapolis Reclamation Facility Critical Area Report" that addresses the required fee in lieu of mitigation. After reviewing the 10% calculations, this office determined that the calculations are correct and consistent with the City's Critical Area Program.

In reference to the Critical Area report, this office determined that the amount of woodland to be removed and its required replacement of 365 trees are consistent with the City's Critical Area Program. This office understands that the City is proposing forest relocation on-site which involves the transplanting of a least 212 existing native trees from the wooded area that will be cleared to a selected area in the northeast part of the facility.

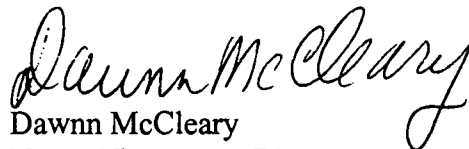
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Continued, Page Two
Annapolis Water Reclamation Application
June 24, 2002

This relocation of existing trees will be part of the required mitigation. This office does not oppose the City's proposal for forest relocation of native species on- site. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,



Dawnn McCleary
Natural Resources Planner

cc: Megan Owens
Regina Esslinger
AN 569-01

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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June 13, 2002

Mr. Michael Hild, P.E.
Chief Engineer
Maryland Port Administration (MPA)
Maritime Center II
2310 Broening Highway
Baltimore, Maryland 21224

RE: Colgate Creek Slope Protection
Revision at Dundalk Marine Terminal

Dear Mr. Hild:

On June 5, 2002, the Chesapeake Bay Critical Area Commission unanimously approved as a conditional approval the addition of a bioretention facility within the 100-foot Buffer. The bioretention facility is a revision to the July 2001 project in which the Commission approved a 930 square yard articulated concrete mat revetment with vegetated open cell blocks at the waters edge and a 5,600 square feet filter strip with native vegetation. The Commission also approved the landscaping plans for the bioretention facility. The Pin Oaks will be deleted from the landscaping plans.

I would like to thank Kalyna Nedisky for working with the Commission staff. 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: Kalyna Nedisky
Regina Esslinger
State File No.: 25-01

Branch Office: 31 Creamery Lane, Easton, MD 21601
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Chesapeake Bay Critical Area Commission

STAFF REPORT

July 10, 2002

APPLICANT: Baltimore City Department of Planning and Recreation and Parks (BCDPR)

PROPOSAL: Gwynns Falls Trails (Phase III)

JURISDICTION: Baltimore City Department of Planning and Recreation and Parks

COMMISSION ACTION: Vote

STAFF RECOMMENDATION: Approval

STAFF: Dawnn McCleary

**APPLICABLE LAW/
REGULATIONS:** COMAR 27.02.06 Conditional Approval of State or Local Agency Programs in the Critical Area

DISCUSSION:

Project Background:

The City of Baltimore is preparing to construct Phase III of the Gwynns Falls Trail, the last segment of the 14-mile hiker\biker trail that will connect Gwynns Falls\Leakin Park to the Inner Harbor and the Patapsco River. The trail will link thirty neighborhoods with over 2000 acres of parkland, including Gwynns Falls Leakin Park, Leon Park, Carroll Park and the Middle Branch Park system. Phase I of the trail is complete and Phase II is under construction. This final phase will bring the trail from Carroll Park to the Middle Branch of the Patapsco River, where the trail will travel north to the Inner Harbor and south to the Harbor Hospital.

Much of the final phase is along existing city streets and requires only signing and striping of existing asphalt. There is a portion along the Middle Branch frontage that provides critical waterfront access and requires construction of a 10-foot wide asphalt trail within the Critical Area Buffer, as well as maintenance of the existing asphalt trail in the Middle Branch Park. The project site for the proposed development activity totals 42.25 acres.

Six acres are in the Intensely Developed Area and 39.25 acres are in the Resource Conservation Area. Conditional approval is not required for the portions of the trail that are located within the IDA because the City's IDA is also designated as a Buffer Exemption Area. Conditional approval is required for the portions of the trail in the RCA because this area is not similarly designated in the City's Critical Area Management Program.

Proposed Development Activity in the 100-foot Buffer:

The trail will involve the construction of 1,580 square feet of new impervious surface within the RCA portion of the 100-foot Buffer of the Middle Branch and the Patapsco River and the construction of a 200-foot by 10-foot wide bridge over the Middle Branch with minor associated grading within the 100-foot Buffer. The new impervious surface in the RCA will provide a ten-foot wide multi-use trail that meets American Association of State Highway and Transportation Officials safety guidelines. The trail improves the safety of bike and pedestrian access to the water-dependent uses at the Middle Branch Park public boathouse and fishing dock. Some portions of the trail are completely new whereas others involve the relocation of existing pathways to facilitate better recreational use of the area. As part of this project, forest vegetation will be established in areas that are currently maintained as mowed lawn.

This project also includes emplacing 60 feet of stone revetment within a maximum of 7.5 feet channelward of the main high waterline. The revetment is to correct a shore erosion problem in front of Harbor Hospital where a section of the existing riprap revetment has failed. (This portion of the project is not part of the conditional approval request because shore erosion control measures are permitted activities.)

Summary

The Gwynn's Falls Trail (Phase III) provides important waterfront access to the Middle Branch and critical linkages to other city trails and parks. The impacts to the Critical Area have been addressed through the proposed stormwater management measures, elimination of currently eroding areas, and mitigation planting.

Conditional Approval Process

Conditional approval is required under the Commission's regulations for State and local agency projects when proposed development activities do not satisfy all regulations in full. The conditional approval process is set out in COMAR 27.02.06. In order to qualify for consideration by the Commission for conditional approval, the proposing agency must show that the project or program has the following characteristics:

(1) That there exists special features of a site or there are other special circumstances such that the literal enforcement of these regulations would prevent a project or program from being implemented:

There exists both special features and special circumstances on this site that preclude the BCDPR from accomplishing enhanced water access and trail linkages without impacts to the 100-foot Buffer within the RCA. In many places, the City does not own land outside of the Buffer, so there are no alternative locations outside the Buffer. In other areas, existing development limits the area available for recreational trail use. The portions of the trail within the 100-foot Buffer have been designed to provide the safest connections to existing trails and parks and to enhance public access to the water. There are no feasible alternative locations to gain access to the water-dependent marina, fishing pier, and scenic overlook platforms.

(2) That the project or program otherwise provides substantial public benefits to the Chesapeake Bay Critical Area Program;

This project is providing substantial public benefits as it is increasing educational and recreational opportunities for the public within the Middle Branch of the Patapsco River, including providing access that is not currently available. The increased width of the trail will allow safer use of the bridge for fishing, walking, and getting to and from work at Harbor Hospital and nearby Fairfield and South Baltimore.

(3) That the project and program is otherwise in conformance with this subtitle.

This project is in conformance with the State criteria and the City of Baltimore Critical Area Management Program except for the impacts to the 100-foot Buffer. Impacts to the 100-foot Buffer require 3:1 mitigation. The City is proposing to mitigate at a 3:1 ratio for both the disturbance in the Buffer in the RCA and the disturbance within the City. There is a total of 1,580 square feet of new impervious surface within the 100-foot Buffer in the RCA. At 3:1, the proposed mitigation for all Buffer impacts is 78,900 square feet (1.81 acres).

The Commission must find that the conditional approval request contains the following:

(1) That a literal enforcement of the provisions of this subtitle would prevent the conduct of an authorized State or local agency program or project;

A literal enforcement would prevent the City of Baltimore from constructing the portions of this trail that are located within the Buffer in the RCA, thereby limiting recreational public access opportunities that are encouraged by the Critical Area Program.

This project also provides the only safe method of connecting the existing pathways that already exist within the 100-foot Buffer.

(2) There is a process by which the program or project could be so conducted as to conform insofar as possible, with the approved local Critical Area program or, if the development is to occur on State-owned lands, with the criteria set forth in COMAR 21.02.05; and

Impacts to the 100-foot Buffer within the Critical Area are not consistent with the City's Critical Area Management Program; however, all disturbances have been minimized and extensive mitigation is proposed. In order to offset impacts to habitat and water quality that are associated with development in the Buffer, the City is proposing stormwater management measures, elimination of currently eroding areas, and extensive areas of mitigation planting.

(3) Measures proposed to mitigate any adverse effects of the project or program on an approved local Critical Area program or, if on State owned lands, on the criteria set forth in COMAR 27.02.05.

The City is proposing measures to mitigate for the impacts to the 100-foot Buffer. The City will develop a Buffer Management Plan, landscaping plans and site plans as necessary to implement the mitigation. The City is proposing 26,300 square feet of disturbance within the Critical Area Buffer and approximately 78,900 square feet of mitigation. The City will be mitigating in the following areas:

- Replanting 43,900 square feet in the Critical Area in the same vicinity as the disturbance is occurring in the Middle Branch Park adjacent to the Hanover Street Bridge; and,
- Establishing a 40,000 square no-mow zone between the trail and the Middle Branch in existing Middle Branch Park. Manicured lawn is currently being maintained right up to the Middle Branch and this area will be allowed to naturally regenerate with native trees and shrubs.

Based on the information submitted by the City Department of Planning, it appears that this conditional approval request is consistent with COMAR 27.02.06, the Commission's regulations for Conditional Approval of State or Local Agency Programs in the Critical Area.

CHESAPEAKE BAY CRITICAL AREA COMMISSION

STAFF REPORT

June 5, 2002

APPLICANT: Department of Transportation
Maryland Port Administration (MPA)

PROPOSAL: Colgate Creek Slope Protection Revision
at Dundalk Marine Terminal

COMMISSION ACTION: Vote

STAFF RECOMMENDATION: Approval

STAFF: Dawnn McCleary

**APPLICABLE LAW/
REGULATIONS:** COMAR 27.02.06 Conditional Approval of State
or Local Agency Programs in the Critical Area

DISCUSSION:

Project History:

This project is located along the Colgate Creek shoreline just south of the Broening Highway Bridge in the Baltimore City. The existing shoreline is 487 feet long and adjoins the Dundalk Marine Terminal. The site is severely eroded and has trash and debris that have collected in depressions along the shore. The shoreline along the entire Marine Terminal is hardened. MPA is working on a proposed Buffer Exemption Area (BEA) designation.

On July 11, 2001, the Commission approved the Maryland Port Administration's proposal to use an articulated concrete mat revetment, vegetated filter strip and landscape plantings at the water's edge. The revetment will be approximately 930 square yards in size and will be used to stabilize the slope. Plantings will be located within open cell blocks at the water's edge. MPA also proposed a 5,600 square foot filter strip with native grasses. Now MPA proposes to replace the 5,600 square foot filter strip with a bioretention facility.

**Continued, Page Two
Colgate Creek Slope Protection
Revision at Dundalk Marine Terminal
June 5, 2002**

Proposed Development Activity:

The MPA is proposing to incorporate bioretention into the Colgate Creek Slope Protection contract. The purpose for this change is to improve water quality, show a reduction in phosphorus, increase habitat through the use of wetland plantings and enhance the entire 100-foot Buffer. The proposed bioretention facility will be in the area between Broening Highway and the Seagirt/Dundalk connector bridge. On May 13, 2002, the Maryland Department of the Environment (MDE) reviewed and approved the modification to the old contract to add the bioretention facility.

Conditional Approval Process

Conditional approval is required under the Commission's regulations for State and local agency projects when proposed development activities do not satisfy all regulations in full. The conditional approval process is set out in COMAR 27.02.06. In order to qualify for consideration by the Commission for conditional approval, the proposing agency must show that the project or program has the following characteristics:

- (1) That there exist special features of a site or there are other special circumstances such that the literal enforcement of these regulations would prevent a project or program from being implemented;**

There exist special features and special circumstances of the site that preclude MPA from siting the bioretention outside the Buffer. The existing site currently has rubble and trash along the shoreline within the 100-foot Buffer. The Maryland Department of the Environment's Water Management group indicated that bioretention is the most effective and practical means to provide water quality improvements for the adjacent paved lot. There is no stormwater management on site now, and no other locations for such facilities.

- (2) That the project or program otherwise provides substantial public benefits to the Chesapeake Bay Critical Area Program;**

The bioretention provides substantial public benefits to the Chesapeake Bay Critical Area Program because based on the efficiency of this facility, a substantial increase to phosphorous load reduction is provided. There will be 3.52 lbs. of phosphorous reduction for the bioretention area and 0.19 lbs. for the landscaped area, for a total of 3.71 lbs. The bioretention facility provides for a greater level of water quality improvement and phosphorous load reduction and continues to provide habitat through wetlands plantings. The benefits to Colgate Creek have been greatly increased.

**Continued, Page Three
Colgate Creek Slope Protection
Revision at Dundalk Marine Terminal
June 5, 2002**

(3) That the project and program is otherwise in conformance with this subtitle.

The project is in conformance with the State Criteria and the City of Baltimore Critical Area Program except for impacts to the 100-foot Buffer. The proposed bioretention will be vegetated with native species. The area south of the Connector Bridge will remain the same as previously approved by the Commission. The project is otherwise consistent with COMAR 27.02.06.

The Commission must find that the conditional approval request contains the following:

(1) That a literal enforcement of the provision of this subtitle would prevent the conduct of an authorized State or local agency program or project;

A literal enforcement of the provision would prevent MPA from providing any type of water quality improvement on-site. The proposed bioretention facility will provide water quality improvements which do not currently exist.

(2) There is a process by which the program or project could be so conducted as to conform, insofar as possible, with the approved local Critical Area program or, if the development is to occur on State-owned lands, with the criteria set forth in COMAR 27.02.05; and

The bioretention facility that will go in the 100-foot Buffer is not consistent with the City's program. However, all disturbances will be minimized and the proposed planting will result in slope stabilization, debris removal, and water quality improvements.

(3) Measures proposed to mitigate any adverse effects of the project or program on an approved local Critical Area program or, if on State owned lands, on the criteria set forth in COMAR 27.02.05.

Since the Buffer does not currently function due to the debris, the bioretention facility will provide habitat through wetlands plantings. The bioretention facility will also reduce phosphorous and add native vegetation to the Buffer.

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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

May 30, 2002

Mr. Chuck Schneider
Environmental Project Manager
Frederick Ward Associates, Inc.
P. O. Box 727
5 South Main Street
Bel Air, Maryland 21014

RE: Penns Beach Marina Project
(200262642\02-WL-1005)
Havre de Grace, Maryland

Dear Mr. Schneider:

The purpose of this letter is to respond to your April 26, 2002 letter about the City's Buffer Exemption Area at Penns Beach Marina. 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 is still not clear whether the dredge spoil material will be placed within the City's Buffer Exemption Area (BEA). If the applicant is proposing to place dredge spoil material within the City's BEA, the City's Critical Area program requires offsets to any negative impacts that may occur due to development or redevelopment. (See Page 45-46, in the City's Program under "Buffer Provision in IDA")

In order to determine the impacts to the Critical Area, this office needs information concerning the excavation and removal of an offshore breakwater and its replacement with a 180 foot long by 8 foot wide floating concrete breakwater.

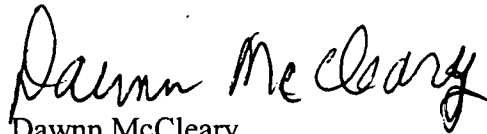
Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

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

Continued, Page Two
Penns Beach Marina Project
May 30, 2002

Please forward any additional 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: Charles de Rose
Ted Bishop
Regina Esslinger
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
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May 30, 2002

Mr. Robert Cuthbertson
Maryland Department of the Environment
Water Management Administration
2300 Broening Highway
Baltimore, Maryland 21224

RE: Eastport Yacht Club
200263433\02-WL-1600

Dear Mr. Cuthbertson:

Thank you for the opportunity to review the above project. This office understands that there is a proposal to dredge a 25,600 square feet area, to reconstruct and expand an existing marina into 49 slips by constructing and backfilling a deteriorated timber bulkhead, to construct several replacement piers and new piers, and to construct 10 boatlifts and 55 mooring piles. This site is mapped as a Buffer Exemption Area. The purpose of this project is for a marina expansion.

This project will need to meet Section 21.67.100(A)(1-2) of the City's Critical Area Program as well as the State Criteria on marina expansion. (See COMAR 27.01.03.06). Based on the information provided, the above project is consistent with the City's 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: Tom Smith
Megan Owen
Regina Esslinger
COE File

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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

May 29, 2002

Ms. Marti Sullivan
Program Open Space
Dept. of Natural Resources
580 Taylor Avenue
Annapolis, Maryland 21401

RE: Hutchins Memorial Park Project
Local POS\CPP # 4029-12-190


Dear Ms. Sullivan:

Thank you for the opportunity to review the above project. This office understands that there is a proposal to redevelop an existing parking lot in the City of Havre de Grace into a plaza that includes a boardwalk and a fishing pier expansion. The purpose of the project is to create a new community park.

Since the proposed park redevelopment will be in the City's Buffer Exemption Area, this project will need to meet the City's Critical Area requirements for Buffer Exemption areas. This may be done through the City's various pollution mitigation programs for the Critical Area. Since this project will take place on City owned land, this project will also need review under COMAR 27.02.02 for "Development in the Critical Area Resulting from State and Local Agency Action".

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

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Diana Claire
Ted Bishop
Regina Esslinger
HC File

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

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CA

CLEARINGHOUSE REVIEW

April 26, 2002

TO: Arnold Norden, Greenways and Resources Planning (E-4)
Glenn Therres, Wildlife (E-1)
Robert Beckett, State Forest and Park Service (E-3)
John Rhoads, Natural Resources Police (E-3)
Ray Dintaman, Environmental Review (B-3)
Matthew Fleming, Education, Bay Policy & Growth Mgmt (E-2)
Marian Honeczy, Forestry (E-1)
Bill Hodges, Resource Assessment Services (B-3)
Regina Esslinger, Crit. Area Cmsn. (1804 West St., Suite 100, Annap., 21401)

FROM: *JP* James W. Price, Director, Program Open Space
MLW Marketa L. Walker, Program Manager, Community Parks & Playgrounds

SUBJ: DNR Clearinghouse Review of Local POS/CPP Project #4029-12-190, Hutchins Memorial Park, Havre de Grace, Harford County

To develop projects that include a waterfront boardwalk, art plaza, fishing and boating pier expansion, community "greens", festival area, pathways, information kiosks, flagpoles and landscaping.

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

CHECK ONE AND INITIAL

CHECK

INITIAL

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

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

✓

Dm 5/10/02

Hold Dm =

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

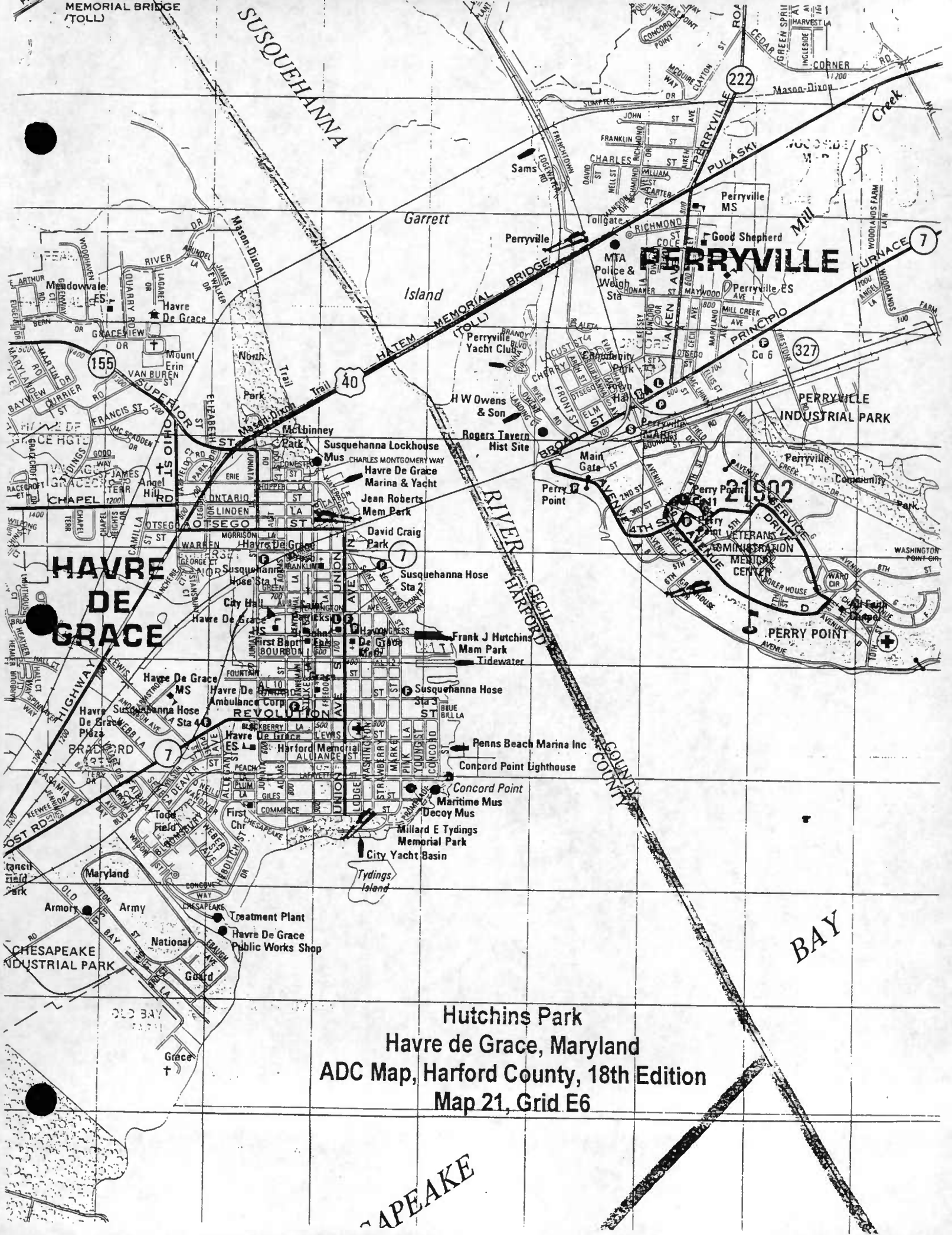
Please return to Marti Sullivan or Judy Jones, Program Open Space, Tawes State Office Building (E-4) Annapolis, upon completion of review.

Call

MEMORIAL BRIDGE
(TOLL)

SUSQUEHANNA

CONCORD POINT
MCCOY WAY
PERRYVILLE
PULASKI
CEDAR
GREEN SPRING
HARVEST
INCLESIDE
CORNER
Mason-Dixon



PERRYVILLE

HAVRE DE GRACE

Hutchins Park
Havre de Grace, Maryland
ADC Map, Harford County, 18th Edition
Map 21, Grid E6

CHESAPEAKE

BAY

HUTCHINS PARK CONCEPT PLAN

THE CITY OF HAVRE DE GRACE

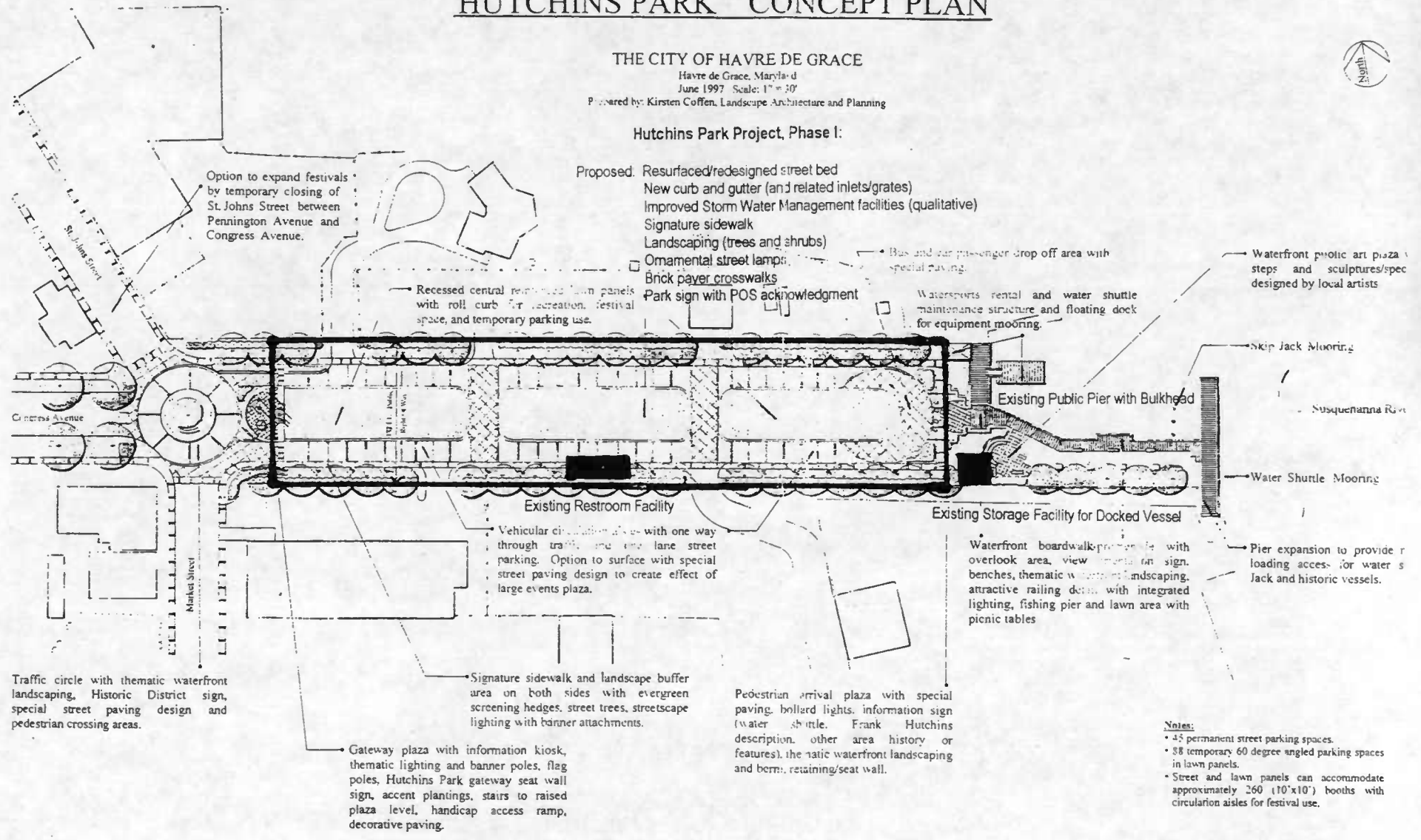
Havre de Grace, Maryland
June 1997 Scale: 1" = 30'

Prepared by: Kirsten Coffen, Landscape Architecture and Planning



Hutchins Park Project, Phase I:

- Proposed:
- Resurfaced/re-designed street bed
 - New curb and gutter (and related inlets/grates)
 - Improved Storm Water Management facilities (qualitative)
 - Signature sidewalk
 - Landscaping (trees and shrubs)
 - Ornamental street lamps
 - Brick paver crosswalks
 - Park sign with POS acknowledgment



Option to expand festivals by temporary closing of St. Johns Street between Pennington Avenue and Congress Avenue.

Recessed central lawn panels with roll curb for recreation, festival space, and temporary parking use.

Bus and car passenger drop off area with special paving.

Watersports rental and water shuttle maintenance structure and floating dock for equipment mooring.

Waterfront public art plaza with steps and sculptures/spec designed by local artists

Skip Jack Mooring

Susquehanna River

Water Shuttle Mooring

Existing Public Pier with Bulkhead

Existing Storage Facility for Docked Vessel

Pier expansion to provide loading access for water taxis and historic vessels.

Existing Restroom Facility

Vehicular circulation area with one way through traffic and one lane street parking. Option to surface with special street paving design to create effect of large events plaza.

Waterfront boardwalk promenade with overlook area, view platform, sign, benches, thematic waterfront landscaping, attractive railing deck with integrated lighting, fishing pier and lawn area with picnic tables

Traffic circle with thematic waterfront landscaping, Historic District sign, special street paving design and pedestrian crossing areas.

Signature sidewalk and landscape buffer area on both sides with evergreen screening hedges, street trees, streetscape lighting with banner attachments.

Pedestrian arrival plaza with special paving, bollard lights, information sign (water shuttle, Frank Hutchins description, other area history or features), thematic waterfront landscaping and berm, retaining/seat wall.

Gateway plaza with information kiosk, thematic lighting and banner poles, flag poles, Hutchins Park gateway seat wall sign, accent plantings, stairs to raised plaza level, handicap access ramp, decorative paving.

Notes:

- 45 permanent street parking spaces.
- 88 temporary 60 degree angled parking spaces in lawn panels.
- Street and lawn panels can accommodate approximately 260 (10'x10') booths with circulation aisles for festival use.

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

May 23, 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 received the additional information you sent to us on May 8, 2002 about the two piers at the proposed Harborview Townhouse site. After reviewing your e-mail, this office determined that the proposed redevelopment activity and the 10% calculations are correct and consistent with the local Critical Area Program.

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

Sincerely,

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

Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
BA 313-02

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 17, 2002

Mr. Roby Hurley
Maryland Office of Planning
Lower Eastern Shore Regional Office
Salisbury District Court\Multi-Service Center
201 Baptist Street, Box 24
Salisbury, Maryland 21801

RE: Denton Map Amendment\Refinement

Dear Mr. Hurley:

Thank you for providing information on the proposed changes to the Town of Denton's Critical Area maps. Critical Area staff understands that the changes resulted from annexation and discovery of a mistake on the Critical Area line. The changes to the map include change of scale, movement landward of the 1000 foot Critical Area line and adding an annexation area just outside of the Critical Area. The Critical Area Commission received your letter on May 9, 2002 and is accepting the information as a complete submittal. Judge North will make a refinement determination within 30 days of the date of this letter, and the Commission will review the refinement determination in July 2002. 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: Ms. Jennifer Shull
Mary Owens
Amendment\Refinement Files

Branch Office: 31 Creamery Lane, Easton, MD 21601
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Chairman



Ren Serey
Executive Director

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

May 9, 2002

Mr. Charles Belfoure
Project Manager
Department of General Services
301 West Preston Street
Baltimore, Maryland 21202-2305

RE: Bloomsbury Square Townhouses
Annapolis, Maryland

Dear Mr. Belfoure:

On April 1, 2002, the Chesapeake Bay Critical Area Commission unanimously approved the Bloomsbury Square Townhouses. The Townhouses will replace the existing 360 space parking lot with a new 52 unit public housing townhouse development. The development will reduce the parking on-site to 58 spaces and provide water quality controls for the site by treating all stormwater runoff before it outfalls into College Creek. The existing townhouses next to the House of Delegates building will be torn down. The total site that will be developed is 3.27 acres. There will also be a reduction in impervious surface. All disturbance to the Buffer and Critical Area will be mitigated with a variety of plantings.

This project was approved without the City of Annapolis walkway easement, however, we expect to continue to work with the City on this easement location. I would like to thank you, the staff from RK & K and the staff from O'Doherty Graham Landscape Architecture for working diligently with the Commission staff. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

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

Dawnn McCleary
Natural Resources Planner

cc: Tom Smith
Regina Esslinger
State 17 - 02

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Staff Correspondence Volume II: Serey

2002

S 1832-151-4

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

December 11, 2002

MEMORANDUM

TO: Judge John C. North, II
FROM: Ren Serey
SUBJECT: Narrows Point on Kent Island

You inquired about development-related activities near the Holiday Inn on Kent Island. I spoke to David Danmeyer, who is in the Enforcement Division at the Maryland Department of the Environment. He told me there has been significant dump truck traffic in the area lately related to the development of the Narrows Point Subdivision.

The Narrows Point project will result in 19 duplex structures, for a total of 38 units, on the long peninsula immediately to the east of the Holiday Inn. These lots are grandfathered under the Critical Area Criteria and the Queen Anne's County Critical Area program. Narrows Point is a designated Buffer Exemption Area, which allows for the 50-foot Buffer that will be provided.

Mr. Danmeyer said he has visited the site several times as part of his regular monitoring activities. He reported that the Narrows Point development is progressing so far in accordance with its stormwater management and sediment and erosion control permits. He will survey the general area to determine if any other development activities are causing disturbance.

LeeAnne Chandler has reviewed the project for the Commission and will continue to monitor the development as well.

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

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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

September 30, 2002

Mr. Doldon W. Moore, Jr.
Wetlands Administrator
Board of Public Works
Post Office Box 1510
Annapolis, Maryland 21404

Re: Tidal Wetlands Application 00-W1-1160
Midway Land Company

Dear Mr. Moore:

I am writing in response to your questions concerning the requirements of recently enacted HB 301, the Atlantic Coastal Bays Protection Act. This legislation established the Atlantic Coastal Bays Critical Area as part of the State's existing Critical Area Program. Worcester County and Ocean City are in the process of developing local Critical Area programs to be submitted for approval to the Critical Area Commission. HB 301 requires that local programs must be in operation by September 29, 2003. In the interim, the local jurisdictions are required to make certain findings with regard to

“any subdivision plat approval or approval of a zoning amendment, variance, special exception, conditional use permit, or use of a floating zone, affecting any land or water area located within the initial planning area” of the Critical Area. Natural Resources Article Section 8-1813 (b), Annotated Code of Maryland.

The “initial planning area” includes the waters of and lands under the Atlantic Coastal Bays and all land within 1,000 feet landward of the tidal waters and tidal wetlands of the Atlantic Coastal Bays. The specific findings that HB 301 requires a local jurisdiction to make concerning the project approvals listed above are

- (1) The proposed development will minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands; and

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- (2) The applicant has identified fish, wildlife, and plant habitat which may be adversely affected by the proposed development and has designed the development so as to protect those identified habitats whose loss would substantially diminish the continued ability of populations of affected species to sustain themselves.

The law further provides that the requirement to make these findings does not apply to any application filed prior to June 1, 2002.

The information you provided included a letter from Guy R. Ayres III, City Solicitor for the Mayor and City Council of Ocean City, to Raymond S. Smethurst, Jr., Esq., dated June 6, 2001. In the letter Mr. Ayres informs Mr. Smethurst that a development plan for Section H of Trader's Cove Condominium must be accompanied by an application for subdivision approval. As noted above, if a subdivision application is filed, HB 301 requires that Ocean City make findings concerning impacts to water quality and fish, plant and wildlife habitat.

It appears that it would be difficult for the appropriate Ocean City agencies to make positive findings in regard to the site plan you provided. Finding No. 1 above requires that the proposed development will minimize adverse impacts to water quality from stormwater runoff. The site is extremely constrained by Route 90 and the open water of Assawoman Bay. Untreated stormwater discharges into the marsh or open water portions of the property would damage the wetlands and aquatic resources of the Bay. Realistic opportunities for the on-site treatment of stormwater are not apparent. Therefore, in order for Ocean City to approve a subdivision plat for the property, it would seem that the applicant must demonstrate that actions have been taken to secure the off-site treatment of stormwater.

Finding No. 2 above also presents serious challenges. The information you provided did not include the identification of fish, plant and wildlife habitats on the site. Identification of these habitats would need to be completed before Ocean City could act on the subdivision. It is apparent, however, that the property contains significant habitats. The shallow open water portions of the site and the adjacent tidal wetlands likely contain numerous benthic and intertidal species. These species and their habitats will be affected not only by the proposed structures, but substantial impacts can be expected from the type of access provided to the site, whether by direct filling of wetlands and open water for a roadway or by bridging these areas. Due to the narrowness of the site and the close proximity of these habitats to the proposed development area, it will be difficult for Ocean City to make a finding that the project has been designed to minimize impacts to these areas.

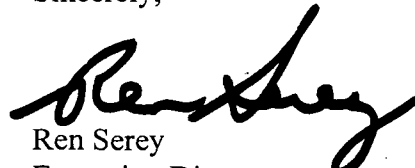
Mr. Doldon W. Moore, Jr.
September 30, 2002
Page 3

Similar issues will arise if the subdivision application is not submitted until the Critical Area Commission has approved Ocean City's Critical Area program and the program is implemented locally. Under its local Critical Area program, the City will find it equally difficult to approve the subdivision due to the development limitations the site presents. The grandfathering provisions to be included in the City's program will not be applicable to the subdivision action or the proposed development. Therefore, the applicant will be required to comply with all provisions of the local program.

From the information you provided, this site appears to be a remnant of a grandfathered development project and has no independent development rights attached to it. If this is so, the City would likely be unable to make the necessary findings required under HB 301 for the approval of a subdivision. Following implementation of the local Critical Area program, the City would not be able to approve a subdivision of the larger parcel due to the site's numerous constraints for development.

If you have questions or need additional information, please contact me.

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

September 30, 2002

Mr. Stephen Nevas
Vice President
Cape St. John Citizens Association
P.O. Box 130
Riva, MD 21140

Re: Boyds Ridge Subdivision (Goettee Property)

Dear Mr. Nevas:

I am in receipt of your letter requesting information on the above-referenced subdivision application that is pending at the Anne Arundel County Department of Planning and Zoning. It is my understanding that on Friday, September 27, 2002 you visited our offices and reviewed and copied those documents of your choosing from our file. It is also my understanding that you and Mr. Semick met with and discussed this case with Ms. Lisa Hoerger of our staff.

Therefore, it appears your request for information from the file of the Boyds Ridge Subdivision was met. If you need additional assistance, please do not hesitate to contact our offices at (410) 260-3460.

Sincerely,

A handwritten signature in black ink, appearing to read "Ren Serey", written over a horizontal line.

Ren Serey
Executive Director

cc: Mr. Daniel Semick
Mr. Kenneth Cole
Ms. Lisa Hoerger

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

September 24, 2002

Honorable Levin F. Harrison, President
Talbot County Council
Courthouse
11 N. Washington Street
Easton, Maryland 21601

Re: Buffer Management Plan Information

Dear Councilman Harrison:

I have enclosed the information on Buffer Management Plans referred to in the letter from Chairman North to you dated September 23, 2002. The first item is from the Charles County Critical Area program and demonstrates how Charles County implements a requirement for Buffer Management Plans when homeowners or others contemplate clearing or cutting activities in the Critical Area Buffer. The other item is a model form for Buffer Management Plans that can be adapted for use in Talbot County. If you have questions or need additional information, the Critical Area Commission staff are available to meet with you or County staff at your convenience.

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

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Charles County Zoning Ordinance

iv. Commercial harvesting of trees is permitted, under a **TIMBER HARVEST PLAN APPROVED BY THE DEPARTMENT OF NATURAL RESOURCES AND A [an approved] Buffer Management Plan APPROVED BY THE PLANNING DIVISION. HARVESTING IS PERMITTED** to within 50 feet of the edge of the intermittent streams, and to within 50 feet of the Mean High Water Line or tidal wetlands when harvesting involves clearcutting of loblolly pine and tulip poplar [and] **OR** selective cutting of other species. **CUTTING SHALL NOT OCCUR IN ANY HABITAT PROTECTION AREAS, BUT MAY BE PERMITTED IN THE BUFFER IN ACCORDANCE WITH THESE PROVISIONS.** [In addition, limited cutting or clearing of trees shall be permitted for the following purposes:]

v. **ANY ACTIVITY LANDWARD OF THE LINE OF MEAN HIGH WATER SHALL BE SUBJECT TO A COUNTY BUFFER MANAGEMENT PLAN, APPROVED BY THE PLANNING DIVISION.** Limited cutting or clearing of trees shall be permitted for the following purposes, provided that clearing is limited to the minimum amount necessary to complete the proposed project and is subject to [a] **AN APPROVED COUNTY Buffer Management Plan:**

a. For personal use providing that Buffer functions are not impaired and trees cut are replaced;

b. To prevent trees from falling and blocking streams, causing damage to dwellings or other structures, or resulting in accelerated erosion of the shore or streambank;

c. In conjunction with horticultural practices used to maintain the health of individual trees;

d. To provide access to private piers **PROVIDED THAT ANY VEGETATION CLEARED IS REPLACED UNDER AN APPROVED COUNTY BUFFER MANAGEMENT PLAN;**

e. To install or construct an approved shore erosion protection device or measure **PROVIDED THAT ANY VEGETATION CLEARED IS REPLACED UNDER AN APPROVED COUNTY BUFFER MANAGEMENT PLAN;** or,

f. To protect forests from extensive pest or disease infestation or threat from fires if approved by the Department of Agriculture or the Department of Natural Resources.

vi. Limited pruning of trees will be allowed by private homeowners in conjunction with horticultural practices used to maintain the health of individual trees. Any pruning of trees in the buffer will require approval by the [Department of Planning and Growth Management] **PLANNING DIVISION** with technical assistance by the [Bay Watershed Forester] **MARYLAND DEPARTMENT OF NATURAL RESOURCES OR BY THE CHARLES COUNTY FORESTER.**

vii. Buffer Management Plans shall be prepared in accordance with reforestation and afforestation standards [below] **IN SECTION 132 (E).**

VIII. THE APPLICATION OF SLUDGE IN THE BUFFER IS PROHIBITED.

IX. NEW COMMERCIAL AND INDUSTRIAL MARITIME, AND RELATED FACILITIES, ARE PROHIBITED IN THE BUFFER, AS IT AFFECTS THE RESOURCE CONSERVATION ZONE (RCZ).

X. SURFACE MINING AND RELATED FACILITIES, INCLUDING WASH PLANTS, PONDS, STOCKPILES AND EQUIPMENT, ARE PROHIBITED IN THE BUFFER.

5/99

CRITICAL AREA BUFFER MANAGEMENT PLAN

The following form should be completed by the property owner, or responsible party, for any disturbance of natural vegetation or construction within the Critical Area Buffer. Once completed, and approved, this form will constitute your Buffer Management Plan and will provide our office with an official record of your proposed Buffer impacts and the way in which you plan to meet any required offsets (mitigation).

Property Background Information

Property Owner (or Contact) : _____
Property Owner's address: _____
Property Owner's (or Contact's) Phone: _____
Project Address (if different): _____

Tax Map # ___ Block # ___ Parcel # ___ Section # ___ Lot # ___

Proposed Buffer Disturbance

___ New development/redevelopment (e.g., new building, addition to home, replacement of structures).
___ Shore erosion control
___ Shore access
___ Other (please explain) _____

Is the property in a designated Buffer Exemption Area (BEA)? Yes ___ No ___

Are there any special plat notes or restrictions concerning your Buffer (ex. wetlands, habitat protection areas, conservation easements) ? Yes ___ No ___
If yes, please explain: _____

Please provide a brief explanation of your proposed project in the space below. Include area and/or no. of trees cleared as well as the type of equipment that will be used.

Three examples follow:

- 1) 600 square feet partially cleared for shore access with hand tools; canopy will be maintained; disturbance will be limited to three saplings and several shrubs; and path will consist of wood chips.
- 2) Removal of poison ivy from 2000 sq. feet area along shore access path; method of removal includes hand pulling and chemical spraying of individual plants with an approved herbicide; any resulting bare areas will be mulched to prevent soil erosion and to prevent reestablishment of invasives. There will be no removal of trees or shrubs.
- 3) A variance was granted to build a new house on a grandfathered lot in the Buffer. The area permanently impacted in the Buffer will be 4,000 square feet, including the area of the house and a fifteen foot clearing around the house. The lot is entirely

forested. A bulldozer will be used for site preparation.

Proposed Project _____

Justification - _____

What are the long-term management plans for this area? - _____

Calculation of Mitigation

The following three step process is used to compute the amount of mitigation needed for impacts to the Buffer. For the purposes of this Buffer Management Plan, mitigation is defined as plantings or similar offsets which will help to negate the effect of the Buffer disturbance. To determine the amount of mitigation for your Buffer disturbance you need to determine the following:

1. Amount of buffer disturbed for clearing, grading, and placement of new structures, etc.;
2. Mitigation ratio for the type of Buffer impact;
3. Mitigation amount calculated by multiplying the area disturbed by the mitigation ratio.

Step 1 Amount of buffer disturbance

There are two ways to calculate the amount of disturbance in the Buffer. Buffer disturbance is based on either the area disturbed or the number of individual trees that will be cut. It is recommended that when an area to be disturbed more closely resembles a natural forest (i.e. canopy cover with multi-layer understory) or when structures or other impervious surfaces are placed within the Buffer or a BEA, even if no trees are cleared, you should quantify the disturbance amount in *area cleared*. On the other hand, if your site more closely resembles a park setting (i.e., scattered trees with little or no understory), it is recommended that you count the *number of trees removed*.

AREA OF BUFFER CLEARED OR DISTURBED: ___ SQUARE FEET

- or -

NUMBER OF TREES CLEARED: _ # OF TREES

Step 2 Mitigation Ratios

Different types of Buffer management activities require different mitigation ratios. Higher ratios are used for activities that have a greater impact upon the buffer. The

purpose of the mitigation is to improve the Buffer functions where possible. The table below provides the mitigation ratio for different types of Buffer management activities.

Type of Buffer Disturbance	Mitigation Ratio
New development/redevelopment (non-BEA)	3:1
New development/redevelopment (BEA)	2:1
Shore erosion control	1:1
Shore access	2:1
Other	*

*Please consult with your local government Critical Area Planner if the purpose of your Buffer disturbance is in the *Other* category.

Mitigation Ratio = _____ (From the above table)

Step 3 Mitigation Amount

Mitigation Amount = (Sq. ft. or # of trees) X (mitigation ratio) = _____ Sq.ft. or # trees

Buffer Planting Plan

This section is to help you provide more specific details on your mitigation location and plantings.

Planting Location

All mitigation should be located within the Critical Area in the following order of preference:

- 1-On-site within the Buffer
- 2-On-site adjacent to existing Buffer
- 3-On-site within the Critical Area
- 4-Off-site (follow order of preference 1-3 above)
- 5-Fee-in-lieu payment

Plant Spacings and Mitigation Credits for Various Size Trees and Shrubs*

Credit Square Feet	Plant Size	Plant Spacing
100 sq ft	1 tree (2-inch caliper)	10 foot center
400 sq ft	1 tree (minimum: 2-inch caliper and either balled and burlapped or container grown) <u>and</u> understory vegetation (minimum: 2 small trees or 3 shrubs)	tree- 20 foot center understory - 10 foot center
50 sq ft	1 tree (seedlings)	7 foot center
50 sq ft	1 shrub	3-7 foot center

*Although the Critical Area Commission recognizes natural regeneration as a method for mitigation, not all jurisdictions authorize natural regeneration. If your jurisdiction allows natural regeneration as a method for mitigation Buffer impacts, consult with the appropriate contact to determine the area to be managed for natural growth.

Schematic Drawing

Please attach a schematic drawing to scale identifying areas of impact to the Buffer, indicate on plan existing trees and shrubs if possible, and the proposed location for replanting within the Buffer. Show the location of the Critical Area buffer. Indicate on the drawing the specific types of vegetation which will be removed and the specific types and amount of vegetation which will be used for mitigation.

I certify these statements to be true and accurate and that any trees to be removed are on my property. I hereby grant County/Local Jurisdiction officials permission to enter my property for inspections of this Buffer Management Plan.

Applicant Signature _____ **Date** _____

Approval information: FOR OFFICE USE ONLY

This Buffer Management plan is approved as of _____

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

September 20, 2002

Mr. Denis Canavan
Anne Arundel County
Department of Planning & Zoning
2664 Riva Road, MS 6402
Annapolis, MD 21401

RE: Critical Area Mapping Issues

Dear Mr. Canavan:

Recently, two Critical Area reclassification requests have been forwarded to our office for comment. The first request (Glorius Shenton, Case #2002-0008-C) was approved by the Administrative Hearing Officer and was subsequently appealed by the Critical Area Commission. The other request (Joseph J. Hock, Inc., Case #2002-0177-C) has a hearing date of October 10, 2002. In reviewing the applications, Commission staff examined the County's Critical Area Program, in particular the section describing development of the land use classification maps. The County's Program (page 13) states, "The first step in the process was to map all wetlands as Resource Conservation Areas." It is our understanding that the County used the National Wetlands Inventory (NWI) maps in locating wetlands and designating them RCA. (A comparison between the County's Critical Area maps and the NWI maps reflects this.)

In reviewing the reclassification requests, it became apparent that the County's Program did not provide a means to address the inherent inaccuracies in the NWI guidance maps. The request approved by the Hearing Officer was based on the claim that wetlands no longer exist on the site. The pending case is based on the claim that the subject area allegedly was not a wetland in 1985. At the time of original mapping, Anne Arundel County and the Critical Area Commission were aware of the limitations of the NWI maps for regulatory purposes, but agreed that these maps were an appropriate tool for designation of the County's Resource Conservation Area.

Due to possible repercussions in regard to the County's remaining growth allocation, we are concerned about successive changes to the County's RCA base.

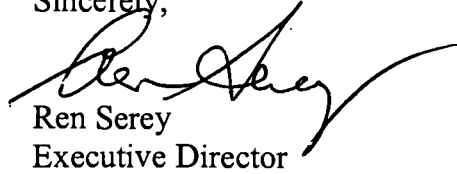
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Mr. Denis Canavan
September 20, 2002
Page 2

We would like to meet with you as soon as possible (given the upcoming hearing) to discuss possible solutions. I will contact you in the near future to arrange a meeting.

Sincerely,



Ren Serey
Executive Director

cc: The Honorable Barbara Samorajczyk
Betty Dixon, Land Use and Environment Coordinator
Elinor Gawel, Environmental Planner, Department of Planning and Zoning
Marianne Mason, Assistant Attorney General
Mary Owens, Chief, Program Implementation, Critical Area Commission
Lisa Hoerger, Natural Resources Planner, Critical Area Commission

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

August 26, 2002

Mr. Robert Wieland
Main Street Economics
P.O. Box 11
Trappe, Maryland 21673

Dear Mr. Wieland:

Thank you for clarifying your questions regarding growth allocation. If, indeed, we disagree regarding the proper roles of politics and the free market in the awarding of growth allocation, I am not sure how to resolve the issue. I can tell you I would be surprised if a board of elected officials asked the Critical Area Commission for approval to trade or otherwise convey growth allocation to another jurisdiction. Although I do not necessarily support or oppose the concept of trading growth allocation, I think its examination would require considerable research and discussion, and I am fairly certain the General Assembly would weigh in on the matter. In considering the heated debates that development proposals so often generate, I simply do not expect the Commission to be presented with the question.

Very truly yours,

A handwritten signature in black ink that reads "John C. North, II".

John C. North, II
Chairman

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MAIN STREET ECONOMICS

PO BOX 11
TRAPPE, MARYLAND
21673 · USA
410/822-5998
FAX 410/476-9648

RECEIVED

JUL 31 2002

CHESAPEAKE BAY
CRITICAL AREA COMMISSION

Judge John C. North
Critical Areas Commission
1804 West Main Street
Annapolis, MD 21401

Dear Judge North:

Your response to my question for the Talbot Rivers Protective Association Town Meeting was forwarded to me by John Jessup.

I wonder why the Critical Areas Commission would look askance at trading growth allocations? Perhaps I was imprecise in my question. It was based on peripheral knowledge of attempts to trade development density conditions between properties owned by, say, a Corbin and an Isaak Walton League. And, on comments by a County consultant to the effect that some easements do not survive changes in ownership of some Talbot County parcels.

The latter was particularly worrisome to me and I thought that, since the densities in RCA and other Critical Area land use delineations were Critical Area issues, these would be overseen by the Critical Areas Commission. Is there not some opportunity to trade development densities across similarly zoned properties in the Critical Areas? And, if so, how does the Commission track and assure these trades? That was my intended question.

With respect to your interpretation of my question, I am surprised that you would look unfavorably on an idea primarily, let alone, only, because it was "fraught with uncertain political ramifications". Politicians and government officials may be concerned about losing authority over development decisions in the way that a market for inter-county growth allocation trading would do. But I am not sure that the market-place would be any worse a place for making such decisions than government offices.

Inter-county growth allocation trading might allow counties who want to do the right thing but who can't afford it to be compensated for foregoing development. And, if development in the Critical Areas were truly bound by a numerical cap, this could presumably be done without harm to the overall Bay. This is an interesting idea that you propose.

Thank you for your reply. If you have the opportunity to answer my revised question, I can be reached on (410) 822 5998 or at the address above.

Yours sincerely,

Robert Wieland

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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August 15, 2002

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

Re: Talbot County Comprehensive Review

Dear Mr. Cowee:

At the Critical Area Commission meeting on August 7, 2002, the Commission's Program Subcommittee requested an update on the status of the Talbot County Comprehensive Review including information regarding any implementation problems with the current County Critical Area Program. This is a regular function of the Subcommittee in its oversight of local Critical Area programs; I wrote to you previously on this matter in a letter dated October 5, 2001 (attached). Commission staff informed the Program Subcommittee that several proposed bills are before the County Council; however, not all of the issues identified by Commission staff have been addressed in the new legislation nor has a vote on the legislation been scheduled. Staff also informed the Subcommittee that the County is continuing to approve certain projects that are inconsistent with the Critical Area Act and Criteria, and that reports of violations in Talbot County are becoming more frequent. Unfortunately, it appears that the Office of Planning and Zoning is unable to pursue certain violations without substantial revisions to the County Zoning Ordinance, because the current provisions are insufficient to effectively correct these problems.

The Program Subcommittee discussed these issues with the full Commission which has requested that you attend the next Commission meeting to provide an update regarding the comprehensive review and address these concerns. The next meeting is scheduled for September 4, 2002 at the Department of Housing and Community Development in Crownsville. The time for discussion of the Talbot County program will be approximately 1:30 p.m.

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Mr. Daniel Cowee
August 15, 2002
Page 2

As you are aware, in accordance with Section 8-1809 (1) of the Annotated Code of Maryland, the Commission may take action to ensure the proper implementation of local Critical Area programs. The provision reads as follows:

- (l) Correction of clear mistakes, omissions, or conflicts with criteria or laws.*
- (1) If the Commission determines that an adopted program contains a clear mistake, omission, or conflict with the criteria or law, the Commission may:
 - (i) Notify the local jurisdiction of the specific deficiency; and
 - (ii) Request that the jurisdiction submit a proposed program amendment or program refinement to correct the deficiency.
 - (2) Within 90 days after being notified of any deficiency under paragraph (1) of this subsection, the local jurisdiction shall submit to the Commission, as program amendments or program refinements, any proposed changes that are necessary to correct those deficiencies.
 - (3) Local project approvals granted under a part of a program that the Commission has determined to be deficient shall be null and void after notice of the deficiency.

If the Commission should decide to take this type of action the County would be notified of the deficiencies in its local program, ordinance, and regulations, and the deficiencies would need to be corrected within 90 days. Any approvals granted after such notification would be null and void until the County corrected the problems, and the Commission approved any revisions.

The Commission's discussion at the August 7, 2002 meeting focused on the following issues, and the members would like you to be prepared to discuss these on September 4, 2002:

Afforestation, forest clearing and reforestation.

Sections 19.2, 19.11, and 19.12 of the County Code include Critical Area provisions pertaining to the definitions of applicable terms, permitted forest clearing and required reforestation and afforestation. The County defines *tree* as a "a tall woody plant with a trunk of at least four inches in diameter measured four feet above grade." This definition has evolved over time and has become the basis for many of the current problems. The Critical Area Criteria, particularly in respect to Buffer protection, are based on the habitat and water quality values associated with riparian shorelines. When trees are removed from the Buffer to facilitate development, replacement is crucial. On site replacement is preferred if possible; off site replacement or payment of a fee-in-lieu

are permitted if necessary. The County's position, that trees smaller than four inches in diameter are not considered trees, does not provide for the protection, replacement, and creation of various types of forest habitat required by the Critical Area Act. Revisions to these provisions are needed to correct these problems.

Clearing in the 100-foot Buffer

Section 19.12 (b) (5) (iii) of the Code refers to activities allowed in the 100-foot Buffer. The Code allows "normal maintenance" which may include the "mowing of ground cover." This provision was initially understood by the Commission to allow mowing of existing grass lawns within the Buffer on grandfathered lots. This practice was and is acceptable under the Criteria; however, the local ordinance has been broadly interpreted to allow extensive bushhogging and clearing of natural vegetation within the 100-foot Buffer including the Buffer on new and undeveloped subdivisions and non-grandfathered lots. This situation, coupled with the County's practice of only protecting "trees" as defined above, has resulted in extensive loss of vegetation in the Buffer. These practices are inconsistent with the Critical Area Criteria and have increased dramatically in the last two years. Due to the fact that contractors often work in several jurisdictions, Commission staff receives frequent complaints from neighbors and persons in adjoining counties regarding the inequities and inconsistencies in the way the Buffer is managed in Talbot County. In the meantime, the loss and degradation of fully functioning Buffers continues to permanently degrade water quality and destroy habitat.

Guest Houses

Section 19.14 (a) of the Code allows for the development of new guesthouses in the RCA that are not counted in the calculation of residential density under the one-unit-per-20-acre density requirement. The local bill that proposes changes to this section retains the guesthouse allowance and is inconsistent with the Critical Area Criteria. County staff have met with the Program Subcommittee on this issue on numerous occasions in the last five years. The Subcommittee has made it clear to the County that guesthouses are not exempt from the density requirements, and that the County's ordinance must be amended.

Nonconforming Structures

Section 19.13 (d) (2) (i) of the County Code allows nonconforming structures, such as grandfathered dwellings in the 100-foot Buffer, to be expanded without a variance as long as the expansion maintains the current setback from the water. The Commission has approved similar provisions in other local programs as part of a Buffer Exemption Area (BEA) or Buffer Management program. However, in a BEA, development of this sort is automatically accompanied by mitigation, and an applicant

Mr. Daniel Cowee
August 15, 2002
Page 4

must demonstrate to the local government that the project has been designed to minimize Buffer impacts. Under provisions of the Talbot County ordinance, in many cases a building permit is the only procedural requirement. The applicant is not required to meet the variance standards or to minimize impacts, or provide mitigation. This situation has resulted in significant impacts to the Buffer, many of which could have been avoided or reduced.

Commission staff have worked closely with County staff to map potential Buffer Management Areas, so that a Buffer Management Program may be implemented that would allow for the expansion or replacement of a grandfathered dwelling while requiring mitigation. The Commission has required similar changes in all other local Critical Area jurisdictions where these types of provisions appeared in the original programs. The Talbot County practice should be replaced with the Buffer Management Program as soon as possible.

The Commission members and I look forward to seeing you on September 4, 2002. If you have any questions, please call Lisa Hoerger or Ren Serey at (410) 260-3460.

Very truly yours,


John C. North, II
Chairman

cc: Marianne D. Mason, Esq., Assistant Attorney General
Mr. Ren Serey
Ms. Lisa Hoerger
Ms. Mary Owens

Judge John 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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MEMORANDUM

August 14, 2002

TO: Asuntha M. Chiang-Smith, Special Assistant
FROM: Ren Serey
SUBJECT: Tudor Hall Golf Course

Following the meeting in your office last Friday regarding the proposed Tudor Hall Golf Course, Gene Lynch requested that the Critical Area Commission place the project on its agenda for preliminary discussion. The next Commission meeting is September 4, 2002. It will be held at the Department of Housing and Community Development in Crownsville. The meeting will begin at 1:00 p.m. We can schedule the project first on the agenda, if that is convenient.

Although the Commission often receives preliminary briefings on proposed projects, it would facilitate discussion if we could receive as much of the following information as possible before the meeting. This will enable our staff to copy certain items and summarize the material for the Commission members.

1. A revised "Concept Development Plan" clearly showing the fairway conversion areas, tees, and greens.
2. A square footage estimate of all development, including fairways, tees, greens, stormwater management measures, and structures located within the 100-foot Buffer and expanded Buffer of McIntosh Run, Breton Bay, and all tributary streams within the Critical Area. The current plans include some areas where the Buffer has not been correctly expanded for contiguous steep slopes.
3. A square footage estimate of all permanent impacts to tidal wetlands, non-tidal wetlands, waters of the U.S. (streams), and non-tidal wetlands buffers. Impacts to tidal wetlands buffers and stream buffers are included in #2 above.

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Ms. Asuntha M. Chiang-Smith

August 15, 2002

Page 2

4. The location and square footage of all areas where streams, the 100-foot Buffer and expanded Buffer, wetlands, and wetland buffers will be modified to facilitate "forced carries."
5. A square footage estimate of impacts to Forest Interior Dwelling Species (FIDS) habitat including both direct and indirect habitat loss as specified in the Commission's guidance entitled "A Guide to the Conservation of Forest Interior Dwelling Birds in the Chesapeake Bay Critical Area" (June 2000, enclosed).
6. A preliminary proposal for meeting the FIDS mitigation requirement which will most likely need to take place off site.
7. A square footage estimate of any impacts to the wetland of Special State Concern and its required 100-foot buffer including development, clearing, and stormwater discharge.
8. A square footage estimate of any impacts to slopes greater than 15% that are not part of the expanded Buffer.
9. The location and square footage of all areas where the 100-foot Buffer is required to be established in natural vegetation.
10. Comments on the revised golf course plan and proposed impacts from the U.S. Army Corps of Engineers, Fish and Wildlife Service, National Marine Fisheries, Maryland Department of the Environment, Department of Natural Resources Environmental Review Unit, Heritage Division, and Forest Service.
11. A summary of other environmental impacts to sensitive resources associated with golf course construction and golf course maintenance including the use of an Integrated Pest Management Program, the use of treated gray water for irrigation, etc.

Obviously, this list is substantive and comprehensive. It is not necessary to provide all of the information prior to the September 4th meeting in order to obtain initial feedback from the Commission. However, as the project progresses through its planning and design stages, the Commission's ability to provide you with the clearest guidance will depend on the timing of the information it receives. I have enclosed a copy of our project checklist so you can see the range of information necessary for final approval of a State project. If the final design is not consistent with the Commission's regulations for State projects (COMAR 27.02.05), we will also need to build in time for the Commission to conduct a public hearing.

To speed the review process, we normally work closely with an agency's consulting environmental firm as well as its consulting engineer. This process worked well during the lengthy reviews of the previous design for a golf course on this site. I understand that the

Ms. Asuntha M. Chiang-Smith

August 15, 2002

Page 3

Stadium Authority is anxious to proceed as quickly as possible on a redesigned course. In that regard, I strongly recommend that the agency retain an environmental consultant as soon as possible. The Critical Area Commission can provide the best help to you and the Stadium Authority by working directly with an environmental consultant on matters concerning wetlands, Buffers, FIDS conservation and the protection of other sensitive areas.

If you have questions, please contact me at (410) 260-3462 or rserey@dnr.state.md.us. I am available to meet with you at your convenience.

cc: Judge John C. North, II, Chairman

Judge John C. North, II
Chairman



Ren
Ren Serey
Executive Director

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

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July 15, 2002

Honorable James N. Mathias, Jr., Mayor
Town of Ocean City
P.O. Box 158
Third Street & Baltimore Avenue
Ocean City, Maryland 21842-0158

Dear Mayor Mathias:

I trust you found your first Critical Area Commission meeting both interesting and rewarding. The Commission members and staff join me in thanking you for your kind words of welcome and look forward to working closely with you.

I am also writing in regard to our discussion of an advisory committee that, as set out in the Coastal Bays legislation, would be composed of "members of the Commission and local citizens and local stakeholder groups" who would "make recommendations to the Commission with respect to Atlantic Coastal Bays Critical Area programs." As you know, we expect to appoint the committee at our next meeting, to be held August 7, 2002 at the Living Classrooms Foundation in Baltimore. The committee likely will hold its initial meeting sometime in August and may schedule future meetings at that time.

The General Assembly specified that the Commission members from the Coastal Bays watershed shall serve on such an advisory committee. I am certain that both you and David Blazer will have much to contribute to the committee's efforts. Other members must fit the general description quoted above. In that regard, I would appreciate your suggestions, and those of the City Council, as to additional members of the advisory committee.

I look forward to hearing from you. If I can be of assistance, or if you have questions concerning the advisory committee or any other matter, please contact me, or Ren Serey at (410) 260-3462.

Very truly yours,

John C. North, II
John C. North, II
Chairman

cc: Honorable Richard W. Meehan, President
Honorable Vincent Gisriel, Jr.
Honorable W. Glenn Steckman, III
Honorable Erin Fitzsimmons
Honorable James S. Hall
Honorable Joseph Hall
Honorable Nancy L. Howard

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Judge John C. North, II
Chairman



Res
Ren Serey
Executive Director

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July 15, 2002

Honorable John E. Bloxom, President
Board of County Commissioners
County Government Center
One West Market Street
Snow Hill, Maryland 21863-1195

Dear Commissioner Bloxom:

The recently enacted Coastal Bays legislation authorized the Critical Area Commission to "establish an advisory committee, composed of members of the Commission and local citizens and local stakeholder groups, to make recommendations to the Commission with respect to Atlantic Coastal Bays Critical Area programs." At its regularly scheduled meeting on July 10, 2002, the Commission decided to establish such a committee. I am writing in the hope that you and the members of the Board of County Commissioners could suggest potential members to serve on the advisory committee. We expect to make the appointments at our next meeting, to be held August 7, 2002 at the Living Classrooms Foundation in Baltimore. The committee likely will hold its initial meeting sometime in August and may schedule future meetings at that time.

The General Assembly specified that the two new Commission members from the Atlantic Coastal Bays watershed shall serve on the committee. Other members would need to fit the description set out above. We welcome your suggestions and look forward to hearing from you. If I can be of assistance, or if you have questions concerning the advisory committee or any other matter, please contact me, or Mr. Ren Serey, the Commission's Executive Director, at (410) 260-3462.

Very truly yours,

John C. North, II
John C. North, II
Chairman

cc: Honorable Jeanne Lynch
Honorable James L. Purnell, Jr.
Honorable Virgil L. Shockley
Honorable Louise L. Gulyas

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Chairman



Rev

Ren Serey
Executive Director

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July 15, 2002

Mr. David Blazer
Director, Maryland Coastal Bays Program
9609 Stephen Decatur Highway
Berlin, Maryland 21811

Dear Mr. Blazer:

I trust you found your first Critical Area Commission meeting both interesting and rewarding. The Commission members and staff join me in thanking you for your willingness to devote your time and energy to the work of the Commission.

I am also writing in regard to our discussion of an advisory committee that, as set out in the Coastal Bays legislation, would be composed of "members of the Commission and local citizens and local stakeholder groups" who would "make recommendations to the Commission with respect to Atlantic Coastal Bays Critical Area programs." As you know, we expect to appoint the committee at our next meeting, to be held August 7, 2002 at the Living Classrooms Foundation in Baltimore. The committee likely will hold its initial meeting sometime in August and may schedule future meetings at that time.

The General Assembly specified that the Commission members from the Coastal Bays watershed shall serve on such an advisory committee. I am certain that both you and Mayor Mathias will have much to contribute to the committee's efforts. Other members must fit the general description quoted above. In that regard, I would appreciate your suggestions as to additional members of the advisory committee.

I look forward to hearing from you. If I can be of assistance, or if you have questions concerning the advisory committee or any other matter, please contact me, or Ren Serey at (410) 260-3462.

Very truly yours,

A handwritten signature in black ink that reads "John C. North, II". The signature is stylized and written over a large, light-colored scribble or mark.
John C. North, II
Chairman

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Judge John C. North, II
Chairman



Ren Serey
Executive Director

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July 12, 2002

Ms. Colleen Bonnell
Commissioners of Leonardtown
206 Tudor Place
Tudor Hill, P.O. Box 1
Leonardtown, Maryland 20650

RE: Tudor Hall Village
LE 107-02

Dear Ms. Bonnell:

The Critical Area Commission was recently contacted by Mr. John Norris regarding the Tudor Hall Village Project and the issues that need to be addressed before the Town approves final site development plans or approves any grading permits. These issues have been identified in previous letters to the Town and in meetings with Town staff. At this time, some of these remain unresolved and require additional information or discussion:

1. As you may recall, the design of the golf course and the anticipated impacts to the existing Forest Interior Dwelling Species (FIDS) bird habitat were carefully coordinated between the golf course architect, Commission staff, and representatives from the Heritage Division of the Department of Natural Resources. It is my understanding that the design of the golf course has changed since the last plans were reviewed. Significant changes may require further review by the Heritage Division and the Commission.
2. Mitigation will be required for all development activities, including clearing and grading for fairways, cart paths, and greens, that are located within the existing FIDS habitat. The mitigation acreage has not been finalized, and mitigation sites have not been identified. This effort must be completed before the Town issues a grading permit for work in the FIDS habitat area.
3. The reforestation requirements for the site have not been finalized. The portion of the site where the hotel and conference center are located has received growth allocation to change the Critical Area designation from Limited Development Area (LDA) to Intensely Developed Area (IDA). This change will make it necessary to recalculate the required reforestation.

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Ms. Colleen Bonnell
July 12, 2002
Page 2

4. The applicant has not addressed the establishment of natural vegetation within the 100-foot Buffer of tidal waters, tidal wetlands, and tributary streams as required by Section 27-401.A.3(f) of the Leonardtown Critical Area Overlay Zoning Ordinance. Some of these Buffers are partially vegetated, but many will need supplemental planting or protection measures to allow natural regeneration. A Buffer Management Plan should be developed to address this requirement.
5. The last plans reviewed by this office included "play" over non-tidal wetlands and tributary streams and their buffers. Specific design strategies for maintaining vegetated buffers in and minimizing impacts to these areas were discussed and agreed to. Changes to the golf course design may require further discussion of these impacts.
6. Commission staff has worked with the applicants on the golf course design and have agreed that cart paths may cross through the Buffer where there is no feasible alternative. Impacts of the paths should be minimized by constructing the paths and any bridges of pervious materials or semi-pervious materials. Disturbance to vegetation should be minimized during and after construction by locating bridge supports outside any wetlands or stream channels, limiting the clearing of Buffer vegetation to pruning of existing trees and vegetation, and maintaining canopy closure where possible.
7. It is the understanding of the Commission that easements for portions of the property were purchased by the Department of Natural Resources in order to ensure that these areas were protected for water quality and habitat benefits. These areas need to be clearly identified on the plans and appropriate notes included on the record plats and in the deeds for affected properties.

Commission staff would like to meet with Town staff, the project engineer, and project consultants to review the latest plans for the project and to address these issues and any other issues resulting from changes to the project. I will be contacting you next week to schedule a convenient time. If you have any questions, please feel free to call me at (410) 260-3480.

Sincerely,



Ren Serey
Executive Director

cc: Mr. John Norris
Ms. Laschelle Miller

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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June 21, 2002

Ms. Eileen E. Powers
Blumenthal, Delavan & Williams, P.A.
170 Jennifer Road, Suite 240
P.O. Box 6484
Annapolis, Maryland 21401-0484

Re: Sally Stotz Subdivision
Anne Arundel County MS 1999-016

Dear Ms. Powers:

Thank you for your letter concerning the above-referenced subdivision. Given the unique circumstances in this case, it appears that the creation of three lots within the Critical Area portion of this property will not violate the Commission's "Final Policy on Shared Facilities for the Limited Development Area and Resource Conservation Area". We note that the portion of this parcel inside the Critical Area will have a net of three dwellings and three septic systems, and this appears to not increase the allowable density; therefore, growth allocation would not be required.

In regard to the location of the septic area, we would recommend that it be moved to be entirely outside of the Critical Area; however, if that is not possible, the area of the septic in the Critical Area should be the minimum necessary, and in no case should the total of the existing septic that serves the Franke property, and the new septic area be greater than the total of one septic area.

It was a pleasure meeting with you and discussing this issue. If I can be of further assistance, please do not hesitate to contact myself or Ms. Lisa Hoerger at (410) 260-3460.

Sincerely,

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

Ren Serey
Executive Director

cc: Regina Esslinger, CBCAC
Lisa Hoerger, CBCAC

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June 19, 2002

Mr. Robert L. Walker
Land Use and Environment Officer
Land Use and Environment Office
2664 Riva Road, 2nd Floor
Annapolis, Maryland 21401-7374

Dear Mr. Walker:

Thank you for meeting with the Critical Area Commission's Program Subcommittee on June 5, 2002. The Subcommittee members and I greatly appreciate the County Executive's efforts, and yours, in arranging for County Directors and staff to meet with us. I think the meeting was highly productive in large measure due to your forthrightness in addressing sensitive issues in a positive manner.

I have outlined below some of the matters we covered, and have included my recollections concerning the next steps we discussed. We did not have addresses of these sites for you when we met, and I have now included them. In addition, I wanted to ask if you could clarify for us the status of certain other projects that have been called to our attention but for which there was insufficient time for discussion.

Projects we discussed:

McCleary pool: 37 Boone Trail, Severna Park. Although this property is in a designated Buffer Exempt Area, the County's zoning ordinance specifies that a variance is required for new development shoreward of the principal structure. The applicant initially sought a variance for a swimming pool in an area where the minimum 100-foot Buffer is expanded for adjacent steep slopes. However, when construction on the pool commenced and staff inquired at the Department of Inspections and Permits, staff were informed that a subsequent interpretation of the ordinance resulted in a decision that no variance was necessary. We have no further details, but our understanding of the interpretation is that the existence of a

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retaining wall on the site negated the requirement to expand the Buffer for steep slopes. There is no basis for such an interpretation in the ordinance or in the Critical Area Criteria, upon which establish the minimum standards for local Critical Area programs.

We asked if you could provide information concerning this decision.

Butler property: 1207 Bay Highlands Avenue, Highland Beach. This property also is in a Buffer Exempt Area, and properly did not require a variance for construction of a dwelling within 100 feet of tidal wetlands. Staff received a call from citizens and a Critical Area Commission member inquiring why a deck and pool were being constructed within 20 feet of tidal wetlands without a variance. The Department of Inspections and Permits informed staff that variances were not required because the deck was to be attached to the dwelling and the pool and its apron were to be attached to the deck, thereby making the entire collection of accessory structures part of the principal structure.

We said we would provide you with the address of this property and asked if you could look into it. It also would be helpful if we could obtain a copy of the site plan for the project.

Palm property: 1236 Harbor Glen Court, Arnold. The dwelling as constructed is approximately twice as large as that shown on the plan approved by the Hearing Officer for a Buffer variance. Thus, there is significantly more Buffer disturbance than we or the Hearing Officer anticipated.

Could you provide information concerning the approval of the site plan revisions and why a subsequent variance application was not required?

Other projects for which information would be appreciated:

Peterson property: 995 Melvin Road. This is a property where it seems the Buffer should have been expanded. There is a pool located at the top of steep slope. The property is not in a Buffer Exempt Area and probably needed variances for the pool and the extensive Buffer clearing. I have included photographs of the shoreline area, taken May 31, 2002 by our staff, for your information.

We request a copy of the site plan so that we can better understand the situation.

Fisher property: 938 Old County Road, Severna Park. Apparently, the Palm family was the previous owner of this property. There appear to be two dwellings on the site, which is approximately 20 acres and located in the Resource Conservation Area (RCA). Commission staff have no records of variances for a dwelling or accessory structures in the expanded Buffer. If, indeed, the site has

two dwellings, staff are unable to determine how they were generated given the RCA acreage. Staff have requested a copy of a Buffer mitigation plan some time ago, but have not received it.

Boggs property: 3355 Harness Creek Road. This is the former Mahaffey property. Staff conducted a site visit as part of the construction of the dwelling. At that time there was a forest Buffer strip approximately 15-20 feet wide, and the site plan for the variance for the dwelling shows a forested Buffer strip. The Buffer has been cleared down to the water's edge, but staff have not received any information concerning a Buffer Mitigation Plan. I have enclosed a photograph taken May 31, 2002 by our staff.

Deane property: 3351 Harness Creek Road. This is a property that may have a grandfathered gazebo in the Buffer, but staff have not been able to verify it. There also is a sand beach on the property. If the gazebo did not exist before the County's Critical Area program took effect in August, 1988, it is not grandfathered and should have received a variance. The Commission has appealed similar structures in the Buffer in the past, so we are interested in this history of this gazebo. I have enclosed a photograph taken by our staff on May 31, 2002.

Could you provide information regarding the history of this site?

Segal property: 3230 Harness Creek Road. The site plan in our files does not seem to match the development on this property. Staff understand that this site was previously developed with a summer camp including a pool in the Buffer. However, there is a pool house in the Buffer and a shed at the water's edge of the pier. It does not appear that these two structures were part of the original variance application. And, the approval of the variance required that all mitigation be planted in the Buffer. I have enclosed a photograph taken by our staff on May 31, 2002.

Could you provide information regarding whether the property has been developed in accordance with the Hearing Officer's approval?

Woods Landing II/Water's Edge: This is a townhouse project located on the Magothy River near Cape St. Claire. The project is located in the Limited Development Area and was approved with an overall impervious surface limit of 14.97%. Staff are aware of numerous situations where individual unit owners have constructed patios, decks, sidewalks and other impervious areas without permits. On more than one occasion, owners have told staff that the County informed them that no permits were needed for these activities. We do not have names and addresses of these owners at this time. However, the Subcommittee likely will want to discuss the long-term situation with you as the County's Critical Area program moves through the comprehensive review process this year.

Mr. Walker
June 19, 2002
Page 4 of 4

Again, I want to thank you for meeting with the Subcommittee and for providing the requested information. I look forward to seeing you again on August 7th. If you have questions or need additional information, please contact Mr. Ren Serey, the Commission's Executive Director, at (410) 260-3462.

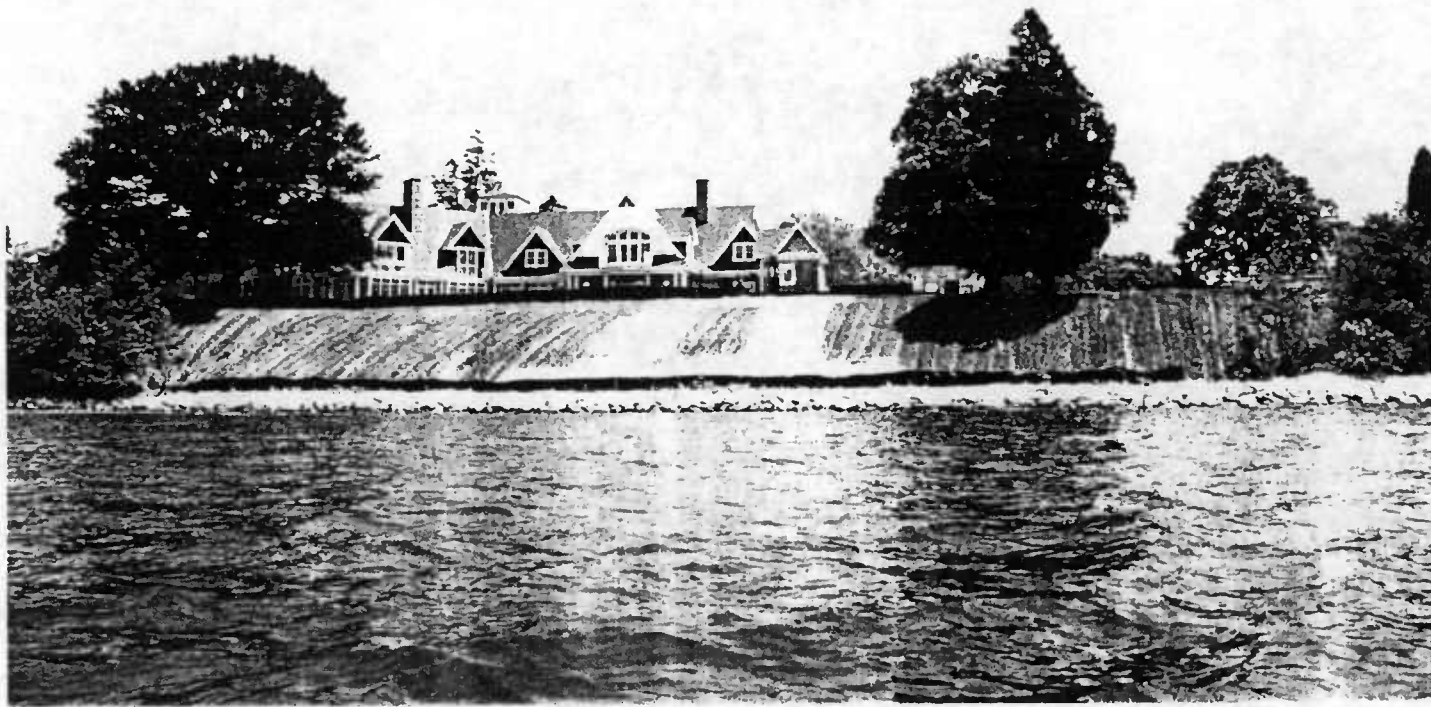
Sincerely,

A handwritten signature in cursive script that reads "Dr. James C. Foot". The signature is written in black ink and is positioned above the typed name.

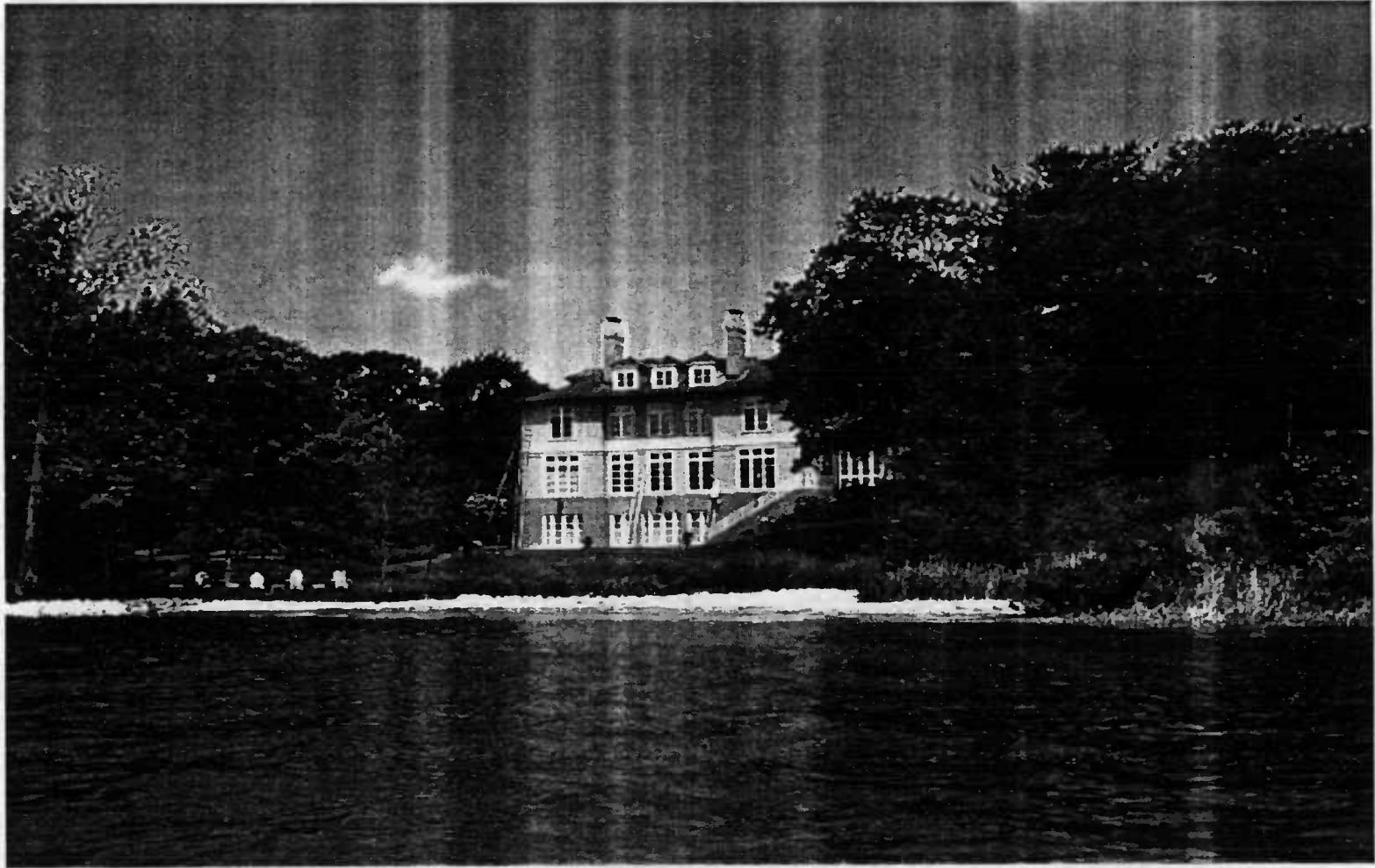
James C. Foot, DVM
Chairman, Program Implementation Subcommittee

Enclosures

cc: Betty Dixon, Land Use and Environment Coordinator
John C. North, Chairman, Critical Area Commission
Ren Serey, Executive Director, Critical Area Commission



955 Melvin Road - Peterson



3355 Harness Creek Road - Boggs



3351 Harness Creek Road - Deane



3351 Harness Creek Road - Deane



3230 Harness Creek Road - Segal

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

June 14, 2002

President
Arundel on the Bay Community Association
P.O. Box 4665
Annapolis, MD 21403

Re: Buffer Maintenance Activities

To Whom It May Concern:

Recently our office received a telephone call from a concerned citizen in your community. It was brought to our attention that the Association may be considering some clearing on community-owned property near or within the 100-foot Buffer to tidal waters and tidal wetlands.

Before any clearing is performed, the Association should contact the County Forester, Jim Johnson, to complete a Buffer Management Plan. That plan is essentially an agreement between the County and the property owner(s) that establishes what is permitted to be cleared and the type and quantity of replacement plantings that will occur within a specified time frame. Mr. Johnson can be reached at (410) 222-7441. Absent a Buffer Management Plan, any clearing within a wetland or the Buffer is considered a violation of the County's Critical Area Program and may result in fines.

Thank you for your attention to this matter. If you have any questions, or if you need additional information, please do not hesitate to call me, or Ms. Lisa Hoerger, at (410) 260-3460.

Sincerely,

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

Ren Serey,
Executive Director

cc: Jim Johnson, Anne Arundel County Department of Planning and Zoning

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

June 14, 2002

Commissioners of Queenstown
Town of Queenstown
100 Del Rhodes Avenue
Queenstown, Maryland 21658

RE: Municipal Mitigation Area for Variances

Dear Commissioners,

The Chesapeake Bay Critical Area Commission was recently advised of your desire to work with Critical Area Commission staff and the Circuit Rider, Mr. Roby Hurley, to create and implement a municipal mitigation area. It is the understanding of Commission staff that the mitigation area would be used to offset the impacts associated with variances granted to exceed impervious surface limits within the Critical Area. This would relieve variance applicants from the obligation of performing mitigation on their own property if they did not wish to do so.

The Critical Area Commission is willing to work with the Town and Mr. Hurley to develop an ordinance or policy to designate an appropriate mitigation area and to develop provisions describing the procedure for accomplishing the mitigation. Once the language is developed and approved by the Town Commissioners, the ordinance or policy would then be reviewed by the Critical Area Commission as an amendment or refinement to the Town's Program.

From some preliminary analysis, it appears that the mitigation will most likely consist of a Best Management Practice (BMP) for stormwater quality and possibly some supplemental plantings. Mr. Hurley, Commission staff, and Town staff will be evaluating the Town's watersheds and stormwater infrastructure to determine a viable location for a BMP. Once a suitable BMP has been identified, designed, and funded for construction, the ordinance or policy can be implemented.

The Commission looks forward to working with you on this project. If you have any questions, please feel free to call me at (410) 260-3460.

Sincerely,


Ren Serey
Executive Director

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

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Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450